

about priorities. Will we continue to fund a failed strategy, in my view, in Iraq that is leaving us less secure and that is hollowing out our military?

Or will we meet our commitments to our service members and our Nation, by restoring the readiness of our forces which have been severely damaged by this administration's policies?

In my view, the answer is simple. Our military's top generals and admirals have submitted to Congress lists of critical military priorities that would not be funded under the President's fiscal year 2008 budget proposal.

Billions of dollars a week are being squandered in Iraq, while our Nation's military is calling out for additional resources to repair the damage caused by the administration's policies.

My amendment therefore re-prioritizes our defense budget to rebuild our military. It stops financing combat missions in Iraq and redirects funding to meeting priorities for the armed services.

Savings made available by downsizing our force in Iraq would be invested in items identified by each of our military's Service Chiefs. Funding levels for these items would not exceed the amounts specified in their official fiscal year 2008 unfunded requirements lists submitted to Congress earlier this year.

The Army Chief of Staff has found over \$10 billion in critical shortfalls, including funding for specially armored trucks known as MRAPs or mine resistant ambush protected vehicles; night vision goggles, and bomb disposal gear.

The Marine Corps' "unfunded requirement list" submitted by the Commandant includes over \$3 billion for similar priorities as well as new helicopters; communications gear and training equipment.

The Navy's list totals over \$5.6 billion, including helicopters, sailor housing, and aircraft maintenance.

The Air Force's unfunded priorities, totaling over \$16 billion, includes much needed resources to modernize radar systems and restore our fleet of cargo aircraft to help redeploy our troops and their equipment.

The National Guard Bureau Chief has identified over a billion dollars needed to begin rebuilding Guard forces across the United States—to replace and repair vehicles, aircraft, and personal gear, necessary for homeland security missions.

The amendment I would like to offer would allow for funding to restore National Guard equipment readiness. Due to the administration's mismanagement, the National Guard is facing a \$38 billion equipment shortfall, according to General Blum.

A recent report by the U.S. Commission on the National Guard and Reserves disclosed that the administration's policies have actually endangered the Guard's abilities to perform both their overseas and homeland defense missions. Under orders by the ad-

ministration, the National Guard troops have been forced to leave their State's equipment in Iraq and Afghanistan for our troops rotating into combat theaters. Many of their military vehicles and aircraft are being worn down or destroyed in battle, but any critical equipment that may have survived is simply being transferred to other units coming into Iraq and Afghanistan.

In my home State of Connecticut, the adjutant general, MG Thaddeus Martin, recently reported that equipment shortages exceed \$200 million in my State. This includes more than 200 humvees, 21 large support vehicles and tankers and heavy-cargo vehicles, over 600 personnel and crew-served weapons systems, over 1,500 night-vision devices, and even one medium-lift helicopter.

What does all of this mean? It means that we are short of equipment to respond to natural or manmade disasters here at home, short of equipment for training, short of equipment to maintain the standard of maintenance rotation for equipment currently in the field, short of equipment for units deploying into harm's way—short of equipment to protect the American people themselves.

The Government Accountability Office highlighted this very important point in testimony released on October 20, 2005, and I quote it. It stated:

The cumulative effect of these personnel and equipment transfers has been a decline in the readiness of Army National Guard forces for future missions, both overseas and at home.

This data alone should demonstrate to everyone unequivocally that each of us has to fulfill our obligations to our warfighters. Now is the time to begin the rebuilding process. In my view, the sooner we redeploy out of Iraq, get our military out of that situation, the sooner we can redirect these vital funds to rebuild our forces here at home.

None of our choices are easy. I don't suggest by my remarks here that they are. But they are clear choices. It is about time we made them. To govern is to choose the policy that is best for our Nation, even in the face of extreme difficulty. So I call on my colleagues here today to make those choices which experience, commonsense, and overwhelming data compel; that is, to force the President to redeploy, to rebuild our Armed Forces, and to end this disastrous involvement in the civil war.

The last several months have been a story of squandered chances. We have paid for them in American lives. Again, to delay another 2 or 3 months to arrive at a conclusion most of us have already arrived at is something I think is unacceptable. And that lives which may be lost or damaged because we waited 2 or 3 months to arrive at a conclusion that most here already believe to be the case, is certainly a sad day for this body. We cannot even have votes, we cannot even consider the var-

ious ideas we bring to the Chamber that might bring this war and our involvement in it to a close.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.

Levin amendment No. 2087 (to amendment No. 2011), to provide for a reduction and transition of U.S. forces in Iraq.

Reed amendment No. 2088 (to amendment No. 2087), to change the enactment date.

Cornyn amendment No. 2100 (to amendment No. 2011), to express the sense of the Senate that it is in the national security interest of the United States that Iraq not become a failed state and a safe haven for terrorists.

McConnell amendment No. 2241 (to the language proposed to be stricken by amendment No. 2011), relative to a sense of the Senate on the consequences of a failed state in Iraq.

Durbin amendment No. 2252 (to amendment No. 2241), to change the enactment date.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

AMENDMENT NO. 2274 TO AMENDMENT NO. 2011

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. LEVIN, for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, and Mrs. CLINTON, proposes an amendment numbered 2274 to amendment No. 2011.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a reduction and transition of United States forces in Iraq)

At the end of the bill, add the following:

**SEC. 1535. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.**

(a) **DEADLINE FOR COMMENCEMENT OF REDUCTION.**—The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of the enactment of this Act.

(b) **IMPLEMENTATION OF REDUCTION AS PART OF COMPREHENSIVE STRATEGY.**—The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(c) **LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.**—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) **COMPLETION OF TRANSITION.**—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by April 30, 2008.

AMENDMENT NO. 2275 TO AMENDMENT NO. 2274

Mr. LEVIN. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, and Mrs. CLINTON, proposes an amendment numbered 2275 to amendment No. 2274.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a reduction and transition of United States forces in Iraq)

In lieu of the language to be inserted, insert the following:

**SEC. 1535. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.**

(a) **DEADLINE FOR COMMENCEMENT OF REDUCTION.**—The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than

120 days after the date of the enactment of this Act.

(b) **IMPLEMENTATION OF REDUCTION AS PART OF COMPREHENSIVE STRATEGY.**—The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(c) **LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.**—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) **COMPLETION OF TRANSITION.**—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by April 30, 2008.

This Section shall take effect one day after the date of this bill's enactment.

Mr. LEVIN. Mr. President, I understand that the Senator from Arizona is now going to be making some remarks. I ask unanimous consent that after the Senator from Arizona finishes his remarks, Senator KENNEDY be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCAIN. Mr. President, reserving the right to object, and I will not object, I would ask Senator LEVIN, for the benefit of all, what our plans for the day are and what we can expect. I understand that the Senate intends to stay in throughout the evening and debate this issue. I will not object, but I reserve the right to object. Perhaps the Senator from Michigan would illuminate me and the other Members as to what we can expect throughout the day and the evening.

Mr. LEVIN. Well, I think on our side there will be many speeches supporting this amendment, perhaps some opposing the amendment.

Mr. MCCAIN. We will be debating the Reed-Levin amendment throughout the day?

Mr. LEVIN. I hope so. And I hope people will want to speak, will come and speak on the amendment, because hopefully we can get to enough votes tomorrow so that we can actually have a vote on Levin-Reed, that we can get to 60 votes, to achieve cloture. We would then be able to have a vote on the pending amendment. Other than

that, we would be thwarted. There would be a procedural roadblock in reaching a vote on Levin-Reed.

So that is the goal, if everyone is given a chance to speak on Levin-Reed, whatever side they are on, so that we can then, hopefully, end the debate on Levin-Reed and actually get to a vote on it.

Mr. MCCAIN. Mr. President, I do not object, but I ask unanimous consent to engage in a colloquy with the Senator from Michigan about our plans for the day. For example, I understand there is a Cornyn amendment which may be voted on as well?

Mr. LEVIN. Mr. President, there is indeed, as I understand it, a consent which has been already reached that there be a vote on the Cornyn amendment at 2:45. There was an offer yesterday, as a matter of fact, to, I believe, simply accept that amendment, but someone wanted to have a rollcall vote on it. That is their right.

Mr. MCCAIN. If I could ask my colleague further, I understand we also have well over 100 pending amendments on the bill as well. I would hope that at some point, Senator LEVIN and I can sit down and maybe start sorting through those if we have any hope whatsoever of completing this bill.

I would remind all of my colleagues that this body has passed—and has been signed into law—a Defense authorization bill for the last 45 years. There are aspects of this bill, as the Senator well knows as the distinguished chairman, that we worked very hard on, such as pay raises and other authorizations for much needed equipment, training, et cetera. I would hope the Senator from Michigan and I can start working on those aspects of the bill, if we have any hopes of passing an authorization bill this year.

Mr. LEVIN. If the Senator would yield, it is my fervent hope that we have a bill this year. It is not only my intent to try to work out amendments, it has been our intent for many days to work out those amendments. I understand there is some kind of a procedure that some Members on your side have insisted upon which has slowed down that process significantly. So our staffs and I, and I know the Senator from Arizona, the ranking member on the committee, are more than ready to work out these amendments, as many as possible. Usually, we can work out as many as 100 on an authorization bill. I think there are 190 amendments filed. We are up to the task. Our staffs are up to the task. We have to be allowed to proceed. I understand there is some kind of roadblock that perhaps the Senator from Arizona could identify and help to remove.

Mr. MCCAIN. I thank Senator LEVIN. As I understand it, we will be debating the amendment of the chairman and the Senator from Rhode Island throughout the day and through tonight, and perhaps a cloture vote sometime tomorrow. Is that your understanding?

Mr. LEVIN. I believe it is set for 1 hour after the Senate convenes.

Mr. MCCAIN. What is the parliamentary procedure, I would ask?

Mr. LEVIN. There is no time for that yet, for the Senate to come in tomorrow. We have to await that.

Mr. MCCAIN. I thank Senator LEVIN. This is the second week, as we know, we are on this bill. We have not gotten to many of the amendments that have anything to do with other aspects of defending this Nation besides the issue of Iraq. I look forward to working with him as we can try to not break a 45-year custom here that we provide the much needed authorization for the men and women in our defense establishment and provide for our Nation's security, which I think we all agree is our highest priority.

So, if I may continue the colloquy for just one moment, I know that there are—now we will be beginning, and I will give a statement after the chairman, if it is his desire, and then we will have speakers coming all day long on either side of this issue. I know many want to speak, and I hope they will be prepared to do so.

