

REPUBLIC OF TURKEY,
Ankara, April 2, 2003.

Hon. TED STEVENS,

President pro tempore of the Senate, Hart Senate Office Building, Washington, DC.

I take the liberty of writing you to share my views concerning the recent developments in Iraq and the future of the Turkish-U.S. partnership.

Turkey and the United States maintain a partnership. It is a friendship that has withstood the test of time and events for over half a century. This partnership is unique as it is precious and has flourished on its own merits. It is firmly rooted in the common values and interests, and a long history of friendship.

When the United States called on our help in the defense of freedom in Korea we were there. Indeed, our forces sustained high casualties to help to liberate this country. We joined forces in NATO since 1952. Turkey was in the frontline in this successful struggle. More recently, we were again on the same side in the Balkans, a region which now enjoys stability and progress. When Saddam Hussein invaded Kuwait, Turkey stood firm with the United States in confronting and containing Iraq. When terror struck the United States, we shared the deep grief of the American people and displayed full solidarity. Our partnership has been global in reach, covering the Middle East, Somalia, Bosnia Herzegovina, Kosovo, Macedonia, Afghanistan, as well as the Caucasus and Central Asia, where we are involved in contributing to democracy, peace and stability. The solidarity between the U.S. and Turkey, the only western democracy in the Muslim world, has reassured the world that a global clash of civilizations will remain an unfulfilled prophecy. Had there been no such partnership between Turkey and the United States, both our countries would now be striving to establish it. Instead, we have a history of partnership that warrants even better days.

This brings me to the current question of Iraq, which has created certain sensitivity. I should stress two fundamental points in a bid to set the record straight.

The first point refers to an injustice sometimes done in assessing Turkey's support in the war. Turkey has a vibrant democracy and the overwhelming majority of the Turkish people is against war. Their reflexes are shaped by the fact that the Iraqi people, including Arabs, Kurds, Turcomans and others will continue to be our neighbors long after the end of military operations. At the same time, the Turkish people have paid untold social and economic costs on account of the last Gulf War. We have suffered economic hardship and had to face hundreds of thousands of refugees from northern Iraq. PKK/KADEK terrorism, which claimed more than thirty thousand lives, was able to breed in such an environment. We cannot afford a replay of those.

It was precisely due to the expression of this public anxiety over yet another war that the elected representatives in our parliament could not muster the necessary votes to approve the government decree involving the basing of U.S. troops in Turkey. Nonetheless, in a subsequent vote our parliament did approve extensive overflight rights for the U.S. and coalition forces. Given that Turkey is bordering Iraq, one has to accept that this is not an ordinary but a substantive contribution. Furthermore, cooperation that did not require parliamentary approval was underway even months before the beginning of hostilities and continues to date, in various forms. The relevant U.S. authorities are fully aware of this. We have indeed provided whatever we could.

The second point concerns the role wrongly envisaged by some, for Turkey, that is

confined to providing a mere geographical launching pad for military operations. Indeed, Turkey's role and the essence of Turkish-U.S. partnership are far more fundamental. Turkey is one of the leading partners of the United States in winning the peace in Iraq and the broader Middle East.

At the end of the military operations both Turkey and the U.S. would want to see an Iraq that is whole and free. We have been advocating a transition in Iraq towards a peaceful state, disarmed of weapons of mass destruction, with its territorial integrity intact, and in which all segments of the populations take part in administering their common state and enjoying equitably the benefits of their rich natural resources. This is our joint vision and aspiration.

A couple of lessons also can be derived from the recent event. We must exert even greater efforts together to promote the Turkish-U.S. partnership. On her part, Turkey is committed to working with U.S. to take our partnership to new heights. The potential of our strategic partnership is unlimited. From our bilateral political, military and increasingly economic cooperation, to our solidarity in shaping a peaceful and stable state of affairs in our volatile region, and combating the scourge of terrorism, on all these issues the partnership between Turkey and the United States has much to offer. As the only predominantly Muslim country which is firmly and irreversibly embedded in the western world, Turkey has unique capabilities to help promote security and stability in the Middle East and beyond, so that all countries in the region including Israel and Palestine will enjoy lasting peace. Our democratic and secular values provide a model to the world to obviate a clash of civilizations. The United States has been and remains to be our valued partner in this common endeavor.

What is more, the recent developments and events have underlined once again the need to forge a greater dialogue among our legislators in a bid to better understand each other's priorities, expectations and constraints.

Therefore, as we look to the future, I call upon all the distinguished members of the U.S. Congress to work hand-in-hand with their Turkish Colleagues to further strengthen the cooperation and solidarity between our two countries and nations to fulfill the great promise of the Turkish-U.S. strategic partnership.

Sincerely,

RECEP TAYYIP ERDOĞAN,
Prime Minister.

THE "SPAM" PROBLEM AND ALTERNATIVE SOLUTIONS

Mr. LEAHY: Mr. President, I rise today to discuss the problem of junk commercial e-mail, commonly known as "spam." It is increasingly apparent that spam is more than a just a nuisance: It has become a serious and growing problem that threatens to undermine the vast potential of the Internet.

America's businesses and America's homes are flooded with millions of unwanted, unsolicited e-mails each day. A recent study by Ferris Research estimates that spam costs U.S. firms \$8.9 billion annually in lost productivity and the need to purchase ever more powerful servers and additional bandwidth to try to stay ahead of the spammers; to configure and run spam filters; and to provide helpdesk support

for spam recipients. The costs of spam are significant to individuals as well, including time spent identifying and deleting spam, inadvertently opening spam, installing and maintaining anti-spam filters, tracking down legitimate messages mistakenly deleted by spam filters, deleting spam that is not caught by filters, and paying for Internet Service Providers' blocking efforts.

In my home state of Vermont, one legislator recently found that two-thirds of the 96 e-mails in his inbox were spam. And this occurred after the legislature had installed new spam-blocking software on its computer system that seemed to be catching 80 percent of the spam. The Assistant Attorney General in Vermont was forced to suggest to computer users the following means to avoid these unsolicited commercial e-mails: "It's very bad to reply, even to say don't send anymore. It tells the spammer they have a live address. The best thing you can do is just keep deleting them. If it gets really bad, you may have to change your address." This experience is echoed nationwide. The FTC's recent spam forum underscored the magnitude and complexity of the problem.

Twenty-nine States now have anti-spam laws, but the globe-hopping nature of e-mail makes these laws difficult to enforce. Technology will undoubtedly play a key role in fighting spam, but a technological solution to the problem is not likely in the foreseeable future. ISPs block billions of unwanted e-mails each day, but spammers are winning the battle.

In addition, given the speed with which spammers adapt to anti-spam technologies, the development and dissemination of such technologies is not cheap. Why should businesses and individuals be forced to invest large amounts of time and money in buying, installing, troubleshooting and maintaining new generations of anti-spam technologies?

The problems posed by junk e-mail are real, with substantial consequences for Internet users and service providers alike. I am working with other members of the Judiciary Committee, on both sides of the aisle, to arrive at an appropriate solution.

I have often said that Congress must exercise great caution when regulating in cyberspace. Any legislative solution to spam must tread carefully to ensure that we do not impede or stifle the free flow of information on the Internet. The United States is the birthplace of the Internet, and the whole world watches whenever we decide to regulate it. Whenever we choose to intervene in the Internet with government action, we must act carefully, prudently, and knowledgeably, keeping in mind the implications of what we do and how we do it. And we must not forget that spam, like more traditional forms of commercial speech, is protected by the First Amendment.

At the same time, we must not allow spam to result in the "virtual death"

of the Internet, as one Vermont newspaper put it.

The Internet is a valuable asset to our nation, to our economy, and to the lives of Americans, and we should act prudently to secure its continued viability and vitality.

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 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 on October 3, 2001. In Noroco, California, and Arab-American businessman was badly beaten by two men. As the man was closing his store for the evening, the pair entered the store wearing ski masks and shoved the victim to the back of the store. There they beat him and accosted him with racial epithets. The men then chained the victim to prevent him from fleeing, spray painted his face with black paint, and poured fire starter fluid on him. The victim eventually lost consciousness after he was repeatedly struck with liter bottles.

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.

NOMINATION OF JUDGE CONSUELO CALLAHAN

Mr. LEAHY. Mr. President, I have been disappointed that the Republican leadership has not found time to proceed to the nomination of Judge Consuelo Callahan to the United States Court of Appeals for the Ninth Circuit. This is another of the judicial nominees that Senate Democrats have strongly supported and whose consideration we had expedited through the Judiciary Committee last week.

We still do not know who on the Republican side delayed consideration of the consensus nomination of Judge Prado for a month. I thank the Congressional Hispanic Caucus for its support of that nomination as well as this nomination and for working with the Senate to bringing fair evaluation of these nominees and for adding their voice to the discussion of these lifetime appointments.

