

The Court is of paramount importance in the life of the Nation. These justices deal with complex legal issues that affect the lives of all Americans. It is the final guardian of our rights and liberties.

There is a long tradition of Presidents consulting with the Senate before a Supreme Court nomination occurs.

In 1869, President Grant appointed Edwin Stanton to the Supreme Court in response to a petition from Senators and House members.

In 1932, President Hoover gave Senator William Borah a list of the candidates he was considering to replace Justice Oliver Wendell Holmes. Borah persuaded Hoover to move the name that was on the bottom of the list to the top. That candidate, Benjamin Cardozo, was confirmed unanimously.

In his autobiography, Senator HATCH takes credit for convincing President Clinton not to send the Senate potentially controversial nominees and instead to nominate individuals with broad bipartisan support. Both of President Clinton's nominees, Ruth Bader Ginsburg and Stephen Breyer, were easily confirmed with Senator HATCH's support.

Last week, 44 Senators sent President Bush a letter urging him to use the advice and consent process to unite the country behind a consensus nominee. This built on the bipartisan agreement that averted the nuclear option earlier this year. At least two of the signers of that agreement, Senators NELSON of Nebraska and SALAZAR of Colorado have separately written to the President to urge consultation. A third signer, Senator PRYOR, spoke about the importance of consultation on the Senate floor last week.

Consultation with the Senate is not an end in itself. The purpose of consultation is to help the President arrive at a consensus choice for the Court, a nominee like Sandra Day O'Connor who will bring the country together, not tear it apart.

Meaningful consultation will ensure judges who are fair and independent and who are committed to protecting individual rights and freedoms.

Meaningful consultation will ensure that the President's judicial nominees are highly qualified men and women whose views are within the broad constitutional mainstream.

And meaningful consultation will help us avoid a divisive episode like we saw over the nuclear option. There are too many important issues facing this country to waste the Senate's time fighting over radical extremist judges.

I recently had the opportunity to meet with the White House Counsel, Harriet Miers. Ms. Miers made clear that the White House is not yet prepared to engage in formal consultation with us regarding a possible Supreme Court vacancy because there have been no announced retirements from the Court. I respect that position.

When a vacancy does arise, the President should obtain the views of Senate

Democrats about individuals under consideration for appointment to the Court, consistent with the advice and consent clause of the Constitution.

Let me be clear: real consultation does not consist of the White House asking Senators for the names of individuals we think should be considered for appointment to the Court. I am happy to provide such names, but that is not enough. Meaningful consultation under the advice and consent clause means that the President presents the names of individuals he is seriously considering and seeks our views on those candidates.

And of course the nomination of a candidate is just the beginning of the Senate process. There will be comprehensive hearings in the Senate Judiciary Committee, and a thorough debate in the full Senate. Any advice that Senators provide to the President in advance of a nomination is of course subject to review in light of information that comes out during the confirmation process.

As the President considers the range of individuals who might be considered for the Court, I hope he will not limit his search to sitting Federal judges. History demonstrates the value of considering individuals who have achieved prominence in civic life outside of the judiciary. In this century, such diverse figures as former President William Howard Taft, Alabama Senator Hugo Black, and California Governor Earl Warren have served with distinction on the Court.

The Senate may be especially fertile ground for finding a Supreme Court justice. Including Justice Black, some 14 Senators in American history have served on the Court. A current or former Senator would bring an important perspective to the Court's understanding of legislative history, and the need to strike a balance between the will of the majority and the rights of the minority in our society.

I have discussed publicly a number of current Senators who I believe are worthy of the President's consideration. Each of these Senators possesses relevant legal experience and enjoys the respect and admiration of fellow Senators.

Above all, I urge the President to work with the Senate at the appropriate time to identify a consensus nominee who can unite the country. With our country at war and our economy facing challenges, we don't have time for controversial, confrontational judicial nominations. We need cooperation and consensus.

Our Founding Fathers were brilliant to give the executive and the legislative branch shared responsibility for choosing members of the judicial branch. When properly executed, this division of labor ensures that our judges will be independent, and our rights will be protected.

HONORING MERITORIOUS UNIT COMMENDATION TO PORTSMOUTH NAVAL SHIPYARD

Ms. SNOWE. Mr. President, I rise today to honor the best naval nuclear shipyard in America, the Portsmouth Naval Shipyard in Kittery, ME

Today, RADM Anthony W. Lengerich visited the shipyard to celebrate the Meritorious Unit Commendation presented to Naval Shipyard Portsmouth by Chief of Naval Operations Vernon E. Clark on May 12, 2005.

The Commendation in part reads as follows:

The personnel of Portsmouth Naval Shipyard and tenant activities consistently and superbly performed their mission while establishing a phenomenal record of cost, schedule, quality, and safety performance. The Shipyard embraced the One-Shipyard Initiative and is leading the transformation of our Navy's nuclear ship maintenance base through innovation . . . Portsmouth Naval Shipyard personnel established new performance levels for submarine maintenance, modernization, and overhaul work . . . The Shipyard completed six major submarine availabilities . . . (and) reduced injuries by more than 50 percent . . . Naval Shipyard Portsmouth's extraordinary performance is translating into increased U.S. Submarine Fleet readiness. By their unrelenting determination, perseverance, and steadfast devotion to duty, the officers, enlisted personnel, and civilian employees of Naval Shipyard Portsmouth reflected credit upon themselves and upheld the highest traditions of the United States Naval Service.

Today, at the ceremony marking this exceptional recognition, Admiral Lengerich told the men and women of Portsmouth Naval Shipyard:

The Navy and the country need you to continue doing what has earned you your reputation for professionalism and patriotism. I'm talking about your work ethic, your enthusiasm, your attention to detail, your willingness to apply diligence in everything you do.

Those of us in the Maine and New Hampshire delegations couldn't agree more.

This is a shipyard that delivered six ships in a row a collective 60 weeks early, that saves \$82 million over the Navy's other shipyards for each submarine refueling, and \$26 million for each major overhaul, that is the Navy's only "Star" Site for safety, that exports its innovation and best practices to other shipyards.

Portsmouth Naval Shipyard has been in existence for 205 years. And while much has changed over the past two centuries, what has not changed is the shipyard workers' commitment to excellence, and the sense of each and every person there that they are contributing their own chapter to the remarkable story of Portsmouth—and to them we extend our most profound appreciation.

From its earliest days, producing wooden "ships of the line" to its time as a Navy command during the War of 1812 to its production of 133 submarines, including a record 31 in 1944, the yard has not only been a fixture on the New England seacoast, it has been

a bulwark against the shifting threats to our nation and world across the span of two entire centuries.

The yard was there when the British were our enemy. This yard was there during the darkest hours of World War Two. The yard was there when the Soviet threat in the heart of Europe fueled the cold war. And it has more recently borne witness to both the fall of the Berlin Wall and the end of the Soviet empire.

Today, the Portsmouth Naval Shipyard remains as critical today as it was 205 years ago.

Ralph Waldo Emerson once wrote, "For what avail the plough or sail, or land or life if freedom fail?"

This shipyard, this monument to American ingenuity, this testament to the American worker has for 205 years helped ensure that freedom will not fail. May this crown jewel of the Navy continue to exemplify Maine's motto, "Dirigo"—"I Lead".

IRAQ

Mr. KENNEDY. Mr. President, President Bush's address to the Nation Tuesday night on the war in Iraq was more of the same we have been hearing for so long.

We all agree that our men and women in uniform are serving with great skill, dedication, and courage under enormously difficult circumstances in Iraq. The policy of our Government must be worthy of their sacrifice, but unfortunately, it is not, and the American people know it.

The President chose to wrap himself in the tragedy of September 11. He spoke explicitly of the tragedy five times, and he invoked the danger of Osama bin Laden twice. He spoke about terrorists 26 times, and he spoke of terror an additional 9 times, but the American people know that the war in Iraq had nothing to do with September 11.

Even after 9/11, it is wrong for this President or any President to shoot first and ask questions later, to rush to war and ignore serious doubts by experienced military officers and experienced officials in the State Department and the CIA about the justification for the war and the strategy for waging it.

We all know that Saddam Hussein was a brutal dictator. We have known it for more than 20 years. We are proud, very proud, of our troops for their extraordinary and swift success in removing Saddam from power.

But as we also now know beyond doubt, Saddam did not pose the kind of immediate threat to our national security that could possibly justify a unilateral, preventive war without the broad support of the international community. There was no reason whatever to go to war when we did, in the way we did, and for the false reasons we were given.

