

I hope the U.S. attorney bill will come to the floor of the Senate, and I hope we can change it back. I hope we can go out and say to the American people that this will never happen again and every U.S. attorney will have confirmation before the Senate of the United States.

Mrs. LINCOLN. Mr. President, I rise today to state my support for the legislation put forward by Senator FEINSTEIN on the interim appointment of U.S. attorneys. This legislation represents a compromise between Senator SPECTER and Senator FEINSTEIN and I commend them for the bipartisan example they have set in addressing this issue.

Senator PRYOR and I came to this debate because of the interim appointment of a U.S. attorney in Arkansas, but the importance of this issue goes beyond the qualifications of Tim Griffin for that position. The Founding Fathers created this Government around a system of checks and balances, with three coequal branches. As we all know, one of those branches is filled with officials who are not elected, such as Mr. Griffin. The Founding Fathers knew that if the executive branch was allowed to appoint all of the members of the judiciary without any consultation with the legislative branch, it would make the judiciary branch simply an extension of the executive.

What we are talking about today is another in a long line of attempts by this administration to undermine the system of checks and balances by expanding the authority of the executive branch. These abuses of power have almost always related to provisions that are necessary for the smooth operation of government. Of course we need the ability to appoint a U.S. attorney in a time of crisis when Congress is not in session, but do we need that authority extended to a point where a sitting President can make a judicial appointment with no set termination? Absolutely not. The law the administration changed in the PATRIOT Act was well structured to provide the ability to appoint in times of emergency, while respecting the Senate's role in the process. The compromise put forward by Senators FEINSTEIN and SPECTER seeks to restore that.

The Senate's role in the confirmation process is vital as it provides a second review of the qualifications of a nominee and allows constituents a better opportunity to evaluate a nominee and state their support or opposition. I fear that this effort to diminish the Senate's role in the confirmation process is indicative of this administration's general attitude toward a vital provision of our Constitution and to the system of checks and balances in general. If given the choice, it would appear that this administration clearly favors less transparency in government, not more. If allowed to continue, I feel certain that it would result in the average constituent having much greater difficulty getting their voice heard on the

appointment of nonelected officials. The power of our democracy rests with the people, and that is something we must never forget. It is for that reason that I support Senator FEINSTEIN and Senator SPECTER and urge my colleagues to join with them in order to pass this legislation.

Mr. REID. Mr. President, I regret that we have not been allowed to move forward at this time on S. 214, a bill to preserve the independence of U.S. attorneys.

This legislation is ready for floor action. It was the subject of a lengthy hearing in the Judiciary Committee and was favorably reported by that committee with bipartisan support.

The bill would protect U.S. attorneys from being used as political pawns. It would limit the power of the Justice Department to appoint long-term replacements for departing U.S. Attorneys and instead authorize the chief Federal judge in a district to appoint a temporary replacement while the permanent nominee undergoes Senate confirmation. This is the process that was followed for decades until it was changed in the Patriot Act reauthorization.

Last month, we learned that at least seven U.S. attorneys had been directed by the Department of Justice to resign. One of these was the U.S. attorney in my State of Nevada, Daniel Bogden.

Let me take just a moment to thank Dan Bogden for his service. He has been the chief Federal prosecutor in Nevada since his appointment in 2001. He is a former Washoe County deputy district attorney and had served as an assistant U.S. attorney for 10 years before being appointed as chief Federal prosecutor. He made it a priority to prosecute violent criminals and drug traffickers and his efforts have made Nevada safer. I appreciate all the remarkable work he has done for our State.

The Deputy Attorney General testified that the U.S. attorneys who were forced out had "performance issues." As far as I am concerned that is nonsense. Dan Bogden's last job evaluation described him as being a "capable" leader who was highly regarded by the Federal judges and investigators in our State.

What is really going on here? According to news reports, the decision to remove U.S. attorneys was part of a plan to "build up the back bench of Republicans by giving them high-profile jobs." In fact, at least one of the fired U.S. attorneys was replaced by a GOP opposition researcher who is known as a protégé of Karl Rove.

So what has happened might well be called "Crony-gate." It may not be as far reaching a scandal as Watergate, but it is a scandal nonetheless. It represents a breach of the long tradition of independence that allowed these powerful Federal prosecutors to do their jobs without fear of political retribution. Now every U.S. attorney will be looking over his or her shoulder to see if Karl Rove or other White House aides approve of their decisions.

The administration is in a position to ignore the Senate and place its own loyalists in these key jobs because of a little known change included in the Patriot Act last year at the insistence of the Justice Department. This provision lets the Attorney General make interim U.S. attorney appointments with no time limits, no residency requirements, and no need for Senate confirmation.

I applaud Senators FEINSTEIN, PRYOR, LEAHY, and others for addressing this problem swiftly. Their bill will help ensure that the people of Nevada have a say in who will be their next U.S. attorney. The Senate confirmation process for U.S. attorneys ensures transparency and accountability. We need to keep politics out of the justice system.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Idaho is recognized.

#### NOMINATION OF NORMAN RANDY SMITH

Mr. CRAIG. Madam President, I am proud to rise in support of the confirmation of Norman Randy Smith to the Court of Appeals for the Ninth Circuit.

