their thoughts on youth violence with Members of Congress and other policymakers. In the past, students have had the opportunity to meet with the Secretary of Education, the Attorney General, and other representatives from the Department of Justice.

I know my colleagues join me in celebrating the work of all of the DtWT participants from around the country. I would also like to thank the DtWT organizers for their commitment to engaging with and educating children about nonviolence. Their important efforts help to increase awareness of the issue and facilitate the development of local solutions to the youth violence problem in our Nation.

While it is important that we recognize the hard work of the DtWT participants and organizers, it is also important that we support their efforts through our actions in the Senate. I urge my colleagues to join me in supporting legislation that would help prevent youth violence by increasing the number of police officers on our streets, by increasing resources for school and community violence prevention programs, and by making it more difficult for children and criminals to acquire dangerous firearms.

REVEREND WILLIAM SLOANE COFFIN

Mr. LEAHY. Mr. President, I rise today to remember my friend Rev. William Sloane Coffin who passed away in Vermont on April 12, 2006, at his home in Strafford.

Bill Coffin was an extraordinary man who leaves behind a legacy of inspired service for social justice that few Americans have matched. He dedicated his life to speaking out on behalf of those who would otherwise be forgotten, to improving the lives of the underprivileged, and to calling for justice for victims of discrimination in our society.

As chaplain of Yale University, Bill used that pulpit like none before him, to serve not only the Yale community but to inspire the entire Nation. While many Senators may remember him best for his moral leadership and courageous activism during the Vietnam War, Bill also established himself as a dedicated leader for racial and social justice. He was a member of the Freedom Riders who rode interstate buses in the South to challenge segregation laws. He was a visionary and powerful leader in pointing out the hypocrisy of religious and sexual discrimination

Mr. Gary Trudeau, creator of the cartoon ''Doonesbury'' and fellow Yale graduate, may have immortalized Bill Coffin in his Reverend Sloan character. But that was only one chapter of a lifetime of using his ministry to fight injustice. After his long service at Yale, Bill became pastor of Riverside Church in New York City where he continued to advocate for the downtrodden all over the world. Bill continued to be a forceful presence for good long after he left Riverside.

Mr. President, Vermonters were fortunate to have Bill Coffin as a resident of our unique State. Vermonters have a long history of independent thought, of standing up for what is right, and Bill Coffin set a standard for all of us. I was privileged to know him personally and to be able to call him a friend. I know his other friends and neighbors felt the same way. We were all made better, and felt better about ourselves, when we were in the company of Bill Coffin.

I ask unanimous consent that a column by William F. Buckley and an editorial in the Valley News be printed in the CONGRESSIONAL RECORD so that other Senators may have a further appreciation of this great and good man.

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

[From the Valley News, April 14, 2006]

WILLIAM S. COFFIN

The Upper Valley has its share of accomplished and prominent residents, but we can think of few whose presence seemed such a gift as did that of The Rev. William Sloane Coffin, who lived here full time from the late 1980s until his death Wednesday at his home in Strafford.

The Upper Valley phase of Coffin's life showcased the same devotion to social justice as his earlier chapters as pastor of Riverside Church in New York City and chaplain of Yale University. His focus shifted somewhat—the Vietnam War and black Americans' civil rights while he worked in New Haven, Conn., and New York City; nuclear disarmament, gay Americans' civil rights and the environment while in Vermont—but the larger theme remained constant. He was committed to speaking truth to power, and he did that by talking about the issues of the day with striking clarity and wisdom.

One of the last op-eds he wrote for the Valley News appeared just a few weeks after the Sept. 11 attacks, and reviewing it now, more than four years later, makes us wish it had had more of an impact in guiding this nation's leaders about the topic at hand—how to best respond to terrorism.

''What Americans do realize now,'' Coffin wrote, ''is that life can change on a dime. On Sept. 11, we lost, and lost forever, our sense of invulnerability and invincibility. Hard as that may be, let us not grieve their passing; they were illusions.

''Today it is the Devil's strategy to persuade Americans to let go of the good to fight evil. I hope we will resist. I hope that first we will present to the world conclusive evidence of whom these hijackers were, from whence they came, and who knowingly harbored them.