Just as Senate Democrats cleared the nomination of Judge Edward Prado to the U.S. Court of Appeals for the Fifth Circuit without delay, so, too, the nomination of this Hispanic nominee to another circuit court was cleared on

the Democratic side last week. All Democratic Senators serving on the Judiciary Committee voted to report her nomination favorably. All Democratic Senators indicated that they were eager to proceed with her nomination and, after a reasonable period of debate, we voted on her nomination. I am confident this nomination will be confirmed by an extraordinary majority—maybe unanimously.

It is most unfortunate that so many partisans in this administration and on the other side of the aisle insist on bogging down consensus matters and consensus nominees in order to focus exclusively on the most divisive and controversial of this President's nominees as he continues his efforts to pack the courts. Democratic Senators have worked very hard to cooperate with this administration in order to fill judicial vacancies. What the other side seeks to obscure is our effort, our fairness and the progress we have been able to achieve without much help from the other side or the administration.

The fact is that when Democrats became the Senate majority in the summer of 2001, we inherited 110 judicial vacancies. Over the next 17 months, despite constant criticism from the administration, the Senate proceeded to confirm 100 of President Bush's nominees, including several who were divisive and controversial, several who had mixed peer review ratings from the ABA and at least one who had been rated not qualified. Despite the additional 40 vacancies that arose, we reduced judicial vacancies to 60, a level below that termed "full employment" by Senator HATCH. Since the beginning of this year, in spite of the Republican's fixation on the President's most controversial nominations, we have worked hard to reduce judicial vacancies even further. As of today, the number of judicial vacancies has been reduced to 47 and is the lowest it has been in 13 years. That is lower than at any time during the entire 8 years of the Clinton administration. We have already reduced judicial vacancies from 110 to 47, in 2 years. We have reduced the vacancy rate from 12.8 percent to 5.4 percent, the lowest it has been in the last two decades. With some cooperation from the administration think of the additional progress we could be making.

Earlier this month, we were able to obtain Senate consideration of the nomination of Judge Prado, and another distinguished Hispanic nominee who was reported unanimously by the Judiciary Committee last month—Judge Cecilia Altonaga to be a Federal judge in Florida. We expedited consideration of that nominee at the request of Senator GRAHAM of Florida. I am told that she is the first Cuban-American woman to be confirmed to the Federal bench. Indeed, Democrats in the Senate have worked to expedite fair consideration of every Latino nominee this President has made to

the Federal trial courts in addition to the nominations of Judge Prado and Judge Callahan.

Today, I urge the leadership to allow us to consider the nomination of Judge Consuelo Maria Callahan to the Ninth Circuit Court of Appeals. Unlike the divisive nomination of Carolyn Kuhl to the same court, both home-State Senators support the nomination of Judge Callahan. Rather than disregarding time-honored rules and Senate practices, I urge my friends on the other side of the aisle to help us fill more judicial vacancies more quickly by bringing those nominations that have bipartisan support, like Judge Callahan, to the front of the line for committee hearings and floor votes.

As I have noted throughout the last 2 years, the Senate is able to move expeditiously when we have consensus, mainstream nominees to consider. In a recent column, David Broder noted that he asked Alberto Gonzales if there was a lesson in Judge Prado's easy approval, but that Mr. Gonzales missed the point. In Mr. Broder's mind: "The lesson seems obvious. Conservatives can be confirmed for the courts when they are well known in their communities and a broad range of their constituents have reason to think them fair-minded." Judge Consuelo Callahan is another such nominee.

To date the Senate has proceeded to confirm 124 of President Bush's nominees, 100 in the 17 months in which Democrats comprised the Senate majority. The lesson that less controversial nominees are considered and confirmed more easily was the lesson of the last 2 years, but that lesson has been lost on this White House and the current Senate leadership.

Unfortunately, far too many of this President's nominees raise serious concerns about whether they will be fair judges to all parties on all issues. Those types of nominees should not be rushed through the process. I regret the administration's refusal to work with us to end the impasse it has created in connection with the Estrada nomination. The partisan politics of division that the administration is practicing with respect to that nomination are not helpful and not respectful of the damage done to the Hispanic community by insisting on so divisive a nominee.

I invite the President to work with us and to nominate more mainstream individuals like Judge Prado and Judge Callahan whose proven records and bipartisan support make it easier for us to uphold our constitutional duty of advise and consent. I look forward to casting a vote in favor of her confirmation to the Circuit Court.

In connection with the unexplained Republican delay before consideration of the nomination of Judge Prado, some suggested that Judge Prado had been delayed because Democratic Senators were likely to vote for him and thereby undercut the Republican's shameless charge that opposition to