

time to stop talking about this issue and finally give working Americans an overdue raise.

IRAQ

When the Senate completes its work on the minimum wage—whether it is tomorrow, the next day, next day, the next day or next week—we are going to move to Iraq, and that is a debate regarding the proposed plan by the President to escalate the conflict. We owe it to our troops who serve bravely to have a real debate about the way forward in that war.

We are approaching 3,100 dead American soldiers. I was watching the Lehrer “NewsHour.” They show, in silence, pictures of the soldiers who have died in Iraq. They do it every few days. I watched this Friday and was struck by the number of women in this most recent reporting of deaths who are pictured there, who have been killed. They were not combat troops. They were doing activities important to the cause, such as driving vehicles. It is hard to determine what is combat and what is not combat. A helicopter went down and women were in that helicopter. A helicopter went down yesterday. I don't know who was in it, but we know two Americans were killed. So we have to have a debate about the way forward in the war in Iraq.

In Washington, we hear a lot of rhetoric about how the upcoming congressional debate emboldens our enemies. To quote a headline that appeared in a lot of newspapers, this particular one was the Las Vegas Sun newspaper, it said: Those who peddle such deceitful, political talking points “need a lesson in civics.”

As Mr. WARNER, the gentleman Senator from Virginia, has said in this debate, Senators are “trying to exercise the fundamental responsibilities of our democracy.”

Critics of the war also need a lesson in history. If history has taught us anything, it is that our country is strongest when all three branches of Government function. Our country is strongest when this legislative branch is more than a rubberstamp. And, finally, our country is strongest when we have real, meaningful debate on issues of consequence on behalf of the American people.

There is no issue greater in consequence than what is going on in Iraq. To suggest that the former chairman of the Armed Services Committee, a former Secretary of the Navy, a former marine, Senator JOHN WARNER, or highly decorated Vietnam veteran CHUCK HAGEL, who on the battlefields of Vietnam saved his own brother's life, would take any action to undermine our troops and embolden the enemy—of course not—to suggest such is beneath any administration official or Member of Congress, even though they both tried it. I think they should reexamine what they have said. It is dangerous rhetoric, motivated more by politics than events in Iraq.

These two men are examples of this not emboldening the enemy but our

doing, as the legislative branch of Government, what we are obligated to do: to talk about this conflict in Iraq.

We are in a hole in Iraq. Escalating the war is deepening that hole. We need to find a way out of that hole. Our troops, most of all, need our help. They need a policy that is worthy of their heroic sacrifices. They don't need hollow speeches or inflammatory rhetoric. They don't need a rubberstamp. They need someone to ask the tough questions. They need a legislative branch that will finally exercise its constitutional responsibilities.

I, for one, am glad we have finally arrived at this point where Congress is exercising its power. We arrived here because the American people demanded we exercise our power.

In his State of the Union Address, the President asked Members of Congress to give escalation a chance. But the truth is, escalation is the same failed President Bush policy that has already run out of chances. The President has escalated the war before, only to see the same results: increasing chaos, innumerable costs, and a civil war that is spinning out of control.

Is there a war in Iraq that is civil in nature? Of course. A marketplace where people came to buy pets, to sell pets was blown to smithereens, snakes crawling away from their cages. Children taking tests were hit with a mortar round over the weekend. And 600 insurgents were gathered in an orchard where a battle that took 15 hours ensued over the weekend. Is there a civil war? Of course, there is a civil war. Is there chaos in Iraq? Of course, there is chaos in Iraq.

The President knows how the American people feel. Generals Abizaid and Casey, when asked whether this escalation would be a good idea, told the President “no.” They were relieved of duty. Prime Minister Maliki, speaking face to face with the President, said: Mr. President, get American troops out of Baghdad. That is what the democratically elected Prime Minister of Iraq told the President of the United States. The Iraq Study Group has so told the President. And now we are going to have a bipartisan vote that will tell the President the same.

There is no military solution in Iraq; there are only political solutions in Iraq. With the vote, which will eventually come, we will give the President another chance to listen, listen to the generals, listen to the Iraq Study Group, listen to the American people, and listen to a bipartisan Congress.

