Upon retiring from Gannett News Service, Al Neuharth founded the Freedom Forum in 1991 and has since dedicated his work to the pursuit of ''free press, free speech, and free spirit for all people.'' I have had the pleasure of working with Al on many occasions and have seen his genuine commitment to preserving free expression for all Americans.

In addition to his ongoing efforts to preserve free speech, Al Neuharth has also dedicated both time and treasure to his hometown of Eureka, SD, and has never forgotten his South Dakota roots. Most notably, he contributed greatly to the Eureka Information Center. This center houses community nonprofits and civic organizations, providing a space for the involvement and dialogue that strengthens small towns.

On September 25, 2003, Mr. Neuharth's alma mater, the University of South Dakota, will dedicate its Al Neuharth Media Center. This center, funded by the Freedom Foundation and the University Foundation, will house the Freedom Foundation's regional offices, South Dakota Public Broadcasting, the University's Department of Contemporary Media and Journalism, the Native American Journalists Association, the University's publication The Volante, campus radio station KAOR and television station KYOT.

Freedom of the press is an essential component of America's experiment in democracy and one of the principal reasons the experiment has succeeded. By training future journalists and defenders of the first amendment, the Neuharth Media Center will convey Al's passion for free speech and help ensure that this great experiment in democracy will be preserved for generations to come.

I am proud to honor Al Neuharth and the University of South Dakota Neuharth Media Center and proud to know Al Neuharth.

TRIBUTE TO GOVERNOR O'BANNON

Mr. LUGAR. Mr. President, it is my sad duty today to inform the Senate that the State of Indiana has lost its beloved Governor, Frank O'Bannon. He passed away on Saturday at Northwestern Memorial Hospital in Chicago, where he was being treated for a massive stroke suffered five days earlier. He was 73 years old.

All of us in Indiana mourn the loss of this fine man, whose kind and gentle nature had won the hearts of so many Hoosiers over the years. Frank O'Bannon will always be remembered for the warmth and friendliness that were essential elements of his character. He was a true Hoosier.

He and his wife, Judy, had been married 46 years and were part of a close-knit family that includes their three children and five grandchildren. Judy was at his side at the hospital when he passed away. I extend my deepest condolences to Judy, and I know she will draw strength and support from her family and many dear friends.

I consider it a privilege to have known Frank O'Bannon. He grew up in Southern Indiana in the town of Corydon during the 1940s, where he experienced first-hand the special charm of that era captured so wonderfully in the movie Hoosiers. After graduating from Indiana University in 1952, he served in the Air Force, went to law school and then came home to settle down and work as a lawyer and publisher of weekly newspapers.

He was first elected to the Indiana State Senate in 1970 and went on to serve 18 years there—much of it as the Democratic floor leader. He was Lieutenant Governor for 8 years before being elected Governor in 1996 and then re-elected by a wide margin in 2000. He was an optimist by nature, a consensus builder and a man of absolute integrity. I always looked forward to my visits with him. I will miss him greatly.

On Saturday, our Lieutenant Governor, Joe Kernan, was sworn in as Indiana's 48th Governor. He will serve the remainder of Governor O'Bannon's term, until January 2005.

Frank O'Bannon's remains will be buried near other family members in a small cemetery in Corydon. He touched many people in his life. May he rest in peace.

WITHDRAWAL OF THE ESTRADA NOMINATION

Mr. LEAHY. Mr. President, earlier this month the President withdrew the nomination of Miguel Estrada to the U.S. Court of Appeals for the District of Colombia Circuit. This was a nomination for a lifetime appointment to the second highest court in the land. The Constitution accords the Senate the duty to make informed judgments for these lifetime appointments to our Federal courts. Senators cannot make informed judgments if the White House stonewalls the Senate.

This withdrawn nomination is another example of the White House's insistence on dividing instead of uniting the American people over the President's decisions for the Federal courts. Ultimately, the nomination was a casualty of that divisive policy. For more than a year, the White House has consistently spurned many private and public bipartisan appeals to resolve this matter by working with the Senate to provide access to requested information. Mr. Estrada's work at the Justice Department was at the core of the administration's claims for his qualification to serve on this court. Despite the questions raised about his work at the Justice Department and the ample precedents from similar document requests involving earlier nominations, this administration decided to stonewall the Senate. This stonewalling, combined with Mr. Estrada's reluctance to answer substantively Senators' questions, prompted this impasse. The White House always had the key to unlock this stalemate.

In the absence of cooperation from the White House, and with the persistence of the White House's stonewalling, Mr. Estrada has concluded that this impasse will continue. He is probably right, and he and his family can now move on with their lives.

In the aftermath of the announcement on September 4, some Republican Members of the Senate have come to the Senate floor and sought out the airwaves to renew their offensive and untrue rhetoric about this nomination. I must take a few moments to set the historical record straight.

First, some Republicans have repeated their false assertion that Democrats opposed Mr. Estrada's nomination because of his ethnicity. That is absurd. In the last Congress, Senate Democrats swiftly acted to confirm six Latino judicial nominees—Christina Armijo, NM; Judge Phillip Martinez, TX; Randy Crane, TX; Judge Jose Martinez, FL; Magistrate Judge Alia Ludlum, TX; and Jose Linares, NJ. During this Congress, Democrats have unanimously supported the confirmation of six other Latino judicial nominees—Edward Prado, Fifth Circuit; Consuelo Callahan, Ninth Circuit; S. James Otero, CA; Cecilia Altonaga, FL; Xavier Rodriguez, TX; and Frank Rodriguez Montalvo, TX. All of these nominees received the unanimous support of the Senators in the Democratic caucus.

Moreover, it was Democrats who worked to clear the nominations of Judge Prado and Judge Callahan to the circuit courts over delays and initial objections from the Republican side of the aisle. Yet some Republican Senators assert that those who opposed Mr. Estrada's confirmation to the circuit court did so ''because he's Hispanic.'' That is obviously false, demeaning and divisive.

These partisans may need to be reminded that, in addition to supporting the confirmation of two other Latinos nominated to the appellate courts by President Bush, Democrats supported the appointment of 11 Latinos nominated by President Clinton to the appellate courts. It was Republicans who blocked three of those Latino circuit court nominees of President Clinton. Those qualified and distinguished Latino nominees were never given hearings by the Republican majority and never allowed to come before the full Senate. They were not opposed through debate and votes in the light of day; instead, their nominations were filibustered and killed by delay, in the dark of night, without any meaningful explanation of any substantive concerns about their nominations. This all begs the rhetorical question: Do the current Republican charges mean that Republicans are anti-Hispanic for having blocked three Hispanic nominees to