

gave the Iraqi people a chance for free elections and a chance to write their own Constitution. Those successes which did occur were the result of great determination by our troops in uniform and many brave Iraqis who stepped forward and risked their lives to move their nation forward.

But we all know the situation today. As of this morning, we have lost 3,057 American soldiers. We know that over 23,000 have returned from Iraq with injuries, almost 7,000 with serious injuries—amputations, blindness, serious burns, traumatic brain injury. Those are the realities of what we face.

We also know that the situation on the ground in Iraq is very difficult for most people to understand. When the Prime Minister of Iraq, Mr. Maliki, says to the President: We don't need additional troops, and the President says we are sending them anyway, when the generals in the field say that if America continues to send troops, the Iraqis won't accept the responsibility of defending their country and the administration says we are going to send troops anyway, I think that is evidence that this administration's policy is not connected to the reality of what is on the ground in Iraq. And certainly for the Vice President to characterize that sad and tragic situation in Iraq today as an enormous success is not in touch with the reality of what our soldiers face and our country faces.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. LINCOLN). Without objection, it is so ordered.

TRIBUTE TO SENATOR GEORGE A. SMATHERS

Mr. NELSON of Florida. Madam President, on Monday I have the great privilege of delivering the eulogy at the funeral for Senator George Smathers in whose office I had the privilege, as a college student, of interning. As I greet each of our interns in our Senate offices as they rotate, I always tell them the story of being an intern, how it had a profound influence on my life because that summer, interning for Senator Smathers, I met his son Bruce. Bruce and I then became college roommates. After law school and the military, Bruce introduced me to my wife, and I returned the favor and introduced Bruce to his wife. And his son, little Bruce, is my godson. So over the years, I have had the privilege of having my life intersecting with the Smathers family, so much so that when I came to the Senate, I requested that I have the desk of George Smathers.

It is with that background that, indeed, it is a great honor for me that the family has asked me to deliver the eulogy. It will be a great privilege for me, next Monday, to recall the great life and times of this great American and great Floridian. I will just mention a couple of things in his career. I will elaborate at greater length and will introduce that eulogy into the RECORD of the Senate after I have given it.

I wish to mention that was a Senate which had giants with whom all of us in my generation grew up—Symington of Missouri and Johnson of Texas and Dirksen of Illinois and Mansfield of Montana and, from my State, Smathers and Holland.

Johnson really relied on Smathers—so much so that when there was a vacancy as the assistant majority leader, he asked Smathers to fill in temporarily. And when Senator Johnson, the majority leader, ended up having his heart attack and was out of work for 7 months, George Smathers stood in as the acting majority leader. Upon Senator Johnson's return, he asked Senator Smathers to be his permanent assistant majority leader. LBJ was not someone who was accustomed to having someone tell him no, but his friend from Florida told him that he should not do it.

I will just mention one other fact. George Smathers, as a young Congressman, met Fidel Castro in 1948. Fidel Castro told him that he was going to take over Cuba. That was 11 years before Castro ousted the hated dictator Batista. Smathers was always leery of Fidel Castro, and he often warned people, before Castro took over and, in fact, after Castro was in. When so many in the world thought he got rid of the hated dictator Batista, Smathers said: Watch out, he is going to consolidate power and he is going to become a problem. He was prophetic. That is exactly what happened.

That was the kind of leadership we had. It is the passing of an era. America has lost one of her great leaders, and Florida has lost one of its great sons. It is my privilege to bring these remarks to the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

IRAQ WAR RESOLUTIONS

Mr. NELSON of Florida. Mr. President, for a week now we have had this speculation, the rumors, and then finally the deliberations in front of the Senate Foreign Relations Committee of a resolution disapproving the President's increase of the forces by 21,000 in

Iraq. A resolution was passed out on a vote of something like 12 to 9 yesterday. It was bipartisan in the passing, but it was basically a partisan vote. Save for one member of the minority on the Senate Foreign Relations Committee, all of the minority voted against the resolution. But almost to a person, all of the members of the Senate Foreign Relations Committee, both sides of the aisle, had expressed their dissatisfaction, individually in their statements in front of the committee, with the President's intention to increase the number of troops, which is already underway, as we know, as we have been reading the commentary in the press.