''Then I hope we shall try to build international consensus for appropriate measures, both to halt the violence and the circumstances that gave rise to it.''

Here in the Upper Valley, though, we had the opportunity not only to appreciate the power of Coffin's message but also to witness the force of his personality. Whether at a dining room table, behind a church pulpit, at a piano or on a stage at a political rally, Coffin commanded, enjoyed and rewarded attention. The message was difficult to separate from the virtuoso performance of high-spiritedness, humor and insight. Not even a failing body, including the slurred speech left in the wake of a stroke, blunted the force of his personality. Strafford Selectwoman Kay Campbell had it just right when she noted that Coffin, despite his national stature, had a knack for ''treating us like we were all special.''

Bill Coffin was an accomplished, amazing and fascinating man, and many Upper Valley residents feel blessed not just to have benefited from his wisdom but for the opportunity of seeing him in action.

[From Yale Daily News, Apr. 14, 2006]

COFFIN'S PASSION TOPPED IDEOLOGY

(By William F. Buckley, Jr.)

It was the routine, when Charles Seymour was president of Yale, that the chairman (as we were then designated) of the News should visit with President Seymour for a half hour every week, mutual conduits for information in both directions. We became friends and he told me at one meeting with some enthusiasm that the student speaker at the annual Alumni Day lunch at the Freshman Commons the day before ''gave the single most eloquent talk I have ever heard from an undergraduate.'' I thought hard about that comment one year later when I was selected to give the annual talk to the alumni, which speech moved nobody at all because the day before, the text having been examined by public relations director Richard Lee, I was asked to be so kind as to withdraw; and I did. (What I did with the speech was stick it into the appendix of ''God and Man at Yale'').

I didn't meet William Sloane Coffin '49 DIV '56 until some while later, when of course I congratulated him on electing the correct political extremity in the controversies of the day. He was never slow to catch an irony, and his wink brought on a trans-ideological friendship that induced great pleasure.

The friendship was publicly confirmed by Coffin with an extraordinary gesture. Garry Trudeau '70 ART '73 was lining up speakers for an event celebrating the reunion of his class. His reunion coincided with a reunion of my own class, and he came to me and asked if I would consent to debate with Bill Coffin as I had done for Trudeau's class in freshman year.

Well, I said, okay, though I knew that Charles Seymour's estimate of successful speakers would certainly prevail yet again. But there was a remarkable feature of that afternoon. I climbed the steps at the Yale Law School Auditorium to extend a hand to Bill Coffin—who brushed it aside and embraced me with both arms. This was a dramatic act. It was testimony not only to Coffin's wide Christian gateway to the unfaithful, but also to his extraordinary histrionic skills. I'd have lost the argument anyway. I have defended my political faith as often as Coffin did his own, but you cannot, in the end, win an argument against someone who is offering free health care and an end to nuclear bombs. But there was never any hope for survival after his public embrace.

We were always, however lightly, in touch. ''Sweet William,'' he addressed me in June 2003, enclosing a copy of a speech he had delivered at Yale the week before. ''The enclosed speech to the Class of '68, you will be sorry to hear, was received with tumultuous applause. Don't worry, however, you, alas, represent the ruling view. I hope you feel with Saint Paul, 'Though our outer nature is wasted away our inner nature is being renewed each day.' Affectionately as always, Bill.''

I replied ''Wm, I am not surprised your speech was greeted by tumultuous applause. That is what demagogy is designed to do, dear William.'' He replied some months later, enclosing a copy of a page from the Boston Globe in which both of us were quoted. ''Dear Wm, Could it be that in this time and our old age that we might be on the same page? Do let me know, affectionately, Bill.''

I replied that I had seen his new book Letters to a Young Doubter. ''... I think of you

often, and did so most directly when I published, a fortnight ago, the obituary I did on William F. Rickenbacker. He is the only other fleeted spirit I ever addressed as Dear Wm, which he always reciprocated with letters address to me as Dear Wm—both of us signing off as . . . Wm. As I am now, anxious to get a note off to you, especially since you have taken to writing books again, instead of reproachful letters to, your pal—'Wm.'''