Mr. LEVIN. If the Senator would yield further, last week, we did accomplish a major achievement in terms of the wounded warrior legislation, which is now on this bill, and I believe, on Friday, there were speakers on the Iraq issue, on Levin-Reed and other amendments, and there were yesterday as well. So the debate on the Iraq amendments has taken place, and it is now going to continue today and into the night. Hopefully, we can get to a vote on Levin-Reed and not be thwarted by this 60-vote procedural roadblock.

Again, I want to say something that has been the case before. We had a number of votes on Iraq in the last authorization bill, and those were 50-vote votes. There was not a threat of a filibuster that deprived the Senate of voting on those amendments in the last authorization bill. For instance, there was a Levin-Reed amendment in the last authorization bill which I believe received 39 or 40 votes. There was also a Kerry amendment on Iraq which was voted up or down without that procedural roadblock.

I would hope that on this bill, given the absolute importance of this issue and the expression of opinion of the American people last November about this issue, that we would be allowed to vote up or down and to remove that 60-vote filibuster threat, the roadblock that has now been put in the way, and will determine tomorrow whether cloture will be invoked and that roadblock can be removed. But the Senator is correct, there is ample opportunity for people to come down today to continue the debate on the Iraq amendment should they choose.

Mr. MCCAIN. Finally, I thank Senator LEVIN for all the great work we have been able to do together and the wounded warrior legislation, which Senator LEVIN, under his leadership, we have now adopted as part of the bill.

There is another compelling argument to complete the bill. If we are

going to take care of our wounded veterans and we are going to take care of the men and women who have served, I think it is a compelling argument that we get this legislation passed.

Finally, we have been back and forth on this issue. I do not like to get into the process and go back and forth. But 60 votes was not invented on this side, nor was it invented on the other side. The 60-vote procedure has been employed by the minority in recent years—in my view, all too often. But the fact is, to somehow say it was invented here on this side of the aisle obviously is not the case. There were many times, when the Democratic Party was in the minority in this body, where I saw 60 votes invoked, the procedure invoked, because it was felt, appropriately, because that is the way the Senate works, as the criteria for moving forward because of the urgency or the importance of the pending legislation.

So what is missing here, I would say to my friend from Michigan—and I think he agrees with me—is what we have seen is the erosion, over the past 20 years I have been here, of an ability to sit down and discuss and agree and move forward. That is what is the missing ingredient here, and it has been missing for some years.

I regret it. I may be a little optimistic, but I think if it were only between the Senator from Michigan and me, we could dispose of most of these issues rather readily and establish a procedure for moving forward. We are now at the point—let's have some straight talk—that this entire bill is in jeopardy because of the imbroglia of the war in Iraq being added to an authorization bill which was not intended to be a national security piece of legislation. It was intended to be a bill to authorize the necessary funding, training, and equipping of the men and women in the military, and care for our wounded veterans has been added. I regret the situation as it is, but that is the way it is. We will spend today debating this issue and discussing it. I hope at some point we will realize the war is going to be going on. This bill, if it is passed with the Reed-Levin amendment on it, would be vetoed by the President. That would be a bad thing to happen. The war will be discussed in September again—we all know that—when General Petraeus is ready to report to the Senate. At some point I would hope we could move forward on the authorization bill and do the things that are necessary to help equip and train and ready the men and women serving in the military and preserving our national security.

Again, I appreciate the efforts the Senator from Michigan, distinguished chairman of the committee, is making in this direction.

Mr. LEVIN. I thank my friend for his willingness to always sit down and try to work things out. The roadblock here to our proceeding will be either kept in place or removed tomorrow with the vote on whether to allow Levin-Reed to come to a vote. The Senator is right

that there have been times when people have filibustered matters. There have been times when they have decided not to. On the Iraq issue, on the last authorization bill, there were votes up or down without a 60-vote procedural roadblock being put in place to the then Levin-Reed and Kerry amendments. So that is the precedent we established last year that I would hope the Republican leader would allow to be followed, because—one other comment—I can't think of a more appropriate place to be debating Iraq policy, frankly, than on an authorization bill. Whether I am right or wrong, that is what happened last year. I hope it will again be followed this year.

I thank my good friend. My remarks will be coming this afternoon.

Senator KENNEDY will be following the Senator from Arizona.

The PRESIDING OFFICER (Mr. CASEY). Without objection, the foregoing request to have the Senator from Massachusetts follow the Senator from Arizona is agreed to.

Mr. MCCAIN. Mr. President, I oppose the amendment offered by the chairman and the Senator from Rhode Island. Let's be very clear what this amendment would do. It would mandate a withdrawal of U.S. forces from Iraq. The debate that has taken place on this floor for some months now comes down to a simple choice. The sponsors of this amendment would have us legislate a withdrawal of U.S. combat forces from Iraq within 120 days of enactment, leaving in place only forces authorized to carry out specific, narrow missions. That is one choice, to force an end to the war in Iraq and accept thereby all the terrible consequences that follow. The other is to defeat this amendment, to give General Petraeus and the troops under his command the time and support they have requested to carry out their mission, to allow them to safeguard vital American interests and an Iraqi population at risk of genocide. That is the choice.

Though politics and popular opinion may be pushing us in one direction, to take the easy course, we, as elected leaders, have a greater responsibility. A measure of courage is required, not the great courage exhibited by the brave men and women fighting today in Iraq and Afghanistan, but a smaller measure, the courage necessary to put our country's interests before every personal or political consideration.

I wish to spend a few moments reviewing the state of affairs in Iraq today. The final reinforcements needed to implement General Petraeus's new counterinsurgency strategy arrived several weeks ago. From what I saw and heard on my recent trips and from briefings and reports since then, I believe our military, in cooperation with Iraqi security forces, is making progress in a number of areas. The areas where they are operating have

not suddenly become safe, but they do illustrate the progress that our military has achieved under General Petraeus's new strategy. The most dramatic advances have been made in Anbar Province, a region that last year was widely believed to be lost to al-Qaida. After an offensive by U.S. and Iraqi troops cleaned al-Qaida fighters off of Ramadi and other areas of western Anbar Province, tribal sheikhs broke formally with the terrorists and joined the coalition side.

Ramadi, which just months ago stood as Iraq's most dangerous city, is now one of its safest. In February, attacks in Ramadi averaged between 30 and 35. Now many days see no attacks at all—no gunfire, no IEDs, and no suicide bombings.

In Fallujah, Iraqi police have established numerous stations and have divided the city into gated districts, leading to a decline in violence. Local intelligence tips have proliferated in the province. Thousands of men are signing up for the police and the army, and the locals are taking the fight to al-Qaida. U.S. commanders in Anbar attest that all 18 major tribes in the province are now on board with the security plan. They expect that a year from now, the Iraqi Army and police could have total control of security in Ramadi. At that point, they project, we could safely draw down American forces in the area.

The Anbar model is one our military is attempting to replicate in other parts of Iraq with some real successes. A brigade of the 10th Mountain Division is operating in areas south of Baghdad, the belts around the capital which have been havens for al-Qaida and other insurgents. All soldiers in I brigades are living forward and commanders report that local sheikhs are increasingly siding with the coalition against al-Qaida, the main enemy in that area of operations.

Southeast of Baghdad the military is targeting al-Qaida in safe havens they maintain along the Tigris River, and MG Rick Lynch, commander of operations there, recently reported that attacks on civilians in his area of operations were down 20 percent since April and civilian deaths have declined by 55 percent. These and other efforts are part of Operation Phantom Thunder, a military operation intended to stop insurgents present in the Baghdad belts from originating attacks in the capital itself.

In Baghdad, the military, in cooperation with Iraqi security forces, continues to establish joint security stations and deploy throughout the city in order to get violence under control. These efforts have produced positive results. Sectarian violence has fallen since January. The total number of car bombings and suicide attacks declined in May and June, and the number of locals coming forward with intelligence tips has risen. Make no mistake: Violence in Baghdad remains at unacceptably high levels. Suicide

bombers and other threats pose formidable challenges, and other difficulties abound. Nevertheless, there appears to be overall movement in the right direction.

North of Baghdad, Iraqi and American troops have surged into Diyala Province and are fighting to deny al-Qaida sanctuary in the city of Baquba. For the first time since the war began, Americans showed up in force and did not quickly withdraw from the area. In response, locals have formed a new alliance with the coalition to counter al-Qaida. Diyala, which was the center of Abu Musab al-Zarqawi's Islamic caliphate finally has a chance to turn aside the forces of extremism.

I offer these observations not in order to present a rosy scenario of the challenges we continue to face in Iraq. As the horrific bombing in Salah ad-Din Province illustrates so graphically, the threats to Iraqi stability have not gone away, nor are they likely to go away in the near future. Our brave men and women in Iraq will continue to face great challenges. What I do believe, however, is that while the mission to bring a degree of security to Iraq and Baghdad and its environs in particular, in order to establish the necessary precondition for political and economic process, is still in its early stages, the progress our military has made should encourage all of us.

It is also clear that the overall strategy General Petraeus has put into place, a traditional counterinsurgency strategy that emphasizes protecting the population and gets our troops off of bases and into the areas they are trying to protect, is the correct one.

Some of my colleagues argue we should return troops to forward operating bases and confine their activities to training in targeted counterterrorism operations. That is precisely what we did for 3½ years, which I, time after time, said was doomed to failure. The situation in Iraq only got worse. I am, frankly, surprised that my colleagues would advocate a return to the failed Rumsfeld-Casey strategy. No one can be certain whether this new strategy, which remains in the early stages, can bring about ever greater stability. We can be sure, however, that should the Senate seek to legislate an end to the strategy as it is just commencing, then we will fail for certain.

Now that the military effort in Iraq is showing some signs of progress, space is opening for political progress. Yet rather than seizing the opportunity, the government of Prime Minister Maliki is not functioning as it must. We see little evidence of reconciliation, and none of the 18 benchmarks has yet been met. Progress is not enough. We need to see results. Today, I am sorry to report the results are not there. The Iraqi Government can function. The question is whether it will. If there is to be hope of a sustainable end to the violence that so plagues that country, Iraqi political leaders must seize this opportunity. It will not come around again.

To encourage political progress, I believe we can find wisdom in several suggestions put forward recently by Henry Kissinger. An intensified negotiation among the Iraqi parties could limit violence, promote reconciliation, and put the political system on a more stable footing. At the same time we should promote a dialog between the Iraqi Government and its Sunni Arab neighbors, specifically Egypt, Jordan, and Saudi Arabia, in order to build broader international acceptance for the Iraqi central Government in exchange for that Government meeting specific obligations with respect to the protection and political participation of the Sunni minority. These countries should cease their efforts to handpick new Iraqi leaders and instead contribute to stabilizing Iraq, an effort that would directly serve their national interests.

Finally, we should begin a broader effort to establish a basis for aid and even peacekeeping efforts by the international community key to political progress in Iraq. In taking such steps, we must recognize that no lasting political settlement can grow out of a U.S. withdrawal. On the contrary, a withdrawal must grow out of a political solution, a solution made possible by the imposition of security by coalition and Iraqi forces.

Secretary Kissinger is absolutely correct when he states "precipitate withdrawal would produce a disaster" and one that "would not end the war but shift it to other areas, like Lebanon or Jordan or Saudi Arabia," produce greater violence among Iraqi factions, and embolden radical Islamists around the world.

Let us keep in the front of our minds the likely consequences of premature withdrawal from Iraq. Many of my colleagues would like to believe that should the withdrawal amendment we are currently debating become law, it would mark the end of this long effort. They are wrong. Should the Congress force a precipitous withdrawal from Iraq, it would mark a new beginning, the start of a new, more dangerous, and more arduous effort to contain the forces unleashed by our disengagement.

No matter where my colleagues came down in 2003 about the centrality of Iraq to the war on terror, there can simply be no debate that our efforts in Iraq today are critical to the wider struggle against violent Islamic extremism. Already, the terrorists are emboldened, excited that America is talking about not winning in Iraq but is, rather, debating when we should lose. Last week, Ayman al-Zawahiri, al-Qaida's deputy chief, said the United States is merely delaying our inevitable defeat in Iraq and that the Mujahedin of Islam in Iraq of the caliphate and Jihad are advancing with steady steps toward victory. He called on Muslims to travel to Iraq to fight Americans and appealed for Muslims to support the Islamic State in Iraq, a group established by al-Qaida.

General Petraeus has called al-Qaida "the principal short-term threat to Iraq." What do the supporters of this amendment believe to be the consequences of our leaving the battlefield with al-Qaida in place? If we leave Iraq prematurely, jihadists around the world will interpret the withdrawal as their great victory against our great power. Their movement thrives in an atmosphere of perceived victory. We saw this in the surge of men and money flowing to al-Qaida following the Soviet Union withdrawal from Afghanistan. If they defeat the United States in Iraq, they will believe that anything is possible, that history is on their side, that they can bring their terrible rule to lands the world over. Recall the plan laid out in a letter from Zawahiri to Abu Mus'ab al-Zarqawi before his death. That plan is to take shape in four stages: Establish a caliphate in Iraq, extend the "jihad wave" to the secular countries neighboring Iraq, clash with Israel—none of which will commence until the completion of stage one: Expel the Americans from Iraq. The terrorists are in this war to win it. The question is, Are we?

The supporters of this amendment respond that they do not, by any means, intend to cede the battlefield to al-Qaida. On the contrary, the legislation would allow U.S. forces, presumably holed up in forward-operating bases, to carry out targeted counterterrorism operations. But our own military commanders say this approach will not succeed and that moving in with search and destroy missions to kill and capture terrorists, only to immediately cede the territory to the enemy, is the failed strategy of the last 3½ years.

MG Rick Lynch, who is directing a major part of the Baghdad offensive, said over the weekend that an early American withdrawal would clear the way for the enemy to come back to areas now being cleared of insurgents. "When we go out there," he said, "the first question they ask is: 'Are you staying?' And the second is: 'How can we help?'"

General Lynch added that should U.S. forces pull back before the job is complete, we risk "an environment where the enemy could come back and fill the void."

On Monday, last Monday, Lieutenant General Odierno, the No. 2 commander in Iraq said:

My assessment right now is I need more time. I'm seeing some progress now here in Iraq. We have really just started what the Iraqis term "liberating" them from al-Qaida.

Withdrawing before there is a stable and legitimate Iraqi authority would turn Iraq into a failed State and a terrorist sanctuary in the heart of the Middle East. We have seen a failed State emerge after U.S. disengagement once before, and it cost us terribly. In pre-9/11 Afghanistan, terrorists found sanctuary to train and plan attacks with impunity. We know that today there are terrorists in Iraq who are planning attacks against Americans.

We cannot make this fatal mistake twice.

As my friend, GEN Brent Scowcroft, has said recently, one of the men I respect more than most any in America:

The costs of staying are visible. The costs of getting out are almost never discussed. If we get out before Iraq is stable, the entire Middle East region might start to resemble Iraq today. Getting out is not a solution.

Natan Sharansky has recently written:

A precipitous withdrawal of U.S. forces could lead to a bloodbath that would make the current carnage pale by comparison.

Should we leave Iraq before there is a basic level of stability, we will invite further Iranian influence at a time when Iranian operatives are already moving weapons, training fighters, providing resources, and helping plan operations to kill American soldiers and damage our efforts to bring stability to Iraq. Iran will comfortably step into the power vacuum left by a U.S. withdrawal, and such an aggrandizement of fundamentalist power has great potential to spark greater Sunni-Shia conflicts across the region.

Leaving prematurely would induce Iraq's neighbors, including Saudi Arabia and Jordan, Egypt to Israel, Turkey and others, to feel their own security eroding and may well induce them to act in ways that prompt wider instability. The potential for genocide, wider war, spiraling oil prices, and the perception of strategic American defeat is real, and no vote on this floor will change that.

Don't take my word for it. Consult, perhaps, the Iraq Study Group, which says:

A chaotic Iraq could provide a still stronger base of operations for terrorists who seek to act regionally or even globally. Al-Qaida will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region and in the world.

The report goes on to say that:

A premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions. The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al-Qaida would depict our withdrawal as a historic victory.

Or perhaps ask the Iraqis. BG Qassim Attam, the chief Iraqi spokesman for the Baghdad security plan, said last Sunday the Iraqi military and police force need more time before they are capable of assuming control of the country's security.

Or maybe our intelligence agencies which in the January National Intelligence Estimate concluded:

If coalition forces were withdrawn rapidly during the term of this estimate, we judge this almost certainly would lead to a significant increase in the scale and scope of sectarian conflict in Iraq, intensify Sunni resistance to the Iraqi government, and have adverse consequences for national reconciliation. The ISF would be unlikely to survive as a nonsectarian national institution; neighboring countries might intervene open-

ly in the conflict; massive civilian casualties and forced population displacement would be probable; AQI outside Iraq would attempt to use parts of the country to plan increased attacks in and out of Iraq, and spiraling violence and political disarray in Iraq, along with Kurdish moves to control Kirkuk and strengthen autonomy, could prompt Turkey to launch a military incursion.

These are the likely consequences of a precipitous withdrawal. I hope the supporters of such a move will tell us what they believe to be the likely consequences of this course of action. Should their amendment become law and U.S. troops begin withdrawing, do they believe that Iraq will become more or less stable? That al-Qaida will find it easier to gather, plan, and carry out attacks from Iraqi soil or that our withdrawal will somehow make this less likely? That the Iraqi people become more or less safe? That genocide becomes a more remote possibility or ever likelier?

This fight is about Iraq but not about Iraq alone. It is greater than that and, more important still, about whether America still has the political courage to fight for victory or whether we will settle for defeat with all the terrible things that accompany it. We cannot walk away gracefully from defeat in this war.

How we leave Iraq is very important. As the Iraq Study Group found:

If we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return.

General Petraeus and his commanders believe they have a strategy that can, over time, lead to success in Iraq. General Petraeus and Ambassador Ryan Crocker will come to Washington in September to report on the status of their efforts and those of the Iraqis. They request two things of us: the time necessary to see whether their efforts can succeed and the political courage to support them in their work. I believe we must give them both.

Right now, as we continue our debate on the war in Iraq, American soldiers, marines, sailors, and airmen are fighting bravely and tenaciously in battles that are as dangerous, difficult, and consequential as the great battles of our armed forces' storied past. Americans who fought in France's hedgerow country; those who bled in the sands and jungles of the Pacific Islands, who braved the onslaught of the Chinese Army in the frozen terrain of Korea and who fought a desperate battle to retake Hue from the enemy during the Tet Offensive and against numerically superior forces in an isolated Marine base at Khe San, will recognize and honor the sacrifice of Americans who now fight with such valor, determination, and skill to defend the security interests and the honor of our country in desperate battles in Iraq.

The hour is indeed late in Iraq. How we have arrived at this critical and

desperate moment has been well chronicled, and history's judgment about the long catalog of mistakes in the prosecution of this war will be stern and unforgiving. But history will revere the honor and the sacrifice of those Americans who, despite the mistakes and the failures of both civilian and military leaders, shouldered a rifle and risked everything—everything—so the country they love so well might not suffer the many dangerous consequences of defeat.

We read in our leading newspapers about those veterans of the Iraq war who have organized to oppose its continuation. They have fought for America's freedom, and they have every right to exercise their freedom, to oppose their Government's policies. I wish, though, that the press would pay at least equal attention to the many veterans—many more veterans, many more veterans—who have fought, suffered, and witnessed the ultimate sacrifice, the loss of their dearest friends, and yet are still committed to America's success in Iraq, and to those who have served multiple tours in this terrible war and yet reenlist because they remain steadfast in the belief that they can achieve the mission they have already risked so much to achieve. The American public, those who still support our effort in Iraq and those who desire a quick end to it, should be daily reminded that although our country is deeply divided about this war, most of the many thousands of Americans who have suffered its worst miseries are still resolved—still resolved—that it not end in an American defeat.

Our new counterinsurgency strategy is succeeding where our previous tactics failed us. We are taking from the enemy and holding territory that was once given up for lost. Those who have falsely described General Petraeus's efforts as "staying the course" are the real advocates of continuing on the course of failure. Many of those who decry the way we got into this war and the way we fought it are now advocating a way out of it that suffers from more willful refusal to face facts than they accuse the administration of exhibiting. Although we all seem to be united in recognizing the mistakes and failures of the past, the proponents of reducing our forces in Iraq and keeping them in secure bases from which they could occasionally launch search and destroy missions are proposing to return to the very tactics that have brought us to the point of trying to salvage from the wreckage of those mistakes a last best hope for success.

