

broadcasts against piracy. Without this protection, broadcasters would simply not broadcast their high value content over the air, and we would be left with two classes of American consumers: those who can afford, and live somewhere where they can receive, cable television with its high-value content, and those who receive only low-value over-the-air television. We must not allow this to happen.

While I am encouraged by the FCC's progress, and in particular pleased to see that they have taken steps to keep the setting of technical criteria for protective technologies open and transparent, the FCC's recent notice of proposed rulemaking raises some concerns. First, the FCC should make the process inclusive of all parties with an interest in the outcome, especially consumers. Second, a sound final regulation should address the effect of a broadcast flag on fair use rights and works that are already in the public domain. Third, the final regulation should address the broadcast flag's effect on privacy. What is intended as a technological measure to ensure the security of over-the-air broadcasts should not turn into an ability to track viewer behavior. Last, the final regulation must continue to ensure that no one player becomes dominant in this industry, and that the American consumer continues to reap the benefits of innovative new technologies. Most of all, the FCC should not lose sight of the most important goal of these regulations: to provide the highest quality content possible through over-the-air television. I am confident that it will do so.

#### NOMINATION OF JAMES COMEY

Mr. GRASSLEY. Mr. President, I rise today to state that I object to proceeding to the consideration of executive nominee James Comey to be Deputy Attorney General at the Justice Department.

I have placed a hold on this person because I have been unable to resolve outstanding issues with the Justice Department. I have been working with the Justice Department to get a satisfactory promise to ensure there are no reprisals against certain Justice Department employees in connection with testimony before the Senate Finance Committee. Although I support Mr. Comey's nomination, I intend to reserve my right to object to the Senate proceeding with this nominee of this legislation at this time.

#### 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 one such crime today. In protest of a wedding between two men in Seattle, WA, several young men and one adult who call themselves "Deliverance Unlimited" refused to leave a local Christian Church. In the October 25, 2003 incident, the co-pastor of the church asked the protestors to leave, and the group then began verbally assaulting the church staff. One of the protestors, Christopher Dudley, entered the sanctuary and began yelling that the church needed to be cleansed of sin. He then vandalized the church by spraying and wiping oil on the walls and furniture. The co-pastor told police that he was afraid for his own life and the lives of his staff.

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.

#### TRIBUTE TO BOB STILLER OF GREEN MOUNTAIN COFFEE ROASTERS

Mr. LEAHY. Mr. President, the Burlington Free Press recently ran a story about expansion plans by Green Mountain Coffee Roasters in Waterbury, VT. The company has begun work on a 52,000-square-foot warehouse and distribution center that will significantly expand manufacturing capacity. Under the leadership of Bob Stiller, Green Mountain Coffee has consistently been rated one of the fastest growing and best managed small public companies in the United States.

Small businesses are the backbone of Vermont's economy, and Green Mountain Coffee has been an outstanding corporate partner in our State for over 20 years. Started in a small café in Waitsfield, VT, in 1981, growing into a publicly traded company in 1993, and now announcing this \$8.4 million expansion in Waterbury, Green Mountain has been a national leader in the specialty coffee market and an international leader in promoting fair trade coffee.

I commend Bob and all the employees at Green Mountain Coffee for their success at not only selling great coffee but also promoting sustainable farming throughout the world. I ask unanimous consent that a copy of the article that appeared in the Burlington Free Press be printed in the RECORD so that all Senators can read about the success of this company.

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

[From the Burlington Free Press, Nov. 6, 2003]

#### GMC HAS EXPANSION BREWING

Green Mountain Coffee Roasters Inc. plans to begin construction this month on a 52,000-square-foot warehouse and distribution cen-

ter in Waterbury in an \$8.4 million project that's intended to also expand the specialty coffee company's manufacturing capacity, the company said Wednesday.

"We are impressed with Waterbury's support, which enables us to expand our facilities in the downtown Waterbury location contiguous to our manufacturing and roasting operations," Green Mountain Coffee Chairman and CEO Robert Stiller said.

Green Mountain Coffee said the company expects to save money over the long term thanks to new automation equipment to be installed in the new building. The additional warehouse space also will allow for more product diversity and eliminate outside storage expenses.

This expansion will mean the company's packaging, warehousing and distribution capacities will match its current coffee roasting capacity of about 40 million to 50 million pounds.

Moving functions into the new building will allow Green Mountain Coffee to increase its packaging capacity in its 65,000-square-foot plant that houses its roasting, warehouse and distribution operations, the company said.

The company expects the building to be finished by fall 2004, and the transfer of distribution and warehousing functions completed by the spring 2005.

