

As you can see, the decision to provide counsel is made after careful consideration of national security implications. These decisions are guided by thorough legal analysis at various levels of our government.

That is precisely the course we have followed both with Yaser Hamdi and Jose Padilla. When officials at DoD determined that intelligence collection from Hamdi was complete, they announced last December that he would be allowed access to a lawyer, subject to appropriate security restrictions. Hamdi has now met with his lawyer. Earlier this month DoD officials concluded that national security would not be harmed by permitting Padilla to have access to counsel, and he too will be given access to a lawyer. As these decisions show, we have an interest in restricting access to counsel to the extent necessary to advance an important intelligence-gathering interest. When that interest no longer exists, we have no further need to restrict access to counsel and will allow U.S. citizens that access to assist in their challenge to their detention in the courts by means of habeas corpus. We believe strongly that access to counsel needs to occur at an appropriate time. What we will not do is put American lives at risk and jeopardize intelligence-gathering by recognizing a non-existent right for enemy combatants to consult with lawyers.

I am pleased to have had the opportunity this morning to provide you with some more details about the decisionmaking process that we have followed in dealing with enemy combatants who are U.S. citizens. The way in which this Administration has made its decisions, in my judgment, vividly illustrates the President's commitment to wage war on terror aggressively and relentlessly while fully respecting the bounds of the law.

Recent press accounts and editorials have suggested that the Bush Administration—fearing losses in the courts—has revised its approach to dealing with terrorists. As I hope my remarks this morning have made clear, that is not the case. The extensive procedures and safeguards that I have described today are ones that we have followed from the outset in determining whether certain individuals qualify as enemy combatants. All along, the Administration's actions have been uniformly grounded in historical practice and legal precedent and have been based on careful and continuous consideration of the facts and circumstances of each case. What is new is our willingness to share more information about our procedures, as Secretary Rumsfeld did two weeks ago in Miami and as I am doing today. Our flexibility in this regard has been constrained by the demands of national security. At this point in time, however, we have decided that there are ways that we can share some of this information, and that doing so—as I have today—is both consistent with the demands of national security and in furtherance of our interest in showing the American people that their government is one that respects the law even as it fights aggressively an enemy dedicated to our destruction.

Because ours is a free society, the actions taken by the Administration have been (and will continue to be) challenged in the courts. These are important issues, and courts exist to resolve such disputes. Our independent judiciary will help determine how long-standing practice applies to the first conflict of the 21st Century. It is possible that the courts may disagree with a particular decision or policy; indeed, the Second Circuit has already done so in Padilla (although the Supreme Court will now be reviewing that case and providing the final word on the issues presented). I am confident in the legality of the measures the Administration has employed in seeking to defend Americans from

our enemies in the war on terror—but in our system the courts will have their say. What cannot be denied, however, is that in protecting the American people from our terrorist enemies, the Administration has carefully examined the Constitution and laws of the United States, as applied in historically analogous situations.

In closing, when I walk into the Oval Office to brief the President, I am always reminded of the awesome responsibility that the President has—and the corresponding duty on all of us who serve him. But the burden of protecting this country and of securing the rights embodied in our Constitution is not ours alone.

Yes, those of us in government have a direct hand in executing power under our Constitution. But American citizens—including members of the bar—also play an important role in protecting and defending the Constitution's precious precepts. The vigilance and work of American citizens in this endeavor arguably is no less patriotic than the actions of our soldiers on the battlefield—both are in defense of our freedoms . . . and both should be respected.

Thank you very much.

#### IN MEMORY OF GOVERNOR BOB ORR

Mr. LUGAR. Mr. President, I rise today to pay tribute to a tremendous Hoosier and dear friend Bob Orr, who has recently passed away.

Bob Orr was our Governor during 8 years of record growth in Indiana jobs, Indiana exports, and increased interest in public education. As a scholar, businessman, political leader, State legislator, and Lieutenant Governor, he was superbly qualified to be the 45th Governor of Indiana. His extraordinary success brought new idealism, energy, and pride to the Hoosier State.

I was privileged to share a myriad of wonderful experiences with Bob Orr during the past 40 years of our work together in public service, but two will be indelible in my memories. In June of 1989, Bob was nominated by President George H. W. Bush to be United States Ambassador to Singapore. He proceeded to his post after a hearing by the U.S. Senate Foreign Relations Committee and confirmation by the U.S. Senate. Shortly thereafter, Char and I visited Ambassador Orr in Singapore. We were thrilled by his vision of the great opportunities our country could enjoy if we utilized our collective imagination and inventive genius to expand exports and to provide constructive economic and political leadership in Asia. Bob Orr was tireless in leading Indiana and the United States to have an international perspective and a clear vision of how our business and educational opportunities could flourish if we sought to compete more effectively.