The stunning part of this is the people of Iraq don't want us there. Polls show that 70 percent of the Iraqis believe Iraq would be better off if we were out of there. So it is another chance to listen and change course. That is what we hope will be the outcome of our debate. That will be the right result for the Nation, for our strategic interests, and for the troops.

We will work with my distinguished friend, the Republican leader, to try to

have something that is more understandable. The way things now stand, if cloture is invoked tomorrow, this matter can be played out, as I understand the procedures here, until about 1 o'clock Friday morning and, if necessary, we will do that. But hopefully we can agree on a way to proceed through this without those many votes and arrive at a point where we can come to some agreement as to how we should proceed in a reasonable, logical way, so everyone has their opportunity to express views on Iraq. We have a number of competing legislative matters we can vote on. It would seem to me very likely it will take 60 votes to pass anything, but at least if we set up a responsible way to go forward, I think it would be more meaningful to the body and to the American people.

I know my friend, the Republican leader, will work with me. We will try to do the best we can for the body itself; otherwise, we will work through the rules of the Senate, which will get us there but maybe not as quickly and as conveniently.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

REPUBLICAN COOPERATION

Mr. McCONNELL. Let me say to my good friend, the majority leader, I think we should be able to work our way through some negotiations on the Iraq matter that will allow us to consider a variety of proposals that may be forthcoming. With regard to the advisability of doing any resolution at all, I think the Washington Post basically had it right last week when they said they found it curious that we would confirm General Petraeus overwhelmingly, which we did Friday, 81 to nothing, and then turn around and pass a resolution saying his mission, in our judgment, has no chance of succeeding.

I hope at the end of the day such a resolution will not be approved. Having said that, I do think this is the last opportunity for the Iraqis to get it right. They need to understand that even those of us who are strong supporters of the President believe this is it. This is their chance to demonstrate that they can function in this effort to quiet the capital city of Baghdad so it can become a place in which political compromise can in fact occur. It is very difficult for that to happen when there are daily car bombings.

With regard to the minimum wage, let me indicate, Republicans made a pledge at the start of this session to cooperate and that is exactly what we have done. We passed one strong bill and we are about to pass another by keeping that pledge. Two weeks ago some of our colleagues on the other side started to dispute our commitment to cooperation over the ethics and lobbying bill. One of my good

friends on the other side said Republicans hated the bill and decided to kill it. Another said our effort to make the bill better through the amendment process was “one of the worst stunts he had seen in 25 years as a legislator.” What made those observations particularly absurd is that on that same day, the very same day those quotes were made, the bill passed 96 to 2.

Last week, many of our colleagues on the other side were reviving their charges of noncooperation after we took up the minimum wage bill. One said Republicans don’t tend to vote for a minimum wage increase. Another said we were putting up obstacles to the bill so we wouldn’t have to act on it.

We passed a good ethics and lobby reform bill and we are going to pass a good minimum wage increase bill because of Republican support and because Republicans insisted on a bipartisan package for both ethics and lobbying. That is the reason we saw an overwhelming vote at the end, support on both sides of the aisle. It is only because Republicans insisted on a bipartisan package for the minimum wage bill that I expect at some point in the near future we will see a similar vote on that. We pledged cooperation, and cooperation is exactly what we are offering in these early days of this Congress.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period for the transaction for morning business until 3:30 p.m. with Senators permitted to speak therein for up to 10 minutes each, and the Senator from North Dakota, Mr. DORGAN, in control of 45 minutes and the Senator from Pennsylvania, Mr. SPECTER, in control of 30 minutes.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, Senator DORGAN and I have arranged to switch times. He graciously consented to that. I ask unanimous consent that I may proceed for the 30-minute special order that was already announced and that Senator DORGAN be recognized for 45 minutes when my time is concluded.

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

TELEVISING OF SUPREME COURT PROCEEDINGS

Mr. SPECTER. Mr. President, I have sought recognition to comment about S. 344, which provides for the televising of Supreme Court proceedings. This

bill is cosponsored by Senator GRASSLEY, Senator DURBIN, Senator SCHUMER, Senator FEINGOLD, and, with unanimous consent Senator CORNYN—a bipartisan representation. It is identical with legislation introduced in the last Congress after having been voted out of committee, and was voted out of committee on a 12-to-6 vote. It was previously introduced in 2005. It had a hearing on November 9 of 2005 and was reported out of committee on March 30 of 2006.