"This expansion is critical to our success in executing our long-term growth plans to be the leader in roasting and selling specialty coffee to a broad array of customers," Stiller said.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MORTIMER CAPLIN

• Mr. WARNER. Mr. President, I rise today to recognize a remarkable man, Mr. Mortimer M. Caplin, on his outstanding legal career as an academic, public servant and distinguished practitioner. Through the years, Mr. Caplin, has been an inspiration to us all and a shining example of what hard work, dedication and perseverance can accomplish.

I feel a special connection with Mr. Caplin as we both graduated from University of Virginia School of Law and both served our country proudly during World War II in the United States Navy. As a undergraduate and law student at the University of Virginia, Mr. Caplin earned a reputation as a hard working student who always had time to lend a helping hand. During his undergraduate career at Mr. JEFFERSON'S University, Mr. Caplin was elected to Phi Beta Kappa while becoming a standout on Johnny LaRowe's great boxing teams of the mid-'30's.

After earning his Bachelor of Science degree, Mr. Caplin went on to the University's law school where he continued his excellent academic career and his affiliation with the University's boxing team. As coach of the First Year team, Mr Caplin instilled in the newly arrived First Years the value of a well rounded education. He also managed to find the time to be selected and serve as Editor-in-Chief of the Virginia Law Review in 1940.

Upon graduation in 1940, Mr. Caplin clerked for Judge Armistead M. Dobie

on the United States Court of Appeals for the Fourth Circuit in Richmond. Upon completing his clerkship, he joined the New York law firm Paul, Weiss, Rifkind, Wharton & Garrison as an associate but, like so many of us during this era, interrupted his career to defend this country and the freedom we all enjoy. Mr. Caplin joined the Navy and on June 6, 1944, came ashore on Omaha Beach as a member of the initial landing force where he served as U.S. Navy beachmaster.

After the war, Caplin returned to the legal profession and eventually made his way back to the University of Virginia in 1950 where he became a law professor concentrating on tax and corporate law. From 1950 to 1962, he taught countless students the value of a legal education until he was again called into public service by President John F. Kennedy to head the Internal Revenue Service.

After retiring from the post in 1964, Mr. Caplin received the Alexander Hamilton Award, the highest honor bestowed by the Treasury Department. Thereafter, he founded Caplin & Drysdale which became, and remains today, one of the leading tax firms in the United States. Mr. Caplin was the 2001 recipient of the Thomas Jefferson Foundation Medal in Law which is awarded to individuals that exemplify the Jeffersonian ideal of the lawyer as public citizen. He truly embodies this ideal and it is right to honor his accomplishments.

On May 18, 2003, Mr. Caplin was invited to address the University of Virginia's 2003 graduating class. His words about the importance of public service are an inspiration to us all. As a tribute to his achievements and his contributions, I ask that his remarks be entered into the RECORD at this time.

The remarks follow.

#### A DEBT OF SERVICE

I must confess, in trying to recall who spoke and what was said at my own college graduation—"The Great Class of 1937"—my mind remains a blank.

The one commencement I do remember was here at my law graduation in 1940. The speaker was the president of the United States—Franklin Delano Roosevelt. He came to the University to attend the law graduation of his son, Franklin Jr., one of our classmates.

The Nazi armies of Adolph Hitler were then overrunning Europe and threatening the freedom of the entire world. On that very morning, Mussolini's fascist forces—joining Hitler—had invaded their neighbor France. Soon, every member of our class would be required to register under the vigorously debated Selective Service Act, the first peacetime military draft in our nation's history.

In Memorial Gymnasium, the president delivered a historic speech—the most sensitive part inserted by him during his train ride from Washington, contrary to the State Department's specific pleas that America's neutrality would be compromised.

FDR dramatically declared: "On this tenth day of June 1940, the hand that held the dagger has struck it into the back of its neighbor. On this tenth day of June 1940, in this University founded by the first great American teacher of democracy, we send forth our

prayers and our hopes to those beyond the seas who are maintaining with magnificent valor their battle for freedom."

Remember, in 1940 there was no television, no cell phones, no Internet. Until then, we heard President Roosevelt only on the radio. To have the president of the United States before us in person, delivering to the world his famous "dagger-in-the-back" speech, is a moment I will never forget.

That day, he also gave us a glimpse into what lay before us when he solemnly committed, for the first time and without congressional approval, to "extend . . . the material resources of this nation" to the embattled democracies.

First Lady Eleanor Roosevelt later said: "Franklin's address was not just a commencement address, it was a speech to the nation . . . that brought us one step nearer to total war."