My second indelible memory is my last visit with Bob and Mary Kay Orr last September at a dinner in Indianapolis featuring an address by President George W. Bush. It was exciting to compare political notes with both of them and to catch up on family news. I had the privilege of once again introducing a great Governor, world states-

man, and very dear friend. I had introduced, nominated, and spoken about Bob Orr innumerable times, but the last time I had the honor to do so was very special. The assembled crowd rose in cheers and sustained applause. Strongly assisted by Mary Kay, Governor Orr arose, a living legend for a legion of Hoosiers inspired by his life of achievement and service.

#### EXPRESSING SYMPATHY FOR THE VICTIMS OF THE MADRID BOMBINGS

Mrs. FEINSTEIN. Mr. President, I rise today to support the resolution submitted by Senator DODD to express our condolences to the families of the victims of today's Madrid bombings and our strong solidarity with the Spanish people in the fight against terror. This is a sad and tragic day.

This morning, nearly 200 innocent people were killed and 1,000 injured when 10 near-simultaneous explosions hit 3 separate trains at the height of the city's rush hour.

Spanish police found and detonated 3 other bombs. One official described it as the worst terrorist attack in Spain's history.

I condemn in the strongest possible terms this vicious and bloody terrorist attack.

The Madrid bombings appear to be part of an ongoing terror campaign by the Basque separatist group ETA, a group designated by the United States and the European Union as a terrorist organization.

Our thoughts and prayers go out to the victims and their families.

Americans know all too well the pain and destruction caused by terror and we stand shoulder to shoulder with our Spanish friends at this difficult hour just as they stood with us on September 11.

We two peoples share the values of democracy, freedom, and respect for human rights. We have worked and we will continue to work together in the fight against terror and in bringing those responsible for this brutal attack to justice. Terrorists must know that we will not back down in the face of their crimes.

I urge my colleagues to support the resolution.

#### IRAN

Mrs. BOXER. Mr. President, as the ranking member of the Senate Foreign Relations Subcommittee on Near Eastern and South Asian Affairs, I want to express my deep concern about recent developments in Iran.

Today, the International Atomic Energy Agency is meeting to discuss a proper response to findings that Iran has failed to disclose many nuclear related activities in violation of the Non-Proliferation Treaty. This is a serious issue. There is no doubt that Iran is in violation of its commitments under the NPT. The IAEA Board of Governors

must insist that Iran come into complete compliance with its obligations, disclose all information about its nuclear program, and allow unrestricted access to IAEA inspectors. Given the high degree of enriched uranium found in Iran—weapons grade uranium—and yesterday's statement from Iran indicating that it planned to resume enrichment, this matter should immediately be referred to the United Nations Security Council for further action.

I am also deeply troubled by Iran's terribly flawed elections of February 20. The people of Iran deserve our support and they deserve true democratic reform. We cannot turn our backs on the people of Iran because its political leadership has failed them. There are an estimated 700,000 Iranian Americans living in California who are so hopeful for democratic change in their homeland. The election of February 20 was clearly a step in the wrong direction.

On February 12, the Senate passed an important resolution, S. Res. 304, that was submitted that same day by Senator BROWNBACK. Denouncing the elections as harmful for true democratic forces in Iran, the resolution stated that the policy of the United States should be to advocate a democratic government in Iran that will restore freedom to the people of Iran, abandon terrorism, protect human rights, and live in peace and security with the international community. I fully agree.

I hope that the Iranian people know that they have the support of the Senate as they aspire for the freedom denied them by the current Iranian regime.

#### 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.

One unfortunate crime was committed by an unknown assailant in Carbondale, IL, who allegedly taunted a Southern Illinois University student with anti-homosexual slurs and proceeded to 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.

#### ADDRESS TO THE PEOPLE'S CONGRESS OF LIBYA BY SENATOR BIDEN

Mr. HAGEL. Mr. President, I ask unanimous consent to have printed in

the RECORD an important speech given by my colleague and friend, the distinguished senior Senator from Delaware, Mr. BIDEN, to the Libyan People's Congress on March 3, 2004.

Salam ale Qum.

Thank you for inviting me to speak to you. I traveled a great distance to get here, but in so many ways, in recent years, the distance between Libya and America has seemed even greater, almost insurmountable. Now, there is real hope that we will bridge the great divide that has kept us apart. But there is still much work to be done. It is in that spirit of hope that I stand before you . . . and that I send my greetings to the Libyan people who are watching these proceedings in their homes. At the outset, let me tell you who I am and why I am here. I am a United States Senator. I represent a small portion of my country—the state of Delaware, which is located between Washington and New York.