So we have that resolution. Then we have a resolution introduced by Senator WARNER. This Senator from Florida looks at these two resolutions, and they are almost identical. So this Senator is one of several Senators who has cosponsored both resolutions. This Senator is one of several Senators who has been trying to bring the two together to be folded into one, since it basically, in substance, is the same thing in both of them. Yet for one reason or another, that has not been accomplished.

Therefore, next week, we expect both of those resolutions to come in front of the Senate. At this moment, it looks as if it will be the Senate Foreign Relations Committee product that will then be amendable and I suppose with a substitute amendment. Then we go through all the amendatory process. Now, that may be the way the Senate will work its will, but it is not necessarily the way it could be done the easiest, if we could have great minds come together in a bipartisan way on two resolutions that virtually say the same thing.

I bring this up simply to say we get so wound around the axle and so worked up over the particular number of troops when, in fact, looking at the underlying conditions in the Middle East and in Iraq, where there is so much at stake for our country: The oil and gas in that region, the east-west trade routes that go through the area, all of the international capital investment that is in that region of the world, and all of the capital that is produced that flows out of that part of the world—all of that instability in the region, brought about as a result of instability in Iraq, is going to have a major global impact.

The former commander, the former combatant commander of the U.S. Central Command, General Tony Zinni, a now retired 4-star Marine general who served as the head of Central Command back under the Clinton administration, has written extensively on this, and he points out that there is a complexity we have unleashed by going into Iraq that is not only the Sunni-Shiite conflict but also the Arab-Persian conflict. General Zinni, in his upfront, blunt-talking way says:

There are three options in Iraq: Fix it, contain it, or leave it.

And he doesn't feel, and this Senator doesn't feel, that we can take the third option of picking up and leaving it because of the enormous consequences. And if we can't fix it, we have to contain it, but then you are going to have to own that containment and have a containment strategy executed by the United States because the region can't do it for itself. And containment, according to General Zinni, is very messy and is probably much tougher in the long run.

So perhaps as we discuss next week these two resolutions over the issue of 21,000 troops, let's remember that in the long run, for us to be successful in stabilizing Iraq, we have to look to additional issues that have to be solved, such as the economics there, the diplomacy, the security—a lot of what the Iraq Study Commission has come forward with in their plan. And let's also understand that as we talk about what we want to do to stabilize Iraq in getting the Iraqi security forces able to provide their own security, that getting them provided with guns and other equipment isn't going to provide the security that you need because, the Iraqi security forces need civil affairs and psychological operations and counterintelligence and intelligence forces. They are going to have to have civil affairs moving in behind their military operations in order to paint buildings and create infrastructure so there will be something positive left behind.

Remember, the doctrine under Secretary Rumsfeld was "clear, hold, and build." The problem was, they cleared an area, but they never held it. They never got around to the point of building. General Petraeus said yesterday in our committee we were going to go in and clear, hold, and then we have to be able to build. Whether we talk about 21,000 troops or not, you cannot build in the midst of sectarian violence of Shia, Sunnis, and the overall Arab-Persian conflict. Until we address these issues, at the end of the day, Iraq is not going to be stabilized. In a destabilized society, a priority has to be in rebuilding institutions in social, economic, and political areas.

One of the things the United States may consider increasing its emphasis on, since we have so many agencies of government there all doing their own thing, is an interagency coordinating mechanism to help bring everything together so, indeed, "clear, hold, and build" has an opportunity to be executed and then, hopefully, an opportunity to succeed.

I wanted to offer some additional ideas, a lot of which have been inspired by General Zinni, someone who understands how to operate in that part of the world as we debate next week the resolutions over whether we would indicate our approval of the President's plan. Maybe when we debate that, we can debate the deficiencies of not only what has been done in the past but what we have to do in the future in order to give that country an opportunity to stabilize.