For us, World War II had begun. It was not at all what we graduates had been planning.

As a law student, I spent many hours thinking about my postgraduation career and dreams. I had already accepted a legal clerkship with Judge Armistead Mason Dobie, our former Law School dean and, at that time, a U.S. Circuit Court of Appeals judge. Next, I would go to New York to begin the practice of law. With two U.Va. degrees in hand, I felt prepared to face and perhaps conquer the world. But on Dec. 7, 1941, the Japanese attacked Pearl Harbor and all our lives changed.

I had hardly begun my Wall Street law practice, when I found myself in uniform, commissioned an ensign. U.S. Naval Reserve. When my training was completed, I said goodbye to Ruth, my wife of just one year, and set sail for duty as a beachmaster on Omaha Beach on June 6, 1944, for the D-Day landing on the Normandy coast of France.

World War II and the Navy did teach me a number of important life skills—many still of help in my private career. Two, in particular, are worth remembering. First, avoid fixed and rigid plans. Instead, allow for flexibility, innovation and possible change—but always hold true to your personal values. Second, be willing to accept risk when necessary as you move forward toward your goals.

Philosopher William James acutely observed: "It is only by risking our persons from one hour to another that we live at all. And often enough our faith beforehand in an uncertified result is the only thing that makes the result come true."

Simply put, have faith in your choices, and be at the ready to risk challenge as well as change. You will grow in strength as you do.

We've heard a great deal of late about those involved in what has been dubbed "The Greatest Generation"—glorifying our ordinary citizens who, through hard work, courage and sacrifice, successfully confronted the Great Depression and World War II. Let me confess, though—as a duly designated member of that body—I find the anointment somewhat overdone. Countless generations, both before and after—including today—have also faced challenging times and national crises. And, in each case, everyday Americans have always demonstrated equal patriotism, equal devotion, equal courage—all inherently part of our national culture, traditions and training.

What may we expect of your generation? A former U. Va. Law School student of mine—who later became attorney general of the United States—Robert F. Kennedy, offered an answer in his 1966 Capetown University speech: "Few will have the greatness to bend history; but each of us can work to change a small portion of events, and in the total of all these acts will be written the history of this generation."

Mr. Jefferson consistently laid stress on, not just the rights of citizens of this country, but also on the responsibilities. Writing in 1796—shortly before he assumed the unhappy post of vice president—he stated strongly: "There is a debt of service due from every man to his country, proportioned to the bounties which nature and fortune have measured to him."●

#### RECOGNITION OF JAMES J. GILLIN, JR.

● Mr. SPECTER. Mr. President, I rise today to salute James J. Gillin, Jr., of Philadelphia, a premier Pennsylvania business and community leader. Pennsylvanians for Effective Government, the Commonwealth's oldest and largest probusiness PAC, recently recognized Jim Gillin's contributions by selecting him to receive its prestigious new civic leadership award.

The Clifford L. Jones Award, which Jim will formally receive next month, recognizes Pennsylvanians who "have demonstrated exemplary civic leadership in support of free enterprise and democratic processes" and focuses on a lifetime of achievement rather than a single effort.

Jim Gillin certainly qualifies. He was president of the Philadelphia-based Petroleum Heat and Power Company, a major fuel distributor throughout the Delaware Valley. He was also a member of the Executive Board of Continental Bank of New Jersey, president of Transport Employers, Inc., and chairman of the Philadelphia Parking Authority.

Jim was also active politically, serving as treasurer of the Philadelphia County Democratic Executive Committee and as a member of the Democratic House and Senate Council in Washington, DC. He has always been bipartisan, willing to reach across the aisle to support political leaders who support business.

Jim has helped shape PEG for a quarter century, serving as chairman from 1985 through 1989 and on its board since 1979. He also played major roles at the Pennsylvania Chamber of Business and Industry during the late 1980s.

PEG has made a superb choice in presenting its important new award to Jim Gillin. I join them in their tribute.●

#### RECOGNITION OF BING JUDD

● Mr. GREGG. Mr. President, this January, Burnham A. Judd will be stepping down from his position as chairman of the Board of Selectmen of Pittsburg, NH. Bing, as he is known to all throughout New Hampshire's North Country, has served on the board in Pittsburg for 34 years, since 1969, and I rise in tribute to his outstanding service to his community, its residents and the State of New Hampshire throughout this time.

Pittsburg is New Hampshire's largest town in area and its farthest north, sharing borders with Canada, Maine, and Vermont. Located well north of