That is what General Petraeus and the Americans he has the honor to command are trying to do—to fight smarter and better, in a way that addresses and doesn't strengthen the tactics of the enemy and to give the Iraqis the security and opportunity to make the necessary political decisions to save their country from the abyss of genocide and a permanent and spreading war. So far, the Maliki Government

has not risen to that challenge, and it must do so. It is obvious that America is losing our resolve to continue sacrificing its sons and daughters, while the Iraqi Government will not take the political risks to do what is plainly in the best interests of the Iraqi people.

But we do not fight only for the interest of Iraqis, Mr. President, we fight for ours as well.

We, too, we Members of Congress, must face our responsibilities honestly and bravely. What is asked of us is so less onerous than what we have asked from our servicemen and women, but no less consequential. We need not risk our lives, nor our health, but only our political advantages so that General Petraeus has the time and resources he has asked for to follow up on his recent successes and help save Iraq and America from the catastrophe that would be an American defeat. That is not much to risk compared to the sacrifices made by Americans fighting in Iraq or the terrible consequences of our defeat. For if we withdraw from Iraq, if we choose to lose there, there is no doubt in my mind, no doubt at all, that we will be back—in Iraq and elsewhere—in many more desperate fights to protect our security and at an even greater cost in American lives and treasure.

Little is asked of us to help prevent this catastrophe, but so much depends on our willingness to do so, on the sincerity of our pledge to serve America's interests before our own. The Americans who must make the greatest sacrifices have earned the right to insist that we do our duty, as best as we can see it, and accept willingly and graciously whatever small sacrifice we must make with our own personal and partisan ambitions. Ours is a noisy, restive, and contentious profession. It has always been thus, and it always will be. But in this moment of serious peril for America, we must all of us remember to whom and what we owe our first allegiance—to the security of the American people and to the ideals upon which we our Nation was founded. That responsibility is our dearest privilege and to be judged by history to have discharged it honorably will, in the end, matter so much more to all of us than any fleeting glory of popular acclaim, electoral advantage or office. The history of this country, after all, is not merely a chronicle of political winners and losers, it is a judgment of who has and who has not contributed to the continued success of America, the greatest political experiment in human history.

It is my sincere wish that all of us, Republicans and Democrats, should know in our hearts whatever mistakes we have made in our lives, personally or politically, whatever acclaim we have achieved or disappointment we have suffered, that we have, in the end, earned history's favor. I hope we might all have good reason to expect a kinder judgment of our flaws and follies because when it mattered most we chose to put the interests of this great and

good Nation before our own, and helped, in our own small way, preserve for all humanity the magnificent and inspiring example of an assured, successful and ever advancing America and the ideals that make us still the greatest Nation on Earth.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, these are very difficult days in our history, and I welcome the comments of my friend and colleague from Arizona and his views about the position of the United States and its policy with regard to Iraq. He reminds us that we ought to free ourselves from these political considerations. This situation is too demanding. The value of our involvement in terms of American service men and women is too dear. The resources of this country are too important to squander them.

A number of us had serious reservations about involving the United States in military engagement, a war with Iraq. A number of us still remember being on the Armed Services Committee and listening to the combat commanders—the first panel in the Armed Services Committee on that particular day. We listened to General Hoar, from Hyde Park, MA, a highly decorated marine. We saw a number of decorations for bravery and courage in Vietnam. We listened to General Nash, who had been in the first gulf war and had been our Commander in Bosnia. We read through General Zinni's comments at that time. We listened to General Clark as well. They are a group of combat commanders, and all urged that the United States keep its focus and attention on those who brought the tragedy to the United States on 9/11.

Osama bin Laden and al-Qaida were the real danger and threat to the United States. They were located in Afghanistan. They said that is where our focus and attention should be and that involvement in Iraq would be clearly not in our interest. I remember those extraordinary words of General Hoar, who said if we become involved in Iraq, the battle in Baghdad that he foresaw would make the first fifteen minutes of "Private Ryan" look like a church picnic. "Private Ryan" was that extraordinary film by Steven Spielberg. That made a very profound impression upon me. That impression was enhanced when we listened to the statements that were made by Defense Secretary Rumsfeld when they talked about the weapons of mass destruction being on the north, south, east, and west of Baghdad.

The ranking member of our committee, the chairman of the Armed Services Committee, Carl Levin, had suggested that we give information to the inspectors. The response was that we cannot give it to the inspectors because Saddam Hussein will move them. Senator LEVIN said: Well, why don't we then watch where they are being



moved to, to be able to convince the world community about these weapons of mass destruction?

At least it was assumed by the response that was given at that time that we were going to make available to the inspection teams the locations of those weapons of mass destruction. We found out, historically, that never happened because there weren't any. So there was important debate and discussion within the administration.

Should we follow the precedent of President Bush 1, which said this is a very important issue about going to war in Iraq, and rather than attaining it in the course of an election, let's have an election and then have the Congress make a judgment and decision. The decision said public opinion at that time was overwhelmingly to go to war, and we were going to have that vote just prior to the election. I hope we are going to spare ourselves this idea that those of us who are supporting the Levin-Reed amendment are looking at the politics of it. We saw the realities of it when we made the mistake in going to war.

Secondly, we are very mindful that Iraq is a country with 26 million or 27 million people. It basically has an extraordinary history and incredible culture, amazing oil reserves, many different kinds of assets. But it was defeated 10 years ago by the United States of America in a war—defeated. We had the air space, controlling that over Iraq. We have the best fighting force in the world over there now for in excess of 4 years fighting.

As many of us have said, the military has done everything they were called to do. Does anybody doubt the finest military force which swept through western Europe and Africa and Italy, went through the Pacific in less time in World War II? We have had them over there bogged down in this country of 27 million people. Has anybody doubted that we need more than a military resolution and solution, and the fact that we continue to keep the American service men and women in harm's way, that we are somehow protecting them? Is that what we are being asked to believe after they have been over there for 4 years, when they are able and capable of doing everything which they have done, and done so bravely, I say it is time to bring them home. I say it is time to support the Levin amendment.

I hope during this debate we are not going to have the continued references on the issues of patriotism. We have worn out that argument, and we heard it all. It didn't work in the last election, where many of us who were strongly opposed to the war faced those kinds of drum beats.

Secondly, our Founding Fathers had a very important view about what the Senate of the United States should be and the importance of protecting minority views in this body. This was going to be the institution that was going to be able to permit individuals

who represented minority views, differing views, to be able to express themselves. As we have learned historically so often, those expressed by a small group often become the majority accepted views in future years. The Founding Fathers understood that. They wanted to make sure those ideas and concepts were going to be protected.

What the Founding Fathers never anticipated was that rules were going to be used to abuse the American people's right to be able to express themselves, particularly on issues of war and peace. That is what we are seeing now—delay for delay's sake, not delay so that we can have greater information about what is happening over in Iraq. That is not the issue. It is delay for delay's sake, a refusal to permit the Senate to express itself.

The House has expressed itself. Permit the Senate to express itself. Let's have a debate and discussion. The American people have made up their minds on this issue. We don't have to doubt that. The American people have made up their minds. They want their elected representatives to speak. I understand why the Republicans don't want their name on that rollcall as supporting this President, this war, at this time. I understand it. That, my colleagues, is really what this is about. People just refuse, don't want it.

Let's have some process or procedure, some way to avoid calling the roll and taking a stand on an issue of war and peace. That is what this debate, at least for the next several hours, is going to be about.

Are we going to be able to permit this institution to function in the way it was intended to function; that is, at a time when the American people have made a judgment and a decision on a particular issue, to be able to call the roll and have accountability, or whether we are going to be denied that. After all of the rhetoric about the role in history and the importance of this issue, that is where it comes down.

So, Mr. President, this is an extremely important debate. What is so important to understand is this is not an issue that is going away. Those of us who were opposed to the war continue to be opposed to it. Listen to the argument about what the consequences are going to be. What are the consequences going to be now, what are they going to be in 3 years, what are they going to be in 5 years, what are they going to be in 7 years? Many of us are sufficiently uncertain about this issue that we voted "no" in terms of giving to this President the authority to move this country and commit it in a way we have done so.

America is paying an enormous cost for a war we never should have fought, and it is time to bring it to an end. The war has divided us at home. It has made us more isolated in the world. Never before, even in the Vietnam war, has America taken such massive military action with so little international support.

As the intelligence community confirmed yet again today, the war has become a significant recruitment tool for al-Qaida. What was the surge intended to accomplish? The surge was meant to reduce violence; it has not. To permit reconstruction; it has not. To promote reconciliation; it has not. All we have to do is read the Administration's own reports.

As the intelligence community confirmed yet again today, the war has become a significant recruitment tool for al-Qaida. The NIE says:

We assess that Al Qaeda's association with Al Qaeda Iraq helps Al Qaeda to energize the broader Sunni extremist community, raise resources, and recruit and indoctrinate operatives, including for homeland attacks.

This has obviously made the war on terrorism harder, not easier, to win. Nevertheless, the administration still continues to turn a deaf ear to all the voices calling for change. It continues to plead for more and more time to pursue its failed course in Iraq. Republicans in the Senate continue to filibuster any effort to outline a clear timetable for the withdrawal of American troops.

The disastrous consequences of our policy could have been avoided if the President and his advisers had asked the right questions before rushing headlong into an unnecessary and unjust war.

In my church, there are six principles which guide the determination of just war. They were developed by Saint Augustine in the 5th century and expanded by Saint Thomas Aquinas in the 13th century. To be just, a war must have a just cause, confronting a danger that is beyond question. It must be declared by a legitimate authority acting on behalf of the people. It must be driven by the right intention, not ulterior, self-interested motives. It must be a last resort. It must be proportional so that the harm inflicted does not outweigh the good achieved. And it must have a reasonable chance of success.

These are the sound criteria by which the President should have judged our war in Iraq, but he failed our men and women in uniform by refusing to seek honest answers to these important questions before recklessly plunging the Nation into war.

We now know with crystal clarity that the war in Iraq did not meet these criteria. Saddam did not pose the kind of threat that justified this war, but we went to war anyway without legitimate support from the international community. The administration was wrong to allow the anti-Iraq zealots in its ranks to exploit the 9/11 tragedy to make war against Iraq a higher priority than the war against terrorism in Afghanistan.

War with Iraq was most certainly not the last resort. All options were not pursued. We should have given inspectors more time to reveal that there were, in fact, no weapons of mass destruction.

The human cost of this war has been unacceptable. More than 3,600 Americans have been killed and nearly 27,000 wounded. Tens of thousands of Iraqis have been killed and Iraq has descended into civil war.

The administration's incompetence in waging this misguided war has left no reasonable chance for success. Americans have spoken clearly and urgently about the need to end the war, and it is time for the President to listen to their pleas. We should end this war with a scaled-back mission for our troops and a clear timetable for withdrawal specified in the Levin-Reed amendment.

America has been sadly diminished in the world because of this colossal blunder. Anti-Americanism is on the rise. We have seemed to have lost our way, our vision, and our confidence in the future.

In his farewell address to the Nation in January 1989, Ronald Reagan described one of the singular triumphs of his Presidency: the recovery of America's standing and morale. I believe he was right when he said:

America is respected again in the world and looked to for leadership.

Other nations understood that the best guarantee of peace and stability was for the United States to live up to its ideals as a beacon of hope for the rest of the planet. We were admired for our democracy and respected for our economic strength.

Today, others have stopped listening to us the way they once did. At the end of June, the Pew Global Attitudes Project reported that since 2002, the image of the United States has plummeted throughout the world. Our image is abysmal in most Muslim countries and continues to decline among the people of many of America's oldest allies. We have strained the extraordinary alliances that advance our ideals, as well as our interests.

At the root of much of the anti-Americanism that has surfaced in recent years is the perception of American unilateralism in international affairs. I am astonished when some say it does not matter that so many in the world no longer respect the United States. Of course, it matters. It matters to our security, as it has mattered since the first days of our Republic.

The opening paragraph of the Declaration of Independence acknowledges the importance of a decent respect for the opinions of mankind. That respect is as important today as it was when our Founders signed the Declaration, affirming it on the first Fourth of July.

To restore America's standing and strength, we must end the war in Iraq and recapture that combination of realism and idealism that has inspired Americans for generations. Ending this unacceptable war is essential to our security and to regaining our respect in the world.

The great challenges facing our fragile planet require an abundance of hope that only a united and a determined

America can provide. America has to lead. America has to inspire. But we cannot do so if we remain bogged down in Iraq's civil war. Might alone cannot make America right. By prescribing our own rules for the modern world, we have deprived our great Nation of the moral claim that is the basis of our being, the purpose of our power, and we are paying an exorbitant price.

We can and sometimes must defend democracy by force, but we cannot impose it by force. Democratic principles are universal, but democracy must find its champions within each country's culture and traditions. We need to end the war and regain a time when America is able to seek common ground with our friends. We need to renew the alliances that kept the world safe for human rights and human survival when the threat for nuclear war was a clear and present danger.

We will always defend our interests, but we put them at grave risk when we act unilaterally in an independent world. We live in a time of enormous possibility and enormous risk. No nation is guaranteed a limitless future of prosperity or security. We have to work for it. We have to sacrifice for it. The sacrifices we are making in Iraq are no longer worth the immense cost in human lives or the immense cost to our national prestige and interest.

President Bush has squandered every opportunity to stabilize Iraq. Any honest assessment can realistically lead to only one conclusion: America's interest will best be served when our military disengages from Iraq. Certainly, there will be violence when our combat troops leave, but there will be far more violence if we continue to police Iraq's civil war indefinitely, as the President proposes.

Last week President Bush said, "There is war fatigue in America. It's affecting our psychology." For once the President is right. There is fatigue in America. Americans are tired of an administration whose ill-conceived notion of a preventive war plunged this Nation into Iraq's bloody civil war. Americans are tired of an administration that told us the mission was accomplished when the tally of American dead was only beginning to mount. Americans are tired of an administration that continues to promise that hope is just around the corner and begs for time for a policy that stands no chance of succeeding now, in September, or ever.

Years ago, one of the giants of the Senate said:

Partisanship should stop at the water's edge.

Arthur Vandenberg, a Republican from Michigan, who was chairman of the Foreign Relations Committee, worked closely with President Truman to lay the foundation for the foreign policy of the United States that could guide us through the Cold War. Senator Vandenberg set the bar high for us in the Senate. We can aspire to that idea, but it is hard to achieve it in this Con-

gress, as it has been in other Congresses.

Over the past few weeks, a shift has begun to take place, not as quickly as many of us feel is necessary, but nonetheless a change. Two weeks ago, in a speech on this floor, one of the successors of Arthur Vandenberg as chairman of the Foreign Relations Committee, our distinguished colleague from Indiana who was himself chairman of the Foreign Relations Committee, reminded us that we do not owe the President our unquestioning agreement, but we do owe him and the American people our constructive engagement.

Last Friday, Senator LUGAR was joined by the senior Senator from Virginia, Mr. WARNER, in offering an amendment that would require the administration to review our Iraq strategy and outline plans for an orderly redeployment of our troops.

Two weeks ago in a statement on this floor, Senator LUGAR said:

The United States has violated some basic national security precepts during our military engagement in Iraq. We have overestimated what the military can achieve, we have set goals that are unrealistic, and we have inadequately factored in the broader regional consequences of our actions. Perhaps more critically, our focus on Iraq has diverted us from opportunities to change the world in directions that strengthen our national security.

I agree with that judgment, although I believe the Warner-Lugar amendment does not go far enough in bringing this war to an end. It is undeniable that the American people have turned against this war, and it is imperative for the President to understand and accept that basic fact. We call for the President to end the war, not as Democrats or Republicans, but as Americans who are deeply concerned about the perilous path on which the Nation is moving.

The American people understand there are no easy options, but they also understand that the President's strategy simply does not protect U.S. interests. They understand it is wrong to buy time, to hand off the mess in Iraq to the next President, and to keep our troops in harm's way with a policy that is not worthy of their sacrifice.

The overarching question is not whether we leave Iraq but how we leave Iraq. Disastrous choices and disastrous leadership have brought us to this dangerous point. We need to redefine our strategic goal in Iraq and the region and have a realistic policy that supports that objective. Whatever we do, it is going to be difficult, but we need to move forward and begin the process, and soon.

We need to work with Iraq's neighbors to mitigate the damage the President's policies have created and minimize outside intervention, but we cannot allow the fear of instability to put the brakes on the process of military disengagement.

Majorities in free countries bordering Iraq—Turkey, Jordan, and Kuwait—say



our troops should be removed. In Turkey, one of our most important allies in the region bordering Iraq, only 9 percent support our position. Even in Iraq, just a few months ago, tens of thousands marched demanding an end to what they call the "American occupation."

Each country in the region has an interest in Iraq's stability, and we need to work with them diplomatically to find common ground and mitigate the damage caused by the President's failed policy. They need to come forward and work with our Nation and play a constructive role. Part of that effort needs to address the growing needs of the millions who have fled the violence in Iraq.

More than 2 million Iraqis have fled to neighboring Jordan and Syria, and they are a destabilizing force in the region. The toll of suffering is immense. The danger these tragic circumstances pose for our national security and the countries in the region hosting these vulnerable people is real. The anger, the desperation, the hopelessness that envelope these refugees is a breeding ground for terrorists and will undoubtedly be exploited by our enemies.

America has a fundamental moral obligation to help, especially those who have supported America in Iraq. There is no doubt that Iraqis who have worked in positions in direct support of the United States have been killed or injured in reprisals for that support. Many more Iraqis associated with the United States have fled in fear and lost all they had. We must keep faith with those who now have a bull's-eye on their back because of their ties with our country.

At a hearing by the Senate Judiciary Committee earlier this year, Iraqis offered chilling testimony about the dangers they face because of their association with America. A translator for U.S. and coalition forces told of seeing his name posted on death lists and said his friends turned on him because they believed he was a traitor. An Iraqi truck driver who delivered water to American forces said that terrorist groups had targeted him, his wife, and their six children because of his support for our soldiers.

Not only do we have an obligation to help those who have helped us, we have a precedent for action. As the war in Vietnam drew to a close, President Ford emphasized America's duty to rescue those who had helped and assisted us. He called our response to that refugee crisis a reaffirmation of America's awareness of the roots and ideals of our society, and he personally greeted Vietnamese refugees on their arrival here.

But, sadly, there are many Iraqis working with our Armed Forces, our diplomatic mission, and our reconstruction teams in Iraq who have performed valiantly but have been abandoned by our Government in their hour of need. Because of this support, insurgents have threatened and attacked

their family members. Many have lost their lives, and many more have lost their houses, property, and livelihood. For some, it will be too dangerous to ever return.

America cannot resettle all of Iraq's refugees, but we must show leadership by accepting far greater numbers of refugees closely associated with our military operation. Keeping our troops in Iraq indefinitely, as the President proposes, is simply not the solution to the humanitarian and refugee crisis.

The consequences of the decisions we make here in Congress profoundly affect our military, their families, and the communities they have left. We have an obligation to our soldiers to make sensible decisions that will not place them needlessly in harm's way. In February, I spoke about the 65 soldiers from Massachusetts who had died in Iraq. Since then, Massachusetts has lost 10 more. We in Massachusetts feel especially deeply the loss of these sons and daughters killed in Iraq:

PVT John Landry, SGT Adam Kennedy, CPT Anthony Palermo, SSG William Callahan, 1LT Ryan P. Jones, SPC Kyl Little, LCpl Walter O'Haire, LT Andrew Bacevich, SGT Daniel Newsome, and SSG Robb Roling.

We salute them, we pray for their families, we honor their sacrifice today and every day. We must insist on a policy worthy of their sacrifice.

The choice is clear: We can continue on the same failed course as those who are leading this filibuster in the Senate are proposing or we can adopt the Levin-Reed amendment and begin to bring our troops home to the hero's welcome they have earned and so obviously deserve.

For the sake of our men and women in uniform and our national security, I hope we will change course and approve the Levin-Reed amendment.

Mr. President, I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Arizona.

**Mr. McCain.** Mr. President, I will respond very briefly to the comments of the Senator from Massachusetts on several points in his thoughtful statement.

He talks about indefinite—indefinitely the United States Armed Forces in Iraq. I think that is a far cry from what we are seeking here. What we are seeking here is an opportunity for the surge strategy to have a chance to succeed, the last part of which was put in place a few weeks ago. In fact, as the Washington Post points out:

Generals have devised a new strategy, believing they are making fitful progress in calming Baghdad, training the Iraqi army, and encouraging anti-al-Qaeda coalitions. Before Congress begins managing rotation schedules and ordering withdrawals, it should at least give those generals the months they asked for to see whether their strategy can offer some new hope.