Our disagreements were heated, and it is through the exercise of much restraint that I forebear doing more than merely to record that they were heated; on my way, heatedly, to record that Bill Coffin was a bird of paradise, and to extend my sympathy to all who, however thoughtlessly, lament his failure to bring the world around to his views.

Mrs. FEINSTEIN. Mr. President. I am pleased today to introduce legislation with Senator SPECTER to reaffirm the exclusivity of the Foreign Surveillance Intelligence Act of 1978, FISA, and streamline the process by which it works.

This measure brings the so-called Terrorist Surveillance Program being conducted by the National Security Agency under the process required by FISA. The bill will enhance our national security and provide constitutional protections against government intrusion into the privacy of ordinary Americans.

Specifically, the bill that we introduce today would:

Restate, in no uncertain terms, that FISA is the exclusive means by which our Government can conduct electronic surveillance of U.S. persons on U.S. soil for foreign intelligence purposes;

Expressly state that there is no such thing as an ''implied'' repeal of our FISA laws. No future bill can be interpreted as authorizing an exception from FISA unless it expressly makes such exception;

Increase flexibility under FISA by extending the period of emergency electronic surveillance from 72 hours to 7 days, which should cover all contingent needs; and

Authorize designated supervisors at the NSA and the FBI to initiate emergency electronic surveillance, provided that the surveillance is reported to the Attorney General within 24 hours, and approved by the AG within 3 days and the FISA Court within 7 days. The purpose of this is to prevent bureaucratic delay in an emergency circumstance.

In addition to these major provisions, the legislation we introduce today makes several additional changes to reinforce FISA's exclusivity and adapt existing FISA authorities and procedures.

These changes are designed to allow applications to move faster from the field to the FISA Court, and to allow that Court to handle any increased caseload that will result from bringing the current NSA program into the FISA regime.

These additional authorities, streamlined procedures, and additional resources respond directly to needs described by the Attorney General, current and former FISA Court judges, and outside experts. Specifically, the bill:

Allows the Attorney General to delegate his authority to approve applications going to the FISA Court to two other Senate-confirmed Justice Department officials;

Takes FISA's current allowance for 15 days of warrantless electronic surveillance following a declaration of war and extend it to the 15 days:

1. Following a Congressional authorization to use military force, or

2. A major terrorist attack against our nation for the same period of time.

Authorizes additional personnel at the NSA, the FBI, the Department of Justice, and the FISA Court, to reduce the time it takes to initiate, review, and file a FISA application.

Allows for additional judges to the FISA Court as needed to manage the caseload;

Facilitates a review of the FISA application process, culminating in a report designed to eliminate any unnecessary delay in the filings; and

Mandates the creation of a secure, classified document management system to facilitate electronic filing.

In addition to reaffirming FISA's exclusivity, as I mentioned before, the legislation:

Prohibits the use of Federal funds for any future electronic surveillance of U.S. Persons that does not fully comply with the law; and

Requires that the full Intelligence Committees be briefed on all electronic surveillance, and related, programs.

We are in a war against terrorists, who seek to attack us in unpredictable and asymmetric ways.

Intelligence is the key to our defense; we must know about the terrorists' intentions and capabilities to do us harm if we are to stop them.

Electronic surveillance, including surveillance conducted within the United States on U.S. persons, is part of our defense. The men and women at the NSA and the FBI who do this work are careful, dedicated officials.

But even in this war on terror, we should not sacrifice basic protections enshrined in the Constitution, including the fourth amendment protections against unreasonable search and seizures.

The FISA Court was created in 1978, following the Church Committee's investigation of some of our Government's worst civil rights violations—J. Edgar Hoover's spying on Martin Luther King, Jr., and Vietnam-era ''enemies lists,'' for example. These abuses were the result of domestic spying—electronic surveillance—under the guise of foreign intelligence.

In response, Congress, working with both the Ford and Carter administrations, drafted and later enacted FISA in 1978 to be the exclusive means to conduct electronic surveillance of U.S. persons. It created a special court—operating in secret—that has to approve a warrant for every domestic wiretap, and provides for careful congressional oversight.