The administration's insistence that Saddam could provide nuclear material, or even nuclear weapons, to al-

qaida has been exposed as an empty threat. It should have never been used by President Bush to justify an ideological war that America never should have fought.

Saddam had no nuclear weapons. In fact, not only were there no nuclear weapons, there were no chemical or biological weapons either, no weapons of mass destruction of any kind.

Nor was there any persuasive link between al-qaida and Saddam and the 9/11 attacks. A 9/11 Commission Staff Statement put it plainly:

Two senior bin Laden associates have adamantly denied that any ties existed between al-qaida and Iraq. We have no credible evidence that Iraq and al-qaida cooperated on attacks against the United States.

The 9/11 Commission Report stated clearly that there was no "operational" connection between Saddam and al-qaida.

Nonetheless, President Bush continues to cling to the fiction that there was a relationship between Saddam and al-qaida.

That is the same logic President Bush keeps using today in his repeated stubborn insistence that we are making progress in Iraq, and that we and the world are safer because Saddam is gone.

In fact, the war with Iraq has made us less safe. It has created a breeding ground for terrorists that did not previously exist. It has created a powerful recruitment tool for al-qaida, and made it harder—much harder—to win the real war on terrorism—the war against al-qaida.

Our soldiers in Iraq need more than assurances of progress from the President. They need more than a public relations campaign. They need an effective plan to end the violence, bring peace and stability to Iraq, and return home with dignity and honor.

The President did not level with our troops and the American people and offer an effective strategy for success.

The President spoke about the importance of training the Iraqi security forces, but failed to outline a clear strategy to accelerate their training and improve their capability.

The training of the Iraqi security forces continues to falter. The administration still has not given the American people a straight answer about how many Iraqi security forces are adequately trained and equipped. In the words of the Government Accountability Office:

U.S. government agencies do not report reliable data on the extent to which Iraqi security forces are trained and equipped.

The President spoke about the importance of our reconstruction effort, but he failed to outline a clear strategy to create jobs and hope for the Iraqi people, and neutralize the temptation to join the insurgents. As of June 15, the administration only spent \$6 billion—one-third—of the \$18 billion Congress provided last summer for reconstruction. Of the money we do spend, it is far from clear how much is actually

creating jobs and improving the quality of life. We need greater focus on small projects to create jobs for Iraqis, not huge grants to multinational corporations that create profits for corporate executives instead of stability for the Iraqi people.

The President spoke about the importance of the international community in Iraq, but he failed to suggest a clear strategy to bring in additional foreign troops to help us get the job done in Iraq.

If NATO is willing to send additional troops to help secure Iraq's borders, the President should ask them to do so. He did not.

If the United Nations is willing to send a force to help secure Iraq's borders, the President should ask the U.N. to do so. He did not.

Nor did the President offer any strategy to prevent further reductions in the forces of the international coalition. A year ago, we had 34 coalition partners in Iraq. Nine of those partners have pulled out. Today, we have just 25. American forces still make up nearly 85 percent of the troops fighting in Iraq. By the end of the year, five more countries among the largest contributors of troops are scheduled to pull out. The President said nothing about how he intends to prevent more troops in the coalition from pulling out.

The President spoke about the hard work of our troops, he urged Americans to send them letters and raise flags in their honor, but he did not assure them that they will have the equipment they need to fight the war.

More than 400 of our troops in Iraq have died in military vehicles hit by roadside bombs, grenades, and other so-called improvised explosive devices. Yet troops don't have the protective equipment they need. The Marines are still waiting for the 495 armored humvees they ordered last year.

The American people rightly believe we are bogged down in Iraq and that the President has no realistic strategy for success. A quagmire by any other name is still a quagmire. The dictionary defines a quagmire as "a complex or precarious position where disengagement is difficult." That is precisely what we have in Iraq—not because of the hard work and dedication of our military, but because of the persistent mistakes made by the President and his national security team.

No one has been more responsible for those mistakes than Secretary of Defense Rumsfeld. He has been consistently wrong about Iraq.

He was wrong about weapons of mass destruction.

He was wrong about the number of troops we would need in Iraq.

He was wrong to keep calling the insurgents deadenders.

He was wrong to send our service men and women into battle month after month without proper armor.

He was wrong to exaggerate our success in training Iraqi security forces.

A single word spoke volumes at the Senate Armed Services Committee