The essential provision is to require televising proceedings at the Supreme Court of the United States unless the Court determines on an individual basis that there would be an inappropriate occasion and a violation of the due process rights of the parties.

The thrust of this legislation is to bring public attention and understanding of how the Supreme Court of the United States functions, because it is the ultimate decisionmaker on so many—virtually all of the cutting edge questions of our day. The Supreme Court of the United States made the decision in *Bush v. Gore*, essentially deciding who would be President of the United States. The Supreme Court decides cases on the death penalty, as to who will die.

It decides by 5-to-4 decisions so many vital cases, including partial-birth or late-term abortion, deciding who will live. It decides the question of who will be elected, controlling the constitutional decision on campaign contributions. It decides the constitutionality—again, and all of the cases I mentioned are 5 to 4—on school prayer, on school vouchers, on whether the Ten Commandments may be publicly displayed, on whether affirmative action will be permitted, on whether eminent domain will be allowed—the taking of private property for governmental purposes. The Supreme Court of the United States decides the power of the President as illustrated by *Hamdan v. Rumsfeld*—that the President does not have a blank check and that the President is not a monarch.

The Supreme Court of the United States, again in a series of 5-to-4 decisions, has decided what is the power of Congress, declaring in *U.S. v. Morrison* the legislation to protect women against violence unconstitutional because the Court questioned our “method of reasoning,” raising a fundamental question as to where is the superiority of the Court’s method of reasoning over that of the Congress. But that kind of decision, simply stated, is not understood.

Or the Supreme Court of the United States dealing with the Americans With Disabilities Act, making two decisions which are indistinguishable, upholding the statute on a paraplegic crawling into the courthouse in Tennessee and striking down the constitutionality of the statute when dealing with employment discrimination. They did so on a manufactured test of congruence and proportionality, which is literally picked out of thin air.

Under our Constitution, I respect the standing of the Supreme Court of the United States to be the final arbiter and to make the final decisions. But it is, I think, fundamental that the Court’s work, the Court’s operation ought to be more broadly understood. That can be achieved by television. Just as these proceedings are televised on C-SPAN, just as the House of Representatives is televised on C-SPAN, so, too, could the Supreme Court be televised on an offer made by C-SPAN to have a separate channel for Supreme Court oral arguments. There are many opportunities for the Court to receive this kind of coverage, to inform the American people about what is going on so that the American people can participate in a meaningful way as to whether the Court is functioning as a super-legislature—which it ought not to do, that being entrusted to the Congress and State legislatures, with the Court’s responsibility being to interpret the law.

It should be noted that the individual Justices of the Supreme Court have already been extensively televised. Chief Justice Roberts and Justice Stevens were on “Prime Time” on ABC TV. Justice Ruth Bader Ginsburg was on CBS with Mike Wallace. Justice Breyer was on “FOX News” Sunday. Justice Scalia and Justice Breyer had an extensive debate last December, which is available for viewing on the Web—and in television archives. So there has been very extensive participation by Court members, which totally undercuts one of the arguments, that the notoriety would imperil the security of Supreme Court Justices.

It is also worth noting that a number of the Justices have stated support for televising the Supreme Court. For example, Justice Stevens, in an article by Henry Weinstein on July 14, 1989, said he supported cameras in the Supreme Court and told the annual Ninth Circuit Judicial Conference at about the same time that, “In my view, it is worth a try.”

Justice Stevens has been quoted recently stating his favorable disposition to televising the Supreme Court.

Justice Breyer, during his confirmation hearings in 1994, indicated support for televising Supreme Court proceedings. He has since equivocated, but has also noted that it would be a wonderful teaching device.

In a December 13, 2006 article by David Pereira, Justice Scalia said he favored cameras in the Supreme Court to show the public that a majority of the caseload involves dull stuff.

In December of 2000, an article by Marjorie Cohn noted Justice Ruth Bader Ginsburg’s support of camera coverage, so long as it is gavel to gavel—which can be arranged.

Justice Alito, in his Senate confirmation hearings last year, said that as a member of the Third Circuit Court of Appeals he voted to admit cameras. He added that it would be presumptuous of him to state a final position until he