It is not about indefinite presence, it is about giving a new strategy a chance to succeed. I find it ironic, in a way, that I was one of the greatest critics of the Rumsfeld-Casey strategy—which

was doomed to failure—which was a replica of the old search and destroy, where we went in and tried to kill people and left. This new strategy, this new general, I think, is showing some signs of success, and—not leaving our forces there "indefinitely"—allowing this strategy a chance to succeed is important.

There are very few people in the world I admire more than Natan Sharansky, a man who knows the meaning of oppression, imprisonment, and suffering, and he lives in the region. Natan Sharansky says:

A precipitous withdrawal—

Which is what we are talking about here, Mr. President, not an indefinite U.S. presence.

A precipitous withdrawal of U.S. forces could lead to a bloodbath that would make the current carnage pale by comparison. Without U.S. troops in place to quell some of the violence, Iranian-backed Shiite militias would dramatically increase their attacks on Sunnis. Sunni militias backed by the Saudis or others would retaliate in kind, drawing Iraq more and more into a vicious cycle of violence. If Iraq descended into a full-blown civil war, the chaos could trigger similar clashes throughout the region as Sunni-Shiite tensions spill across Iraq's borders. The death toll and displacement of civilians could climb exponentially.

I am quoting from a piece Natan Sharansky wrote entitled "Leave Iraq and Brace for a Bigger Bloodbath."

We are not seeking an indefinite presence of the United States of America in Iraq. We are seeking the opportunity for this surge to have a chance to succeed. As General Lynch was quoted as saying:

Surge forces are giving us the capability we have now to take the fight to the enemy. The enemy only responds to force, and we now have that force. We can conduct detailed kinetic strikes, we can do coordinate searches, and deny the enemy sanctuaries. If those surge forces go away, that capability goes away, and the security forces aren't ready yet to do that mission.

I am not asking us to blindly follow the lead of our military leaders, but I am asking us to give the person whom we unanimously voted to confirm as our military commander in Iraq, knowing full well what his strategy and surge was, a chance to succeed.

Time after time we hear General Lynch, the 3rd ID commander, say:

Pulling out before the mission was accomplished would be a mess. You would find the enemy regularly gaining ground, reestablishing sanctuaries, building more IEDs, and the violence would escalate.

I share the frustration that all Americans do. This war has been mishandled. We have paid an enormous sacrifice, both the sacrifice of American blood and treasure, but I believe, as the Washington Post said:

Before Congress begins managing rotation schedules and ordering withdrawals, it should at least give these generals the months they asked for to see whether their strategy can offer some new hope.

I hope we understand what this debate is about, whether we will set a timetable for troop withdrawals within

120 days or whether we will give General Petraeus and his able commanders and the brave young men and women who are serving an opportunity to see if this new strategy can succeed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I had made arrangements with the managers to speak between 12 and 12:30 on another matter, the pending nomination of Judge Leslie Southwick for the Fifth Circuit. Others have spoken longer, so I would ask unanimous consent that at this time I be permitted to speak for up to 15 minutes. I will try to make it a little shorter.

Mr. WEBB. Mr. President, I ask unanimous consent that Senators SPECTER, KLOBUCHAR, and HARKIN, in that order, each be recognized for up to 10 minutes as in morning business, and that at the conclusion of those remarks the Senate stand in recess, as previously ordered.

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

Mr. SPECTER. Mr. President, I need a little more time than that. I will try to be shorter, but I would like the leeway of up to 15 minutes, as I had asked a few moments ago.

The PRESIDING OFFICER. Is there objection?

Mr. WEBB. I so modify my request, unless there is objection.

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

The Senator from Pennsylvania.

NOMINATION OF JUDGE LESLIE H. SOUTHWICK

Mr. SPECTER. Mr. President, as stated a moment ago, I have sought recognition to speak about the nomination of a Mississippi appellate court judge, Leslie H. Southwick, to be a Federal judge on the Fifth Circuit Court of Appeals. I have asked for this time because Judge Southwick has been before the Judiciary Committee on several occasions and, because there is not much known about his record, there have been certain objections raised. I have talked to our colleagues on both sides of the aisle, and when they hear about his record, they are surprised that he is not moving through expeditiously. I thought it would be important to take a few moments to acquaint Senators with his record and, beyond that, to acquaint the public with the pending nomination.

This Chamber has seen some very contentious moments, going back over the past two decades, of partisanship on judicial nominations and extensive filibusters in 2004. Judges of both sides have been held up, with Republican Presidential nominees held up by a Democratic-controlled Senate, and the same thing with President Clinton's nominees being held up by a Republican Senate. I moved and supported President Clinton's nominees when they were qualified, and broke ranks. It seems to me that we ought to be looking at the merits of these nomi-

nees and not engaging in partisanship to block nominations when courts such as the Fifth Circuit are urgently in need of additional judicial manpower.

Judge Southwick has a very outstanding record, which I will detail briefly. I also want to deal with the objections which have been raised against him, which I do not think are substantial—not disqualifiers by any sense. Judge Southwick is 57 years old—a perfect age to come to the court of appeals, considering his background. He is a cum laude graduate of Rice University in 1972 and has a law degree from the University of Texas. He served as a law clerk on the Texas Court of Criminal Appeals, and then he was a law clerk to Judge Charles Clark on the Fifth Circuit. So he has had experience in a clerk's capacity on the court to which he has now been nominated. He practiced law for 12 years, with a distinguished practice first as an associate and then as a partner at a respected Mississippi law firm. He was Deputy Assistant Attorney General for the United States Department of Justice for 4 years between 1989 and 1993.

He is an adjunct professor at the Mississippi School of Law. He has been a volunteer for Habitat for Humanity doing community service. He was the recipient of the Judicial Excellence Award from the Mississippi State Bar and was rated by the American Bar Association as unanimously well qualified.

When he was 42 years old, in 1992, he obtained an age waiver in order to join the Army Reserve. Then, in 2002, he volunteered, at the age of 53, to transfer to a line combat unit, and he served on forward-operating bases near Najaf in Iraq.

Major General Harold Cross characterized Judge Southwick's volunteering for duty in Iraq as follows:

This was a courageous move; as it was widely known at the time that the 155th was nearly certain to mobilize for overseas duties in the near future.

He is a man with an outstanding background and a courageous man who stepped forward at an advanced age to volunteer for service in Iraq, something that doesn't happen very often. It is a very rare occurrence.

On the Mississippi Court of Appeals, Judge Southwick has participated in between 6,000 and 7,000 cases—it is hard to be precise because many of them are unreported. He has written 985 opinions himself in the course of some 12 years.

The objections to Judge Southwick have focused on two cases. I wish to discuss very briefly these cases because I think, on their face, they show there is not any reason this man should not be confirmed. I discussed these cases with him. I met with him at length and talked with him about his judicial career and his service in Iraq. He is a mild-mannered professional who is a confident man—not flamboyant and not overstated. We talked about legal issues. He is a solid lawyer and has been a solid judge.

But the objections to him have focused on two cases. In one, a case captioned *Richmond v. Mississippi Department of Human Services*, the case involved a State social worker, Ms. Bonnie Richmond, who used, admittedly, an outrageous racial slur. The administrative board reviewing the matter to determine whether she should be dismissed or censured made the determination that she should not be dismissed based on the evidence before it: the racial slur was an isolated comment made outside the target's presence, it was followed by an apology which was accepted, and it did not result in significant disruption of the workplace. Under these circumstances, the review board concluded the dismissal of a public employee was not warranted.

Under Mississippi law, the board's ruling could be reversed only if it was arbitrary and capricious. That is the general standard for reversing an administrative decision. The Mississippi Court of Appeals applied that standard, which is deferential to the fact finder, to determine if there was sufficient evidence to support it, and the court decided that there was sufficient evidence.

This is a case where Judge Southwick did not write the opinion, only concurred in the opinion. The Mississippi Supreme Court, while finding that the administrative board needed to give more detailed reasons for its conclusions, nonetheless concluded that dismissal was not warranted—agreeing with the appellate court on which Judge Southwick sat.

In the hearing before the Judiciary Committee, Judge Southwick was asked about the case, and he said the slur was “always offensive,” “inherently and highly derogatory,” and said there was “no worse word.”

In the face of his overwhelmingly good record, how can a man be denied confirmation on the basis of that situation?

There was another case about which Judge Southwick has been questioned, *S.B. v. L.W.*, a custody case where the chancellor awarded the father custody of a child instead of the child's bisexual mother.

There were numerous factors leading to the award for the father, all of which were considered and weighed in favor of the father—steady job, higher income, owner of a large residence, and roots in the community.

The objection came because the majority and concurring opinions—again, not Judge Southwick's opinions, but ones that he joined—made reference to “homosexual lifestyle.” But, that is the same phrase used in Mississippi Supreme Court precedent. It is also a phrase which was used by the majority in the *Lawrence* case, *Lawrence v. Texas*, and has been used by many people, including President Clinton. So, there is hardly a basis for objecting to that kind of a reference, it seems to me.

My record on civil rights and on rights for people regardless of lifestyle is well accepted. I can't see how this man can be pilloried on this basis. Moreover, he wrote an opinion, in a case called *Hughey v. State of Mississippi*, where he affirmed the trial court's decision to disallow cross-examination as to the victim's sexual preference, saying he recognized the victim was homosexual, but that was not relevant to the defense and that such a line of inquiry would produce undue prejudice.

If there is a case where lifestyle is not involved, the trial court would not allow a party to try to smear someone with a reference to his or her being a homosexual. Judge Southwick affirmed it, as anybody would. But it shows his own sensitivity on this matter.

There are a couple of comments by some individuals who are very supportive—one a woman named La'Verne Edney, a distinguished African-American lawyer who is a partner in a prominent Jackson, Mississippi firm. She had some very complimentary things to say about Judge Southwick. He hired her as a clerk at a time when few others would hire a young African-American woman. Similarly, a practicing attorney named Patrick Beasley, also African American, wrote about Judge Southwick's sensitivity on racial matters. Because of limited time, I ask unanimous consent their statements be printed in the RECORD without my going into them.

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

JUNE 6, 2007.

Re letter of Endorsement for Leslie Southwick's appointment to the United States Court of Appeals.

Hon. ARLEN SPECTER,  
*Judiciary Committee, U.S. Senate,*  
*Washington, DC.*

DEAR SENATOR SPECTER: Judge Leslie Southwick has received a nomination to the United States Court of Appeals for the Fifth Circuit. I feel Judge Southwick would make an outstanding addition to the Court of Appeals. I write to support his application. My name is Patrick Earl Beasley. I am a licensed attorney in Mississippi and Georgia and have had the pleasure of knowing Judge Southwick for nearly a decade; I was also employed as his law clerk while he served as Presiding Judge on the Mississippi Court of Appeals. Additionally, we have both served as members of the Mississippi Army National Guard. From these contacts, I believe I can comment knowledgeably about his intelligence, his character, and his commitment to excellence at large.

During my tenure as Judge Southwick's law clerk, I was impressed by the constraint Judge Southwick exhibited as a jurist on the appellate court. His most notable quality was his commitment to following established precedent. This often required him to put aside his personal convictions to uphold his role on the Court. In my opinion, this is a quality more jurists should emulate. His intellect is unsurpassed and be approached his job as a public servant with the same vigor and dedication that one would expect from a partner at a major law firm.

Lastly, on the issue of fairness to minorities, I speak from personal experience that

Leslie Southwick is a good man who has been kind to me for no ulterior reason. I am not from an affluent family and have no political ties. While I graduated in the top third of my law school class, there were many individuals in my class with higher grade point averages and with family "pedigrees" to match. Yet, despite all of typical requirements for the clerkship that I lacked, Judge Southwick gave me an opportunity. Despite all the press to the contrary, Judge Southwick is a fair man and this is one of the qualities that makes him an excellent choice for the Fifth Circuit Court of Appeals.

I would be pleased to provide any additional information in support of Judge Leslie Southwick's appointment to the Fifth Circuit Court of Appeals. If you need any additional information, please contact me at your convenience.

Very truly yours,

PATRICK E. BEASLEY.

BRUNINI, GRANTHAM, GROWER &  
HEWES, PLLC,  
*Jackson, Mississippi, June 5, 2007.*

Re Judge Leslie Southwick Nomination.

Hon. ARLEN SPECTER,  
*Ranking Member, Committee on the Judiciary,*  
*U.S. Senate, Washington, DC.*

DEAR SENATOR SPECTER: I am an African-American partner at the law firm of Brunini, Grantam, Grower & Hewes, PLLC, where Judge Southwick was once a member. I believe in fairness for all people and salute our leaders for giving their lives to assure that fairness. While I share the sentiments of other African-Americans that the federal judiciary needs to be more diverse, I believe that Judge Southwick is imminently qualified for the United States Fifth Circuit Court of Appeals and write in support of his nomination.

I met Judge Southwick during my third year of law school when I interned with the Court of Appeals of Mississippi. That internship allowed me an opportunity to work with most of the Judges on the bench at that time. I was most impressed with Judge Southwick because of his work ethic and his serene personality. When I finished law school in 1996, I believed that my chances for landing a clerkship were slim because there was only one African-American Court of Appeals judge on the bench at the time and there were very few Caucasian judges during the history of the Mississippi Supreme Court or the Court of Appeals (which was fairly new) who had ever hired African-American law clerks. In spite of the odds, I applied for a clerkship. Judge Southwick granted me an interview and hired me that same day. While Judge Southwick had many applicants to choose from, he saw that I was qualified for the position and granted me the opportunity.

During my tenure as clerk with the Court, Judge Southwick thought through every issue and took every case seriously. He earned a reputation for his well thought out opinions and his ability to produce the highest number of opinions in a term. It did not matter the parties' affiliation, color, or stature—what mattered was what the law said and Judge Southwick worked very hard to apply it fairly. Judge Southwick valued my opinions and included me in all of the discussions of issues presented for decision. Having worked closely with Judge Southwick, I have no doubt that he is fair, impartial, and has all of the other qualities necessary to be an excellent addition to the United States Court of Appeals for the Fifth Circuit.

In addition to serving our State, Judge Southwick has also honorably served our country. During his mission to Iraq in 2005, Southwick found the time to write me often to let me know about his experiences there.

Upon his return to the United States, Judge Southwick shared with others his humbling experience serving our country. It is clear from his writings and speaking that he served with pride and dignity.

Over the years, Judge Southwick has earned the reputation of being a person of high morals, dignity, and fairness. It is unfortunate that there are some who have made him the chosen sacrifice to promote agendas and have set out to taint all that Judge Southwick has worked so hard to accomplish. I am prayerful that those efforts will not preclude Judge Southwick from serving as our next Judge on the United States Court of Appeals for the Fifth Circuit.

If additional information is needed, please feel free to contact me.

Yours truly,

A. LA'VERNE EDNEY.

Mr. SPECTER. I also ask unanimous consent that the following statement highlighting praise for Judge Southwick be printed in the RECORD.

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

#### SUPPORT FOR LESLIE SOUTHWICK

Simply listening to those who know Judge Southwick best makes it easy to understand why the American Bar Association unanimously concluded that he is "Well Qualified" to serve on the Circuit Court. Judge Southwick is free from bias and committed to equal justice under the law.

La'Verne Edney, a distinguished African-American woman who is a partner at a prominent Jackson, Mississippi law firm, a member of the Magnolia Bar Association, the Mississippi Women Lawyers' Association and a member of the Mississippi Task Force for Gender Fairness, has shared her compelling story of Judge Southwick giving her an opportunity when few would:

"When I finished law school . . . I believed that my chances for landing a clerkship were slim because there was only one African-American Court of Appeals judge on the bench at the time and there were very few Caucasian judges during the history of the Mississippi Supreme Court or the Court of Appeals . . . who had ever hired African-American law clerks. . . . While Judge Southwick had many applicants to choose from, he saw that I was qualified for the position and granted me the opportunity."

As a clerk, Ms. Edney observed, "It did not matter the parties' affiliation, color or stature—what mattered was what the law said and Judge Southwick worked very hard to apply it fairly. Judge Southwick valued my opinions and included me in all of the discussions of issues presented for discussion. Having worked closely with Judge Southwick, I have no doubt that he is fair, impartial, and has all of the other qualities necessary to be an excellent addition to the United States Court of Appeals for the Fifth Circuit."

Patrick E. Beasley, a practicing attorney in Jackson, Mississippi, who also happens to be African American, endorsed Judge Southwick for, among other qualities, his fairness to minorities. Beasley wrote, "I speak from personal experience that Leslie Southwick is a good man who has been kind to me for no ulterior reason. I am not from an affluent family and have no political ties. While I graduated in the top third of my law school class, there were many individuals in my class with higher grade point averages and with family 'pedigrees' to match. Yet, despite all of the typical requirements for the clerkship that I lacked, Judge Southwick gave me an opportunity. Despite all the press to the contrary, Judge Southwick is a fair man and this is one of the qualities that

makes him an excellent choice for the Fifth Circuit Court of Appeals."

Jose Alberto Cantu, a self-described lifelong Democrat, expressed outrage over what he considered to be the unfair characterization of his friend from Edinburg, Texas. After reading an article in the *Houston Chronicle*, he wrote, "I was shocked to read about the opposition to his nomination on this basis [race]. I was a classmate of Judge Southwick in high school and knew him very well. I always found him to be extremely polite and absolutely fair with everyone. What the paper and the political activist referenced in the article imply is that Judge Southwick is a racist because of the ruling on the Court. This is absolutely ridiculous and totally unfair. The Valley has a large Hispanic population, and Leslie never showed the type of discriminatory attitudes that were implied in the article. To the contrary, I remember him as treating everyone fairly and with respect."

John C. Hengan, a lifelong Democrat and former Chief of Staff to a Democratic Governor of Mississippi strongly refutes the mischaracterizations of Judge Southwick's character. "I cannot disagree more strongly with the personal attacks that are being made against his character, integrity, or fitness for office, or about his commitment to civil rights for all people regardless of their race, color, sex, creed, religion, or national origin. It is an abomination that he should have to experience these unfair and unjust personal attacks because they are quite simply untrue and cannot be made by anyone who has had the opportunity to meet, work, or be around Leslie for even an abbreviated period of time."

Former Mississippi Supreme Court Justice James L. Robertson, who has known Judge Southwick for 20 years, attests to the judge's commitment to fairness. He observed, "Importantly, there is not a hint of racism in Judge Southwick's being. I am certain that Chief Judge Leslie D. King, and Judge Tyree Irving, his two African-American colleagues on the Court of Appeals with whom Judge Southwick served for many years, would be the first to tell you this, were they not prohibited [by judicial ethics canons] from such endorsements. . . . It is common knowledge in this area that I do not support President Bush on very many of his policy initiatives. I voted for Vice President Gore in 2000, and I voted for Senator Kerry in 2004. But even a blind hog will root up an acorn every once in a while. Judge Leslie Southwick just might turn out to be a golden nugget."

Phillip L. McIntosh, Associate Dean at the Mississippi College School of Law, noted that Judge Southwick was unanimously approved for a faculty position by "a politically and racially diverse faculty" and that "not one note of concern about Judge Southwick's integrity, fairness, or impartiality was sounded."

Robert H. Canizaro, a self-described "Liberal Democrat," expressed his "strong[] support" for Judge Southwick as "an intelligent, dedicated, hard working, moderate judge who respects the rights of all." Canizaro stated that the *New York Times's* suggestion to the contrary is "ludicrous."

Judge Southwick's temperament is what we hope for in a federal judge.

Justice Kay B. Cobb, former Presiding Justice of the Supreme Court of Mississippi, has written, "Judge Southwick's scholarship and character are stellar. The opinions he wrote during his ten years on the Mississippi Court of Appeals reflect his thoroughness and fairness as well as the depth of his knowledge and the quality and clarity of his reasoning and writing. . . . His awareness and attention to promoting fairness and equality with regard to race and gender are exemplary. Our

country needs conscientious and independent judges of impeccable integrity and I cannot think of anyone who better qualifies for this appointment!"

Jim Rosenblatt, Dean of the Mississippi College of Law, wrote, "In all my dealings with Leslie Southwick he has shown himself to be respectful of others no matter their station in life, their religious convictions, or their ethnic background. He takes a genuine interest in people and spends a great deal of time listening to others and little time talking about himself. He is modest and self-effacing. . . ."

Bronson E. Newburger, who worked with Judge Southwick on the Board of the Jackson Servant Leadership Corps, an organization that places recent college graduates in a communal home where they can devote themselves full time to serving the underprivileged in the inner city, came to know Judge Southwick well. "I found him to be levelheaded, sensitive, and compassionate. . . . He is a decent, fair, and compassionate public servant dedicated to equal rights and protections for all."

David J. Anderson, a retired career civil servant who worked with Judge Southwick at the Justice Department, was similarly impressed with Judge Southwick's character. Mr. Anderson, who describes himself as "a Democrat" who is "moderate to liberal" in his politics, wrote "I have to say that Leslie Southwick was an outstanding public servant, head and shoulders above most political appointees I served with during my 35 years in government. He was intelligent, thoughtful, fair minded, and devoted to the rule of law. He was no ideologue. I never saw him make a decision on any basis other than the merits of a particular issue or problem."

Mr. SPECTER. How much time remains, Mr. President?

The PRESIDING OFFICER. A little more than 3 minutes.

Mr. SPECTER. In conclusion, in the last 3½ minutes I have, I wish to point out what has happened in this matter.

Chairman LEAHY advised me this nomination would go through the Judiciary Committee on a voice vote. Then, when that effort was made, Senator FEINGOLD objected and any member of the Judiciary Committee has the right to hold over a nominee for 1 week. So, it did not go through on a voice vote, notwithstanding the fact that Senator LEAHY, the chairman, said that was his plan.

Senator MCCONNELL has advised that the majority leader, Senator REID, had said the nomination would be confirmed before the Memorial Day recess, which is some time ago now. So, this nomination was on the brink of confirmation, according to the chairman's statement that it would go through committee on a voice vote. He didn't expect someone to raise an objection, and he was powerless to move it on a voice vote once an objection was raised, but that was his expectation and mine.

And, as I said, the majority leader told the Republican leader there would be a confirmation before the Memorial Day recess.

It is my hope we will not allow partisanship to once again grip this body. This Senate, under Republican control, wouldn't give hearings to President Clinton's nominees and wouldn't bring

them up for floor votes. I objected to that, bucking my party, crossing party lines, and voting for Clinton nominees.

We had protracted filibusters in 2004 and threats of the Constitutional—or "nuclear"—option. I hope we do not go back to that. This body, as we all know, works on unanimous consent. Any Senator can raise an objection to dispensing with a reading of an amendment or a reading of the record, as we saw during the immigration debate, and can tie up this Senate endlessly if someone wants to impede the work of the Senate. It is my hope we will not descend to that.

We have very important matters to take up—Iraq, the Department of Defense reauthorization bill, the override of the President's veto on stem cells, and many appropriations bills. This man, Judge Southwick—I have gone through his record in detail. My own record on the Judiciary Committee is one of nonpartisanship. If I have found nominees submitted by Republican Presidents to be objectionable, I have not hesitated to say so. But this man has an impeccable record, an outstanding record, with 985 authored opinions. The two opinions that have been called into question are opinions which he didn't write, but merely joined, on matters which—while they might have been articulated differently, might have been more sensitive—certainly are not disqualifiers. This man ought to be confirmed. I have taken the time to go into some detail on his record because I have told my colleagues about his record and many people have been surprised there is controversy.

I thank the distinguished Senator from Pennsylvania for sitting overtime and my colleague from Minnesota for her patience—I think she has been patient—and yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, the Senate is in its second week of debate on the future of U.S. military engagement in Iraq. It is a very timely and momentous debate which reflects the American people's concerns with events in Iraq, and I am hopeful more of my colleagues will join those of us who have voted over and over again to limit the U.S. engagement in Iraq.

I opposed this war from the start, and I have long advocated for responsible change of course in the administration's policy. I believe the best that we can do for our troops, for our national interests, and for the Iraqis themselves is to begin transitioning to Iraqi authority and to begin bringing our troops home in a responsible way, to remove the bulk of U.S. combat forces by the spring of next year.

I remember being at the funeral for one of our brave, fallen soldiers in Minnesota and hearing a priest say—he noted that this young man was a strong, strapping boy. He was over 6 feet tall. He said the kids we are sending over there may be over 6 feet tall,

but they are still our children. If they are over 6 feet tall, then our leaders must be 8 feet tall in making these difficult decisions. I hope this week this Congress stands tall, this Senate stands tall and makes the right decision.

#### POOL SAFETY

Ms. KLOBUCHAR. Mr. President, I am here today to talk about another subject, and that is an accident that happened in Minnesota over the Fourth of July break. It brought home to me and many people in my State that there are many ways that Government must act to protect its citizens. Some of them are larger than life—the debate over the strategy in Iraq. Others are smaller and quieter, a little girl lying maimed in a hospital bed after an accident that a simple law could have prevented.

We are in the midst of the summer swimming season in our State and all over the country, a time when children of all ages take to the swimming pools—as they should. Today, I wish to speak about the terrible injury suffered by a young girl in my State only weeks ago. That is why I feel such a sense of urgency about moving the legislation that is currently pending in the Senate—it is going to be considered by the Commerce Committee this week—which would help prevent serious injury or death for other children in the future.

Abigail Taylor, known as Abby, is a 6-year-old girl from suburban Minnesota, a girl with big brown eyes and a dazzling smile who loved to swim. Last month Abby went swimming at a local pool. She was in the shallow wading pool when she sat over an open drain hole and had most of her intestines torn out by the drain's powerful suction.

Somehow this little 6-year-old girl managed to stand up and take a few steps before collapsing along the side of the wading pool. Now, nearly 3 weeks later, she remains hospitalized after undergoing several surgeries. She will survive, thanks to a miracle, her parents believe, but it is expected that she will need a feeding tube for the rest of her life. All of this, simply because she spent a sunny summer day at a pool.

What happened to this little 6-year-old girl is horrific. My own daughter's name is Abigail, and hearing about this incident brings chills to any parent. When I first saw this story about this in our local newspaper, I had to stop reading because the details of it were so disturbing. They would be for any parent.

I look at this first as a mother. Your daughter is enjoying a beautiful summer day having fun playing at the local pool. It is not even a deep pool. It is just a kiddy pool. But suddenly something terrible happens, and your life is changed forever.

When it was first reported, like everyone else, I thought this was some

kind of freak, one-of-a-kind incident. I never thought I would be spending time talking about it on the Senate floor. But then I learned that, unfortunately, this is not the first time this has happened. As it turns out, although most pools are safe and well maintained, this type of incident has happened too many times before, resulting in the deaths of several dozen children over the past 15 years.

It even has a name: pool entrapment. It occurs when a child becomes stuck on a drain and is unable to escape due to the high velocity and pressure of the water being sucked into the drain.

Another scenario occurs when hair or jewelry gets sucked into the drain, making it difficult for a child to pull free. According to the Consumer Product Safety Commission, the pressure on some pool drains can be as strong as 300 pounds per inch. In fact, several years ago, the Commission produced an educational video on this danger.

It showed a muscular man trying to pull an inflatable ball off a swimming pool drain. Using both arms and all of his might, he couldn't do it; the suction force was just too powerful.

Two years ago the Consumer Product Safety Commission issued a report saying it was aware of at least 27 deaths and many more emergency room visits and hospitalizations due to this entrapment. Most of these victims were children. It is unclear how many actual entrapment incidents have not resulted in death but severe injury because entrapment is a little-known risk. It is possible that many swimming pool drowning deaths or other injuries have not been classified as caused by entrapment.

I think it is curious that I know of three of these incidents: the one in Minnesota, the one I am about to talk about involving Jim Baker's granddaughter, and another one in which former Senator Edwards represented a family with the tragic incident involving a pool drain.

You know, it never even crosses a parent's mind that at the bottom of the kiddy pool is something that has enough force and will cause death or severe injury as it did to Abby Taylor. But it should never have happened, and we must do everything we can to make sure it never happens again to any child because it is preventable.

There are several simple ways, as we will discuss in the Commerce Committee hearing this week, for manufacturers to reduce entrapment risk at pools: installing antientanglement and antientrapment drain covers; installing multiple drains, reducing suction force for each drain; installing a gravity flow or a safety vacuum release system, that prevents entrapment by automatically shutting off the pool pump.

These antientrapment measures are simple and inexpensive, and they can literally save children's lives. I saw a drain today that costs 50 bucks. That, plus adequate monthly inspection, can save lives.

There are also reasonable measures that Congress can take to help strengthen pool safety standards and prevent this kind of terrible incident from ever happening again to another child. The Commerce Committee has jurisdiction over product safety. It is led by two of my colleagues, Senators INOUE and STEVENS, who have been leaders on this issue. I am pleased to be a cosponsor of the legislation introduced last week by Senators PRYOR, STEVENS, DODD, and myself, which would strengthen the safety standards for America's swimming pools and spas so we can prevent the kind of incident that happened to 6-year-old Abby Taylor.

As chairman of the Consumer Subcommittee, Senator PRYOR has pushed to have this legislation included on the agenda for this week's committee markup. This legislation is called the Virginia Graeme Baker Pool and Safety Act, named in memory of the 7-year-old granddaughter of former Secretary of State James Baker.

It was an honor to meet this morning with Graeme's mother. She was here in her daughter's memory talking to Members of Congress. Several years ago, Graeme died as a result of suction entrapment in a spa. Her body was held underwater by the force of the suction, and it took two adults to help pry her free from the drain. But it was too late. She had already drowned.

This tragedy occurred at a graduation party that was well supervised by scores of adults. The purpose of this legislation is to reduce the likelihood that any other child will end up like Graeme Baker or Abby Taylor.

This same bill was introduced last year. The Senate passed it by unanimous consent. But in the closing days of the last Congress, it failed to pass the House of Representatives by a narrow margin. Now, what do you say when you talk, as I did, to the father of this little girl, Abby Taylor, who is lying maimed in a hospital bed losing her intestines? You tell them that: Well, we got it through the Senate, but the House just did not have the votes to do it.

These parents are so courageous that they have moved on from that. They want her severe injuries to be discussed today. They are not afraid to have us talking about what happened to their little daughter because they want it never to happen to another child.

This year this legislation must pass. The legislation has several important provisions. It would take Consumer Product Safety Commission standards for pool drains, which are now voluntary, and make them mandatory.

It would prohibit the manufacture, sale, or distribution of drain covers that do not meet the standards established by the Commission. It is important to strengthen the legislation to make sure that not only new pools but all public pools meet the same standard.

The legislation also provides incentives for States to adopt their own