Over the years, this FISA court has rejected only a small handful of thousands of warrant requests, and has never had a significant leak. After the PATRIOT Act was passed in October 2001, for example, the Justice Department stated that FISA has worked efficiently and well.

In the past 28 years, technology has changed, as have our enemies. And from time to time, when requested by various administrations, we have made technical changes to FISA.

But the need to protect privacy rights by requiring individual warrants from a FISA judge, and the exclusivity of FISA, have remained constant.

The domestic electronic surveillance that has been conducted since October 2001 operates, for the most part, outside of the law. In addition, the way the administration has moved forward with this program has brought us to the brink of a constitutional confrontation.

The legislation that Senator SPECTER and I are introducing today brings the surveillance program under appropriate supervision and restores the checks and balances between the branches of government.

As one who has been briefed on the details of the NSA surveillance program, I have come to believe that this surveillance can be done, without sacrifice to our national security, through court-issued individualized warrants for all content collection of U.S. persons under the FISA process.

Further, testimony and letters from the Attorney General, former Director of the NSA General Hayden, and other administration officials have provided no reason, other than that of timeliness, why the NSA program couldn't proceed under the FISA regime.

This legislation would help transform the FISA process into one agile enough to meet the administration's need for timely action, while also preserving judicial oversight and our important constitutional privacy protections.

In an April 6 hearing before the House Judiciary Committee, Attorney General Gonzales openly suggested that warrants might have been obtainable for everything that the NSA is doing, and then testified that the main ''problem'' he saw with FISA was one of ''timing.''

After the Attorney General's testimony, I wrote to him asking him why these timing problems could not be addressed directly, so that we could return to the FISA process followed by all Presidents since Jimmy Carter.

The Justice Department's response does not provide a reason why FISA's timing problems are incapable of being fixed. All it demonstrates is that this administration is not interested in trying to fix them.

This bill addresses all of the concerns noted in the Attorney General's letter.

The primary concern raised was that current law requires the Attorney General to determine that FISA's factual predicates have been met before authorizing the surveillance to begin. In other words, he suggests that there is

important surveillance he might delay, or even avoid, if he must determine in advance that a court will grant approval. But this bill eliminates the requirement for Attorney General approval before surveillance begins.

Under this bill, if the circumstances warrant, an Attorney General-designated supervisor of the NSA or FBI can begin emergency surveillance immediately. The designated officer would have to notify the Attorney General's office within 24 hours of starting, and then get approval from the AG within 72 hours. The Department of Justice would then need to obtain an emergency warrant from the FISA court within 7 days of the initiation of surveillance.

The Attorney General's role would simply be to decide whether to stop the surveillance—not authorize it on the front end. And even on this decision to stop surveillance, the bill allows him to delegate that decision to two other Department of Justice officials. If the Court does not issue a warrant, the information cannot be used in any legal proceeding.

This provision is respectful of the administration's needs. The 7-day emergency window in this bill more than doubles the existing 3-day period that exists for emergencies now. It also extends substantial additional resources to the Department of Justice and the intelligence agencies. And as I say, our bill expressly authorizes a designated agent to go ahead with necessary surveillance right away.

The Attorney General's letter also asserts that FISA is unworkable because prompt action increases the chance that the target of surveillance may ultimately be notified if the FISA Court later turns down the warrant.

The risk here is no different than the risk every prior Administration has faced. And it is also infinitesimal, since only a small handful of FISA applications—only 4 out of 18,747 from 1979–2005, according to press reports—have ever been refused by the FISA Court.

Even in the extremely rare case of where a FISA Court denies an emergency warrant, and therefore directs notification of the target of surveillance, the FISA law has a provision that exempts the Attorney General from notifying the target if he certifies that doing so would imperil national security.

Despite the remote chances of national security being compromised, the legislation gives the Attorney General the benefit of the doubt, and provides that if the Attorney General or his designees stops the NSA or FBI surveillance within 72 hours, the target of surveillance will not be notified.