I hope it is not too late. I must say, this Senator feels at times it is too late, particularly with these almost 1,500 years of sectarian violence that occurred after the death of Mohammed in the 600s A.D., that it was the rebellion started by his son-in-law that ultimately led to the Shiite sect which was born out of rebellion and wanting to get revenge. We have seen that play out over centuries and centuries. Again, we are seeing it play out now in Iraq. But we must be optimists and we must try, for the stakes are exceptionally high.

COMMITTEE ON THE JUDICIARY RULES OF PROCEDURE

Mr. LEAHY. Mr. President, today the Judiciary Committee held its first business meeting of the year. I can now report to the Senate that we have organized our subcommittees, including our creation of a new subcommittee on Human Rights, named our subcommittee chairs and ranking members, adopted our committee rules and adopted our funding resolution. I thank our ranking member, Senator SPECTER, and all members of the committee for their cooperation.

We were delayed a few weeks by the failure of the Senate to pass organizing resolutions on January 4, when this session first began. The Republican caucus had meetings over several days after we were in session before finally agreeing on January 12 to S. Res. 27 and S. Res. 28, the resolutions assigning Members to Senate committees.

The Judiciary Committee has traditionally met on Thursday. Regrettably, the delay in Senate organization meant that I could not notice or convene a meeting of the committee the morning of January 11, as I had hoped. We devoted the intervening Thursday to our oversight hearing with the Attorney General. January 18 was the date the Attorney General selected as most convenient for him, and we accommodated him in that scheduling.

Today, I can report to the Senate, in accordance with Senate Rule 26.3, that the Judiciary Committee has, again, designated Thursday mornings as our regular meeting days for the transaction of business. The Judiciary Committee has also reported the authorization resolution required by Senate Rule 26.9. In addition, the Judiciary Committee adopted its rules. In accordance with Senate Rule 26.2, I ask that a copy of the rules of the Senate Judiciary Committee be printed in the RECORD.

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

RULES OF PROCEDURE UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

I. MEETINGS OF THE COMMITTEE

1. Meetings of the Committee may be called by the Chairman as he may deem necessary on three days' notice of the date, time, place and subject matter of the meet-

ing, or in the alternative with the consent of the Ranking Minority Member, or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Unless a different date and time are set by the Chairman pursuant to (1) of this section, Committee meetings shall be held beginning at 9:30 a.m. on Thursdays the Senate is in session, which shall be the regular meeting day for the transaction of business.

3. At the request of any Member, or by action of the Chairman, a bill, matter, or nomination on the agenda of the Committee may be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. HEARINGS OF THE COMMITTEE

1. The Committee shall provide a public announcement of the date, time, place and subject matter of any hearing to be conducted by the Committee or any Subcommittee at least seven calendar days prior to the commencement of that hearing, unless the Chairman with the consent of the Ranking Minority Member determines that good cause exists to begin such hearing at an earlier date. Witnesses shall provide a written statement of their testimony and curriculum vitae to the Committee at least 24 hours preceding the hearing in as many copies as the Chairman of the Committee or Subcommittee prescribes.

2. In the event 14 calendar days' notice of a hearing has been made, witnesses appearing before the Committee, including any witness representing a Government agency, must file with the Committee at least 48 hours preceding appearance written statements of their testimony and curriculum vitae in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. In the event a witness fails timely to file the written statement in accordance with this rule, the Chairman may permit the witness to testify, or deny the witness the privilege of testifying before the Committee, or permit the witness to testify in response to questions from Senators without the benefit of giving an opening statement.

III. QUORUMS

1. Six Members of the Committee, actually present, shall constitute a quorum for the purpose of discussing business. Eight Members of the Committee, including at least two Members of the minority, shall constitute a quorum for the purpose of transacting business. No bill, matter, or nomination shall be ordered reported from the Committee, however, unless a majority of the Committee is actually present at the time such action is taken and a majority of those present support the action taken.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bringing the matter to a vote without further debate, a roll call vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. AMENDMENTS

1. Provided at least seven calendar days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least seven calendar days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless such