

Mr. Ressay, even though it did terminate prematurely.

The judge said:

The message I would hope to convey in today's sentencing is two-fold: First, that we have the resolve in this country to deal with the subject of terrorism and people who engage in it should be prepared to sacrifice a major portion of their life in confinement.

Secondly, though, I would like to convey the message that our system works. We did not need to use a secret military tribunal, or detain the defendant indefinitely as an enemy combatant, or deny him the right to counsel, or invoke any proceedings beyond those guaranteed by or contrary to the United States Constitution.

The judge said:

I would suggest that the message to the world from today's sentencing is that our courts have not abandoned our commitment to the ideals that set our nation apart. We can deal with threats to our national security without denying the accused fundamental constitutional protections.

Despite the fact that Mr. Ressay is not an American citizen and despite the fact that he entered this country intent upon killing American citizens, he received an effective, vigorous defense, and the opportunity to have his guilt or innocence determined by a jury of 12 ordinary citizens.

Most importantly, all of this occurred in the sunlight of a public trial. There were no secret proceedings, no indefinite detention, no denial of counsel.

The tragedy of September 11th shook our sense of security and made us realize that we, too, are vulnerable to acts of terrorism. Unfortunately, some believe that this threat renders our Constitution obsolete. This is a Constitution for which men and women have died and continue to die and which has made us a model among nations. If that view is allowed to prevail, the terrorists will have won.

It is my sworn duty, and as long as there is breath in my body I'll perform it, to support and defend the Constitution of the United States.

That is the end of the statement by Judge Coughenour. This judge was appointed by a Republican President. He clearly speaks to constitutional principles which know no party bounds.

All of us, Republicans and Democrats, swear to uphold that same Constitution in our service to the Senate and our service to this Government. It is clear that in some cases the open and public trial which this accused, Ahmed Ressay, received in Seattle could never occur because of concerns over classified information, over concerns of security for individuals. But it is very clear that in this case extraordinary efforts were made to make certain that we said to the world, this man can be tried in open court, judged by a jury of 12 ordinary citizens and his guilt determined according to a system bound by the Constitution we have sworn to uphold.

I am humbled by the wisdom of this simple statement from this Federal judge. I hope it serves as a reminder to all that we must seek not only security in this time of peril, but we must seek it in a way that never imperils our basic freedoms in America.

DEFENSE AUTHORIZATION

Mr. DODD. Mr. President, during the consideration of the Department of Defense authorization bill, several of our colleagues offered an amendment concerning the treatment of prisoners. It was an important amendment. It was offered by Senator MCCAIN and Senator GRAHAM. Senator WARNER offered a related amendment. The McCain Amendment made it clear that the United States would not engage in conduct related to detainees and prisoners which could be characterized as "cruel, inhumane or degrading."

I salute my colleagues for their courage in stepping forward to address this very difficult and controversial issue. I hope when we return to the Department of Defense authorization bill, we will give them a resounding vote of support. They speak for all in their dedication to make certain that we live up to the rules of law and to the standards of American values which have guided us for so many decades.

I look forward to that debate. I thank them for their political courage in offering this to the Department of Defense authorization bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SHIELD LAW

Mr. DODD. Mr. President, I would like to briefly mention three items in these closing minutes before the Senate takes its traditional August break. One has to do with the legislation Senator LUGAR of Indiana and I have introduced in this Senate and its companion which has been introduced by Congressman PENCE and Congressman BUCHER on a bipartisan basis in the other body. I refer to the so-called shield law bill, which we have offered to the Congress as a Federal proposal to complement the statutes that exist across the United States in 31 States as well as the District of Columbia. Eighteen other States have rules of law that provide some protections for reporters who rely on confidential sources for their stories.

This law Senator LUGAR and I are proposing in the Senate is only nominally about reporters. It is fundamentally about those who rely on the free flow of information in our society to gather important information that is critical for our democracy.

As we are about to take this recess for the next 4 or 5 weeks, we would do well to remember that a few short miles from where we are this evening, there is a reporter who sits in a prison cell. Her only offense is that she has

steadfastly refused to reveal a journalistic source. In a society such as ours, this should not be, in my view, an imprisonable offense. A free society obviously requires a free press. Thomas Jefferson once said that given the choice between a free government and a free press, he would choose the latter. Others, such as Madison, have suggested that in a nation where you do not have the free flow of information, it puts a nation at great risk.

That has been the tradition of our society for more than 200 years. We are entering dangerous territory in the 21st century when a reporter gets thrown in jail because she or he honors a commitment to keep a source confidential.

I believe it is time we enact a Federal shield law to mirror what 49 States and the District of Columbia have done by law or rule.

It is thought that our bill would absolutely guarantee under any and all circumstances that a reporter's sources ought to remain confidential. It does by and large protect that confidentiality. However, we create exceptions for national security. Obviously when there is no other means by which you could glean important information, the reporter should release the information that may be critical in a prosecution. But we try to keep sacrosanct that relationship between the source and the reporter. Again, not for the sake of the reporter, but for the sake of our citizenry, for the sake of the free flow of information which is critical in a democracy.

The distinguished chairman of the Judiciary Committee on which the Presiding Officer today serves held a very good hearing a few days ago. I commend the members of that committee. It was a very good participation by members of the Judiciary Committee who listened to various witnesses talk about a shield law.

This is not a liberal or conservative issue. As I mentioned, we have Congressman PENCE and Congressman BUCHER in the House of Representatives. Congressman PENCE, a conservative from Indiana, Congressman BUCHER a Democrat from Virginia, along with Senator LUGAR and I and others have introduced this legislation because as Senators and Congressmen, as American citizens, we believe it is important in our society that we have this free flow of information. Therefore, we are hopeful this body in the coming months before we adjourn sine die would enact a shield law.

I sat with an executive in the news business who told me the incarceration of Judith Miller, the reporter who is in jail tonight in Alexandria, is having an impact in his own newsroom. Reporters and their editors are thinking twice about going forward with stories, important stories, stories in the public interest, because they fear the harshest sanctions should a prosecutor knock on their door one morning and demand to know the sources of those stories. This