Beyond the Attorney's General letter, the White House, the Department of Justice, and intelligence officials say that court review of the surveillance is not necessary for three reasons:

First, they argue that the President has the constitutional authority to order the surveillance, regardless of statutory prohibitions. This is a question for the courts to decide.

It is highly debatable whether the President has plenary article II constitutional power, but even if he does, he clearly does not have plenary authority to decide which of his powers are plenary. If he did, any Executive Branch official could open mail, or enter homes at any time without a warrant in the name of national security, and the doctrine of separation of powers as we know it would end.

Secondly, the administration argues that the NSA electronic surveillance program is subject to numerous reviews and safeguards at both the Department of Justice and the National Security Agency, thus making outside oversight unnecessary.

This argument flies in the face of our system of government. We have three separate branches of government, each with checks and balances on the other two. The framers of the Constitution did not vest the Executive Branch with the right to oversee itself; that is the responsibility of the Congress and the Courts.

We have also recently seen how this arrangement of internal reviews, even if it were acceptable, simply does not work. Within the Department of Justice, the Office of Professional Responsibility was recently asked to review the legality of the activities of those involved in the surveillance program outside of FISA, but we have learned that OPR was denied the security clearances needed to do their work.

Finally, as I noted before, the Executive Branch says that outside review by the Congress and the courts would hamstring their ability to prevent terrorist attacks. I do not believe that is true, based on the briefings I have received, but even if it were, the answer is to amend FISA, not to throw it out. The FISA law has been changed since September 11 through the PATRIOT Act and the renewal of the PATRIOT Act. It can be done again. In short, if the President sees problems with an existing law, the simple answer is that he should ask to change it—not refuse to follow the law.

This war on terror will be a long war, and it will be mostly fought in the shadows.

It is thus especially important that the Congress and the American people be assured that we are waging that war in a way that upholds our principles and follows the Constitution.

I believe that our national security and core privacy interests can both be protected, given the right tools and authorities, if each branch of government will work together to fulfill their respective roles and obligations.

Congress was able to do that more than 25 years ago when it first enacted FISA, and I am confident we can do it again today.

I have been waiting for the NSA to submit views regarding metadata—that is, information about communications that does not include content. It is my strong belief that any and all metadata collection programs should be approved by FISA on a program basis. I would hope to add such a provision to this bill at a later time or to introduce a new bill to cover this subject.

ADDITIONAL STATEMENTS

NATIONAL MIDDLE SCHOOL TEACHER OF THE YEAR

• Mr. AKAKA. Mr. President, I rise today to congratulate Gregg Agena of Mililani Middle School for being recognized as the national middle school teacher of the year by the National Association for Sports and Physical Education.

Initially, Gregg was honored by being named the Southwest District Middle School Physical Educator of the Year. The Southwest District of the National Association for Sport and Physical Education, NASPE, is a six-State region, which includes Hawaii. There were four other finalists for the national recognition, and it is with esteemed pride that I recognize and congratulate Gregg for receiving the national honor.

The award, which was announced at the NASPE national convention in Salt Lake City, UT, is a recognition of outstanding teaching at the middle school level and for motivating students to participate in physical activity throughout their entire lives. As a former educator and principal, I know firsthand of the countless hours that go into creating curricula, and it makes me proud to see outstanding teachers receive recognition for their hard work.

Gregg, who received both his undergraduate and graduate degrees from the University of Hawaii at Manoa, my alma mater, has also been recognized as the Nike Teacher of the Year, Hawaii Middle School Physical Education Teacher of the Year, and the recipient of the Ola Pono, which is Hawaii's Drug Free Award.

I would also like to recognize Kay Bicoy of Pearl City High School, who was named the Southwest District High School Physical Educator of the Year by NASPE. This was the first time that a public school teacher from the state of Hawaii was selected as a district award recipient, and it is with immense pride that I recognize not only one, but two teachers from my home State for such an accomplishment.

The dedication of Gregg and Kay to their field and to the children of Hawaii are undeniable. I congratulate them both not only for these outstanding recognitions, but especially for their dedication to educating the youth from the state of Hawaii, and I wish them the very best in their future endeavors.•