

We went to Montgomery and stood on the street corner where Rosa Parks boarded the bus in 1955 and refused to give up her seat to a white rider, as was required by city law. After Rosa Parks was arrested, Dr. King led a bus boycott in Montgomery, where he had just moved for his first pastorate.

We went to Birmingham and visited the 16th Street Baptist Church. Before the tragic bombing in 1963, the church had been used for civil rights rallies and desegregation protests, and Dr. King had spoken there and throughout Birmingham on many occasions. He wrote his famous "Letter from a Birmingham Jail" 40 years ago after being arrested for leading a protest in April 1963. We went to Selma and stood at the spot on the Edmund Pettus Bridge where, in 1965, a young John Lewis was beaten unconscious by Alabama State troopers, at the time the 52-mile voting rights march from Selma to Montgomery was turned back. In response, Dr. King led a second march, and these brave actions led to Congressional passage of the Voting Rights Act of 1965. Dr. King is the pre-eminent civil rights figure in our Nation's history, but he would not have been as successful had it not been for a handful of courageous federal judges who despite death threats to themselves and family members used the judiciary to help dismantle the legacy of Jim Crow. For example, Alabama Judge Frank Johnson was part of a three-judge panel that struck down Montgomery's bus-segregation law, holding that separate but equal facilities were violations of the due process and equal protection clauses of the Fourteenth Amendment. And after Governor George Wallace banned the Selma-to-Montgomery march, Judge Johnson issued the order that allowed Dr. King and Rep. Lewis to conduct the march, calling the right to march "commensurate with the enormity of the wrongs that are being protested." Dr. King called Judge Johnson a jurist who had "given true meaning to the word 'justice.'"

Dr. King was keenly aware of the importance of the federal judiciary to ensure equality and justice in our society. In a 1958 speech at Beth Emet synagogue in Evanston, Illinois, Dr. King said: "As we look to Washington, so often it seems that the judicial branch of the Government is fighting the battle alone. The executive and legislative branches of the Government have been all too slow and stagnant and silent, and even apathetic, at points. The hour has come now for the federal government to use its power, its constitutional power, to enforce the law of the land."

Regrettably, President George W. Bush has been appointing Federal judges who have tried to limit the ability of the federal government to use its constitutional power to enforce the law of the land. Many of his judicial nominees are conservative ideologues who believe that the Federal Government lacks the constitutional power to pro-

vide meaningful remedies and access to the courts for victims of discrimination. In the name of States rights, these nominees have urged federal courts to strip Congress of its powers and citizens of their remedies. I question whether the President is appointing men and women to the federal judiciary who will make courageous decisions and, in the words of Dr. King, give true meaning to the word justice.

Despite this unfortunate trend, I think Dr. King would have remained optimistic. In a 1965 speech of Dr. King's entitled "A Long, Long Way to Go"—published for the first time this month in a new book called "Ripples of Hope: Great American Civil Rights Speeches"—Dr. King said:

There are dark moments in this struggle, but I want to tell you that I've seen it over and over again, that so often the darkest hour is that hour that just appears before the dawn of a new fulfillment.

Dr. King's optimism in the face of dark moments is one of his enduring legacies. On this 35th anniversary of his death, I pay tribute to his optimism, courage, and heroism that transformed our Nation.

#### LETTER FROM A CONNECTICUT SAILOR

Mr. LIEBERMAN. Mr. President, we are all so proud of the American men and women in uniform who risked and gave their lives to liberate the Iraqi people. They performed bravely and brilliantly, proving once again that there has never been a fighting force in the history of the world as well trained, well equipped, and well motivated as the United States of America's.

Of course, their work is not done. Far from it: serious danger remains. Winning the peace will take a sustained commitment. But we can already look back with so much gratitude at the sacrifices the men and women of our Army, Navy, Air Force, Marines, and Coast Guard have made for our security and the security of the world.

In my service in the Senate and on the Senate Armed Services Committee, I have heard countless stories of the heroism of those who protect us. But just when you think nothing can deepen your conviction about the extraordinary character of these men and women, something does. Two proud parents from Bristol, CT, passed on to me a letter written on February 15, 2003, by their daughter, Barbara. She is an Operations Specialist Second Class in the U.S. Navy she was Third Class when she wrote it—serving aboard the U.S.S. *Pearl Harbor*, which was then on deployment to the Middle East. The letter was sent to a newspaper in reaction to some coverage that Barbara had read about war protests here at home. In it, Barbara explains, more eloquently than I ever could, what drives those who risk their lives for our freedom, and she reminds us of the unbreakable bonds between those serving

half a world away and our communities here at home.

