

Quite frankly, it wouldn't matter who from Michigan the President put in the slot: if his name were Henry Ford rather than Henry Saad the result would be the same—my colleagues from Michigan would filibuster the nominee.

Why? Presumably because the Michigan Senators didn't get to pick Judge Saad or other Michigan nominees to the Sixth Circuit.

What we are talking about, then, is Senators wanting to adorn themselves with the power of co-nomination.

Let us get back to first principles. Democrat Senators do not get to pick circuit court judges in Republican administrations. In fact, Republican Senators—myself included—do not get to pick circuit court judges in Republican administrations.

The Constitution gives the power to the President, and the President alone, to nominate. We all know as a matter of custom that Senators have a good deal of influence over who gets to be a district judge but little or no influence over who gets to be a circuit judge. Presidents of both parties have been unwilling to delegate the picking of circuit court judges to Senators. It is a Presidential prerogative and we shouldn't rewrite the Constitution to allow Senators—especially those of the opposite party—to nominate judges.

By tradition, the President may consult with individual Senators. But the tradition of "consultation" does not transform individual Senators into co-Presidents.

The President is not required to share his constitutional power with Senators, or with a "non-partisan" commission for that matter.

We have started a new precedent around here by filibustering judges; this is something that I and the vast majority of the Republican caucus opposed during the Clinton administration and refused to engage in, although Republicans had profound differences with many Clinton nominees.

In fact, 95 percent of the current Senators who never voted for a judicial filibuster are Republicans.

Let me say that again.

Ninety-five percent of the current Senators who never voted for a judicial filibuster are Republicans.

Our Democrat friends have started this troubling precedent. They have filibustered seven nominees and are now approaching double digits.

If my Democrat friends want to set another precedent, namely that Senators in opposite parties get to pick a President's circuit court nominees, I have news for you: this precedent may well be used when there's a Democrat in the Oval Office whether that is next year or next decade.

In closing, I don't get to pick Republican circuit nominees, and I don't think Democrats should get to do so in a Republican administration either. That is the President's job.

The Senate may establish a contrary precedent today. But if it does, I and

other Republican Senators may invoke it the next time there is a Democrat in the White House. So I urge my Democrat friends to be wary of the steps they are taking because they are leading us down a dangerous path from which there may be no return.

The PRESIDING OFFICER. The Senator from Nevada.

APPROVAL OF JUDGES

Mr. REID. Mr. President, I can remember a famed lawyer named Melvin Belli who came to Las Vegas to try a case. The law at the time was you had to associate with a local attorney. Belli was very articulate and was so good at speaking to the court and the jury. When he finished, the Las Vegas lawyer stood and said, well, what he meant to say. This same lawyer said: When in doubt, wave your arms, scream and shout.

I think that is what we heard today on the Senate floor.

But what is really present in the Senate is the fact that we have approved 199 judges. We have turned down 6. There are crocodile tears that really are not necessary.

In this situation, if we followed the Republican rule established by the Thurmond rule, there would be no judges approved during the month of July. But we have indicated that we would be willing to approve judges during the month of July, and we have done that. I have spoken to a number of Republican Senators who indicated we would do that. The situation involving these three involve not only substance but procedure—199 to 6. That is the rule.

On behalf of Senator DASCHLE, I ask unanimous consent Senator LANDRIEU be recognized for 10 minutes and Senator SCHUMER be recognized for 15 minutes.

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

The Senator from Louisiana is recognized.

COLONEL JON M. "JAKE" JONES

Ms. LANDRIEU. Mr. President, I rise today to honor an exemplary soldier, a loyal American, a loving father, and a devoted husband. Our friend and neighbor, Colonel Jon Jones passed away on June 6 after a courageous battle with brain cancer that he waged on his own terms. Until the week of his death, Jon lived life to the fullest and did not allow cancer to define him or to diminish his dream. Rather, he chose to be a husband, father and soldier until the end. His death has been a profound loss to his colleagues in the Army, his neighbors, his friends, and especially to his family. I say to his wife Cynthia, to his two children Nick and Lena, who are here with us today, our Nation is grateful for your family's service and sacrifice.