As you know, in America there are no Kings or Princes, no Lords or Dukes, no Emirs or Sultans. Like you, we fought a war against colonialism for our freedom. The central belief in our system is that each individual should have an equal opportunity to succeed.

At home, I am surrounded by very strong women. A mother who instilled in her children the values of faith and community. A sister who was better at her studies than I was, and upon whose guidance our large family depends. A wife who is a respected professor in our community, not just smart, but also wise. And a daughter who knows she can be anything she wants to be.

Like most of the nearly 300 million Americans whose families arrived on our shores from every corner of the globe, I was not born to wealth or stature. I was not promised anything other than the opportunity granted to every American—the opportunity to go as far as I could dream.

I am sure that Libyan parents share the same hope for their children. I am sure it is a universal hope—but not one that can be realized in many countries. That's one of the things that makes my country special.

I have served in the United States Senate for 31 years, elected democratically six times by the men and women of Delaware. Men and women. Young and old. Black and white. Hispanic and Asian. Christians, Jews, Hindus and yes, Arab-Americans and Muslims. You may not know that there are almost as many Muslims in the United States as there are citizens of Libya. And there are more Arab-Americans than all the people who live in Tripoli. Their votes count the same as everyone else.

I belong to the Democratic party. President Bush leads the other major political party—the Republican party. But I am here not as a representative of my party . . . not as a representative of Christian-Americans . . . not as a representative of white Americans. I am here as a representative of my country who believes, along with many other Americans, that this is a moment of great possibility for Libya and for the relationship between our countries. But many of us remain skeptical.

For too long, our relationship has been marked by hostility. In fact, I have a personal connection to the terrible act that set back our relations for years.

I am a graduate of Syracuse University Law School. There is a wall at my school, erected to the memory of 270 people—including 35 young students who never returned home from their studies abroad. They lost their lives when Pan Am 103 was bombed out of the sky. Thirty-five is a number, a statistic. But each of those young people had a name. Each had a mother and a father, a sis-

ter and brother, and friends who loved them—and who still suffer their loss every single day. The victims were young men and women like Ken Bissett. He was an artist and a writer. Like Eric and Jason Coker, twin brothers. Eric was studying economics. Jason wanted to be a journalist. He might have been here today, reporting on their significant event. And like a kind hearted young woman named Keesha Weedon who wanted to help troubled children. Each of these young people had a past—and each had a future cut short by violence. Imagine if one of them had been your son or your daughter. Think about that for just a moment. Your government's admission of responsibility for the bombing of Pan Am 103 was not only necessary—it was the right thing to do. And it was consistent with your traditions. In the words of the Koran: "As for him who shall repent and believe and do right, he happily may be one of the successful." It appears now that your government wants to change in order to become "one of the successful."

Americans will never forget the past. But we cannot allow it to stop us from building a more peaceful world that can prevent such tragedies in the future. That must be the legacy of those who lost their lives, and for those who carry their memory. And so while Americans remain wary, we also stand ready to walk with you if you are willing to take the difficult steps necessary to rejoin the community of nations. By accepting responsibility for the past . . . agreeing to abandon its weapons of mass destruction program . . . and joining the war on terrorism . . . your government is beginning to end Libya's political and economic isolation. But what I want to say to you today is this: do not stop there. Aim higher. Go further.

For centuries, the people of Libya were denied the opportunity to fulfill their God-given potential. First, you were held back by outside colonizers. Then, you were led astray by misguided ideologies. The result is a great gulf between your rightful expectations and the reality of your lives.

You are right to expect good schools for your children and first rate doctors for your parents. You are right to expect to own your home and to build your own business. You are right to expect newspapers with competing ideas and an internet connection in every home. You are right to expect the freedom to speak your mind without fear of being thrown in jail. So the question is: How do you make sure that history does not repeat itself and that you are not denied the opportunity to which you are entitled?

Your economic potential is extraordinary because of the natural resources buried in the ground. But your national potential is limitless, because of the human resources that are spread all across this land.

You have tremendous oil power. But it will only be meaningful if you use it to unleash the brain power of the Libyan people—especially the awesome potential of your youth. In fact, oil can be more of a burden than a benefit if it used as an excuse not to develop all aspects of your society . . . and if its proceeds are not widely shared and wisely invested in education, training and a strong foundation for the future.

Let me offer you a concrete example. It concerns patents—the legal protection the world gives to new ideas and inventions. They're a good measure of the quality of a country's educational system, its entrepreneurship, its innovation and its rule of law. Between 1980 and 1999, the nine leading Arab economies—each built on oil wealth—registered a mere 370 patents in my country. During that same period, South Korea alone registered 16,328 patents. Why? In the 21st century, human resources are the true