I ask unanimous consent to print the letter in the RECORD.

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

DEAR EDITOR,

I currently serve as an Operations Specialist 3rd class in the United States Navy, and there are a few things I would like to clear up for you and for everyone. I serve my country for many reasons, some of which include: pride, love and responsibility. Let me explain

I am proud to be an American. It may sound cliché, but it's true. I am proud to be a part of the greatest and strongest nation in the world, and I am proud to serve her. It is my duty and my privilege to serve in the United States Military, and I am thankful for the chance to do so. I am by no means an exemplary sailor; by anyone's standards I'm mediocre at best. However, I do what I can. I was raised to be thankful for the freedoms that we, as Americans, take for granted on a daily basis: the freedom of speech, the freedom of religion, the freedom to bear arms and many more. Many countries around the world laugh at our government for allowing us these 'privileges' that we take for granted. After all, they ask, how can you maintain authority when dissent is allowed? But we say, how can you not? And that is what makes our country great.

I am not a warmonger, nor a dissenter. I do not carry guns or cry 'fire' in a crowded theater. I am simply someone who realizes that these freedoms that we cherish are not free of cost. I am aware that the cost these freedoms is human lives. A familiar saying, often attributed to Voltaire, captures the spirit of the American military perfectly: "I [may] disapprove of what you say, but I will defend to the death your right to say it."

Every day we hear reports of people speaking out against the U.S. military, saying that we spend too much, waste too much, and are an archaic set of muscles our government flexes to tell the world that we are still pertinent. I disagree wholeheartedly for one reason: If I were not here spending too much, wasting too much, and flexing my protective muscles, then they would not be able to say that. If they lived in a country like Iraq, they and their families could be put to death for saying that. Think about that before you say that we should do nothing. Think also that the man who runs that country, Saddam Hussein, is building long-range weapons and weapons of mass destruction, intending to aim them at us.

I love my country, and I love my family and friends. I would rather die than see either of them hurt. I would rather put my life on the line so that they don't have to. That is why I am here on a ship, ready to go to into danger. I'm not saying I'm not scared; I'm terrified. However, I'm more scared of inaction. More scared that if I don't do this, then this man will reach out his hand from his palace and try to hurt the ones I love. I will not allow that to happen. I am on my way, right now, to stand ready to remove this man from power before he can hurt the people I hold dear. Right now, the man I love is over there getting ready to stand against those who wish to hurt the people we love. I pray every day that this does not come to war. I do not want to fight, and I do not want my love to be in harm's way. However, we have already made our decisions. We have realized that inaction now will lead to greater bloodshed farther down the road, and we will

do anything to protect the lives of our fellow countrymen. This is our mission.

I believe every American has a responsibility to America. I don't mean that everyone should join the military. The military life is a hard one, and not a path easily trod. Once my four years are completed, I will more than likely rejoin the ranks of civilians that I work so hard to protect now. However, I have fulfilled at least a part of what I owe America. Everyone has a part to play, be it military, politics, being an activist, or even just helping an elderly neighbor rake their lawn. Each American has a responsibility to every other person in our country. Each of us has a responsibility to every other person in this world. Ani DiFranco wrote "the world owes me nothing, but we owe each other the world." I believe this to be one of the most true statements I've ever heard. We, as a species, could not survive without each other, even though it seems at times that we are hell-bent on destroying ourselves.

I want every person in America to know this: I stand for you. I will take your place in line when the final bell tolls, and I will do it gladly, for I believe that your life is worth it. You are worth every hardship, every effort, and every last breath in my body. I love you. Even if I do not know you, have never seen your face, have never heard your voice, I love you. I do this today and every day for you. So please, do not wave off my gift to you. Don't say you don't want it, just accept that I love you, and will defend you, even if it means my life.

May your life be blessed,

BARBARA MARIE O'REILLY,  
033 USN.

LOCAL LAW ENFORCEMENT ACT  
OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement 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 October 9, 2001 in Los Angeles, CA. While a Sikh in traditional clothing was out on an evening walk close to his home, four men attacked, beat, and punched him. The attackers yelled "terrorist" as they beat him.

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.

VOTE EXPLANATION

Mr. LIEBERMAN. Mr. President, I unfortunately had to miss the vote yesterday on the nomination of Jeffrey Sutton to serve on the U.S. Court of Appeals for the Sixth Circuit, but I would like to explain why, had I been here, I would have voted against the nomination.

I take very seriously the Senate's constitutional duty to review Presi-

dential nominees, especially those to the Federal bench. Once confirmed by the Senate, judges have lifetime tenure, meaning that there is no real opportunity to correct poor choices for judicial positions. Given the nature of a judge's job—they hold power not only over the liberty, but in many cases, the lives of those before them—Members of the Senate must be convinced that the nominee is right for the job before offering our consent to their nominations.

This does not mean that we should confirm only those whose views comport precisely or even largely with their own; indeed, the President must be given broad leeway to nominate those who he believes are right for the job, which is why I have supported most of this President's nominees, to the bench or otherwise, regardless of whether I would consider them the best candidates for the job. But the Senate has a constitutional obligation to review, and, when necessary, serve as a check on the President's choices, and when a nominee's views and positions lie far from the mainstream or are so at odds with what I consider to be needed for the job, I must respectfully withhold my consent from their nomination, especially when the stakes are as high as they are for the bench.

After reviewing Mr. Sutton's record, I have concluded that I cannot support his nomination. Although his professional credentials are impressive and I have little doubt that he is a good lawyer, I believe that his legal views lie far out of the mainstream and that his presence on the Federal bench could do serious harm to the values about which our Nation cares deeply, particularly when it comes to our national desire to fight discrimination and protect individual rights. Mr. Sutton has devoted a significant part of his legal career to advancing an extreme vision of federalism that restricts both the power of Congress to pass civil rights laws and the ability of individuals who have been harmed by discriminatory acts of State governments to seek redress. He has used that vision of federalism to convince activist judges to restrict congressional enactments. He has argued against the Americans with Disabilities Act, the Age Discrimination in Employment Act and the Violence Against Women Act. These were laws with strong, mainstream support, and the records justifying them were strong. I have deep concern that when future civil rights and similar laws come before him, he will argue against them on federalism grounds as well. I cannot in good conscience support putting him in a position where he will be able to further restrict these good laws.

VA FINDS FLU SHOTS PROTECT  
ELDERLY

Mr. GRAHAM of Florida. Mr. President, throughout its history, the Department of Veterans Affairs, VA, has

made great strides in medical research. At a time when VA's medical and prosthetic research program is being starved of vital funding, as ranking member of the Committee on Veterans' Affairs, I would like to draw attention to a significant discovery the program recently has made.

As highlighted in an April 22, 2003, article in The Washington Post, researchers at the Minneapolis VA Medical Center found that not only do seniors who get vaccinated against the flu gain protection from the disease, but they also reduce their risk of hospitalization from pneumonia, cardiac disease and stroke. The VA study, published in the April 3, 2003, issue of The New England Journal of Medicine, also found that during a given flu season, vaccinated elderly patients were half as likely to die as their unvaccinated peers.

Since its inception, the VA research program has made landmark contributions to the well-being of veterans and the Nation as a whole. Past VA research projects have resulted in the first successful kidney transplant performed in the U.S., as well as the development of the cardiac pacemaker, a vaccine for hepatitis, and the CAT and MRI scans. This new discovery is yet another example of the crucial research work done by the VA, and of why we must keep the research program sufficiently funded.

I ask unanimous consent that the article from The Washington Post highlighting the VA research study on the benefits of the flu vaccine be printed in the RECORD.

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

[From the Washington Post, Apr. 22, 2003]  
FLU SHOTS SAVE LIVES

(By Jennifer Huget and Associated Press)

Seniors who get vaccinated against the flu not only protect themselves from that deadly disease but also reduce their risk of hospitalization for pneumonia, cardiac disease and stroke. Plus, a study in the April 3 issue of the New England Journal of Medicine shows, vaccinated elderly patients were half as likely to die as their unvaccinated peers during a given flu season.

The study, conducted by the Department of Veterans Affairs at the Minneapolis VA Medical Center, tracked 286,000 men and women age 65 and over through two flu seasons. Although the vaccinated folks were on average older and in worse overall health than the unvaccinated, they were about a third less likely to have pneumonia and about a fifth less likely to be hospitalized for cardiac care or suffer a stroke during the flu season.

Influenza kills about 36,000 people of all ages each year, according to the Centers for Disease Control and Prevention (CDC); about 90 percent of those deaths are among the elderly. Yet the CDC says that only 63 percent of those over age 65 got flu shots in 2001. Flu shots confer benefits for one flu season only. Since this year's flu season is now winding down, experts suggest that seniors start seeking new shots in October.

IDEA FULL FUNDING

Mr. ROBERTS. Mr. President, today I am proud to cosponsor the Hagel