Jon was born and raised in California. His mother was a teacher, and

the influence she had on him was apparent throughout his life. He attended high school outside of Sacramento, and graduated from Cal State at Sacramento. He went the extra mile to participate in the ROTC program at UC-Davis, because his own school had abolished ROTC during the Vietnam war.

He graduated in 1980 as a distinguished military graduate and was commissioned as a regular Army military intelligence officer. He met Cynthia while he was in officers' basic course in Arizona, and they married in 1981. His career in the Army took Cynthia, Nick, and Lena to Turkey, Germany, and South Korea; and his last deployment was to Kuwait and to Iraq.

Jon died two weeks shy of serving 24 years in the U.S. Army and only 12 days from his change of command. For almost 2 years he successfully led the Army's only deployable echelons-above-corps contingency force protection military intelligence brigade. The men and women who served under him, as well as his colleagues and senior officers, testified to his leadership in a time of war. One soldier called it a privilege to be under Colonel Jones' command, and described his strength and leadership as going well beyond what this soldier had seen in any other military officer.

Throughout the war, in addition to his mission, Jon's focus was on the health, welfare, and safety of every soldier and civilian who served with him. When his brigade was deployed for 9 months to support Operation Enduring Freedom and Operation Iraqi Freedom, he succeeded in that mission and brought every one of his soldiers home.

A month after bringing his brigade home, Jon was diagnosed with an aggressive brain tumor. He was entitled to retirement, but he chose instead to stay in the Army. As he told a colleague: "Quitting was not an option." Another person might have headed for the shore and waited for his time in comfortable surroundings, but this was not the path for Jon Jones.

At the time of his diagnosis, he had a battalion preparing to redeploy to Iraq, and the thought of leaving them went against everything he stood for. In fact, in the months preceding his death, in between his own treatments and surgeries, Jon went to Kuwait and Iraq several times to support and bolster his troops.

Before he passed away, Jon was nominated for the Distinguished Service Medal, for unparalleled dedication to duty. This citation states that his accomplishments will have a lasting effect on national security formulation at the highest levels. Later today, in a room near this distinguished Chamber, Jon's widow Cynthia will accept this medal on her husband's behalf.

Jon's commanding generals, some of whom are also with us today, accepted his decision to stay in the Army and continue in command throughout his treatments. Perhaps they would have

encouraged a lesser officer to retire, but Jon was too valuable a soldier to lose. Unfortunately, the Army, and especially the military intelligence community, realizes every day how valuable COL Jake Jones was. Perhaps the words of one of his fellow officers said it best when he stated:

Jake Jones did more than command a Brigade in war. He commanded the respect and confidence of his peers, his superiors, and his soldiers. He had a special aura about him—a calming presence that bespoke competence and reason.

All of the virtues that made Jon a good soldier also made him a devoted husband and father. In a career that takes you away from your family for extended periods of time, he made it home for his children's birthdays and other special events. The only birthday of Nick's he ever missed was last year when duty to country called him to stay in Iraq. He made it home in time for Lena's birthday last year, and only God's call home kept him from making that commitment this year.

He was driven to be a good example to his children and to make them proud. This drive contributed to his desire to continue in command even as he fought his own personal battle with a fierce enemy. Although his time with Nick and Lena was inexplicably cut short, I know the love he gave them and the lessons he taught them will shore them up, inspire them, and comfort them throughout their lifetime.

Mentor, hero, charismatic leader, humble individual, inspiring commander, confident, patient, steadfast, stalwart, a rock—these are a few of the descriptions used to communicate the man he was. Jon had the determination and perseverance to accomplish any task with which he was presented.

The role in life he cherished the most, after the role of father, was that of a mentor, whether to his soldiers or to his children. He simply loved to teach. Having been raised by a mother who was a teacher, he paid her the greatest compliment a child can give a parent: He followed in her footsteps. He taught those of us who knew him how much fun it was to live, and that quitting was not an option.

Jon Jones was a friend of our family, a neighbor, and an inspiration to all who knew him. His death is our Nation's loss. Rarely does a soldier so capable and so completely committed step forward to answer the call to service. And rarely has a family been so blessed to have such a father and husband.

May it be recorded this day that the people of the United States are grateful to COL Jon Jones for his years of service in the U.S. Army. His memory will live on in the hearts and minds of the many who knew him, admired him, followed him, and loved him.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Louisiana yields the floor.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I ask to be recognized to speak in morning business.

The PRESIDING OFFICER. The Senator is recognized.

THE 9/11 COMMISSION REPORT

Mr. SCHUMER. Mr. President, I am going to speak on two issues: first, the imminent release of the final report of the 9/11 Commission, and then on the three judges we are voting on shortly.

First, on the imminent release of the report: First, I thank the commissioners. They have done an incredible job. In this town, racked by partisanship, to come up with bipartisan recommendations is an amazing accomplishment in itself. But when you look at what the recommendations are and the thoroughness with which the Commission investigated the mistakes that were made in the past, the report assumes even greater magnitude.

We will have a real challenge in Washington, at each end of Pennsylvania Avenue, to make sure these recommendations are implemented.

The area I want to touch on right now is homeland security, but I do want to say the reforms that were recommended, in terms of intelligence gathering, were right on the money. Many of us were puzzled after 9/11, learning that the FBI knew this little piece of information and an agent in another part of the FBI knew another piece, and the CIA knew this piece and that piece. The question was, why weren't these pieces tied together, which might have drawn the picture of what was going to happen? And I underline the word "might." Who knows if it would have? But it certainly would have given us better odds.

The reason, as the Commission unveiled, is very simple: These intelligence agencies do not talk to one another. They regard the intelligence they have gathered, their work product, as so valued that they do not want to give it up to another agency. The recommendations of the Commission are outstanding—outstanding—in terms of requiring the intelligence agencies to talk to one another.

I am very pleased the Commission did not engage in the blame game or finger pointing but, rather, looked at the facts—just the facts, ma'am; that seems to be their underlying view—and then looked at recommendations based on those facts so that another 9/11, God forbid, would never happen again.

There is a particular area that has not received too much focus that I want to mention today. That is homeland security. The Commission's report shows that while mistakes were made in intelligence gathering and while mistakes after September 11 have certainly been made in fighting the war overseas—we need a strong foreign policy, a muscular foreign policy to fight terrorism—those are mistakes of commission. In a brave new world, a post-September 11 world, anyone is going to

make certain mistakes. The mistakes that have been made on homeland security, on protecting our Nation from another terrorist attack, are mistakes of omission. We are simply not doing enough. That is what the Commission's report is going to reveal when they release it at 11:30. I have been briefed on it already, and I guess many Members are being briefed today.

To win this war on terror—it is the same as a good sports team. We need a good offense, we need a good defense. Most of the focus has been on the offense. There has been verbiage devoted to homeland security, but the actual dollars, the actual focus, the actual changes that have to be made are not being made, plain and simple.

The bottom line is that in area after area, when billions of dollars are required, the administration recommends and Congress allocates tens of millions of dollars. They do not do nothing. They don't want to say we are not putting any money into port security, rail security, truck security, or improving security at the borders. But they do the bare minimum essential to get away with saying we are doing something.

It is frustrating to me, particularly coming from New York and knowing too many of the people who were lost on September 11, that we are not fighting a war—it is a war on homeland security—the way we are fighting a war overseas in Iraq and Afghanistan. What is interesting is the technology is there. We know how to detect nuclear materials which, God forbid, might be shipped into this country. We know how to detect explosives if somebody were to walk into a railroad station or Disney World or somewhere else loaded with explosives that they might detonate. We know how to make our truck security more secure so people cannot use truck bombs. We know how to tighten up the borders.

The question is twofold: will and money. We are not doing either. As we stand here today, what are we doing in the Senate? We are debating three judges from Michigan who we know will not pass in a controversial and partisan way while Homeland Security appropriations languish. It has not been brought to the Senate. Why? What are our priorities? This is not a Democrat or Republican issue. This is not a liberal or conservative issue. This is an American issue. We want to preserve our homeland security. We want to make people secure. We want to make people safe.

Over and over again, we are not doing what we should be doing. The number of bills introduced and even passed out of committee to tighten homeland security are too many. It is not just homeland security legislation, it is legislation on ports, legislation on borders. Over these past few months, the Senate has been occupied by partisan political issues when nonpartisan and bipartisan issues that are far more important related to homeland security languish.