There is no question about Randy Smith's credentials or competence for this position. He has been a State district judge in Idaho's Sixth Judicial District for a decade. He has served as a felony drug court judge and a pro tem justice on the Idaho Supreme Court and the Idaho Court of Appeals. He has a wealth of experience in both the practice and teaching of law, and he has been an active member of the bar association and other professional associations.

There is also no question about Judge Smith's character and fitness for this office. Randy Smith is deeply involved in his community and State, and he has held positions of leadership and responsibility in a wide variety of organizations. He is respected and well-liked by Republicans and Democrats alike throughout the State of Idaho.

He is a fine man—the kind of person you would want to have as a scout leader for your kids. He is a principled and knowledgeable community citizen—the kind of person you would want to have on your team or your board. He is a thoughtful, objective judge—the kind of judge you would trust to render an impartial and well-reasoned decision.

Men and women come to the bench by many different roads, including academia or elected public office. Randy Smith's real-world experience gives him a perspective and skill-set that will be extremely valuable on the appellate court. His character and competence fit him to advance to this important position, and Idahoans are confident that he would be a tremendous asset to our region, and the Nation, as a judge on the Ninth Circuit Court of Appeals.

THE CONFIRMATION OF JUDGE  
RANDY SMITH

Mr. CRAPO. Madam President, I rise today to speak about a tremendous event that happened in the Senate, and that is that the Senate today confirmed my good friend, Randy Smith, to be a judge on the Ninth Circuit.

Madam President, today really is the conclusion of a sometimes unnecessarily long and difficult process for the confirmation of Judge Smith. Judge Smith was originally nominated by the President back on December 16, 2005, for a seat on the Ninth Circuit Court of Appeals that was vacated when Idaho Judge Stephen Trott took senior status.

Earlier this year, through negotiations with the White House, Judge Smith was renominated to a different Idaho seat on the Ninth Circuit that had been vacated when Judge Thomas Nelson took senior status.

Since 1996, Judge Smith has served as district judge for the Sixth Judicial District of Idaho. Judge Smith earned his undergraduate and law degrees from Brigham Young University. Throughout his career, both in private practice and as a judge, Judge Smith has continued to be a student and teacher of the law. He taught courses in business law and tax law at Brigham Young and later at Boise State University. Since 1993 he has served on the faculty at Idaho State University teaching legal environment and business law.

Prior to becoming a judge, Randy Smith spent more than 15 years in private practice, gaining significant experience before both State and Federal courts. He is a member of the bar of the U.S. Supreme Court, the Ninth Circuit Court of Appeals, U.S. District Court for the State of Idaho, U.S. Tax Court, the Idaho Supreme Court, and all of the other courts of the State of Idaho.

In addition to his current position as district judge in Idaho, Judge Smith also serves from time to time as pro tem justice on the Idaho Supreme Court, as a judge on the Idaho Court of Appeals, also, and as a temporary judge in district courts throughout the State of Idaho. He literally handles approximately 100 Federal and State civil cases each year.

In 2004, Judge Smith received the George C. Granata, Jr., Award presented by the Idaho State judiciary in recognition of demonstrated professionalism as an Idaho trial judge, and for motivating and inspiring his colleagues on the bench by his character and actions. In 2002, he received the Outstanding Service Award from the Idaho State Board of Commissioners. Judge Smith is also a member of the board of directors and is a past president of the Idaho State Civic Symphony.

The American Bar Association has given him its unanimous “well qualified” rating for his nomination to the Ninth Circuit.

It is my honor today to personally congratulate Judge Smith. As I said, he is a personal friend. I have known him for years and have watched him give service to the people of the State of Idaho of the highest caliber. He has shown himself to have the principles and values to be the kind of judge that America needs. He understands that we need a conservative understanding and interpretation of the U.S. Constitution, and that the role of a judge is interpretation of the law, not creation of the law. He understands the value that comes from having solid adherence to the principles of our Constitution as issues are adjudicated. He will be a tremendous new asset and addition to the Ninth Circuit Court of Appeals.

As I said at the outset, this has been a long, sometimes very unnecessarily burdensome and difficult process to get his nomination to the floor. I am sure that the strength he will bring to the Ninth Circuit was shown by the vote of confidence given to him today, a unanimous vote by the Senators present, 94 to 0, confirming him to be the next judge on the Ninth Circuit Court of Appeals.

This is a tremendous day for Randy Smith, but it is also a tremendous day for the Ninth Circuit Court of Appeals, the people who live in that circuit, and, frankly, for the people of America.

Madam President, 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. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HONORING THREE MONTANA  
HEROES

Mr. BAUCUS. Madam President, Saint Luke explains in his Gospel:

The spirit of the Lord is upon me, because He hath sent me to heal.

Delivering care to the sick and injured is the Lord’s work. To heal the sick at great risk to one’s own safety reflects the best that we can be as the Lord’s servants.

I am here to honor three healers from my home State of Montana—ambulance pilot Vince Kirol, paramedic and firefighter Paul Erikson, and registered nurse Darcy Doyle. These Montana heroes died tragically during an air rescue mission on February 6.

Their deaths are a tremendous loss to their families, to Benefits Healthcare, and to all of Montana. These dedicated individuals were en route to Bozeman from Great Falls in dangerous weather to pick up a patient who had suffered a severe head injury that required immediate surgery.

Every minute counted. The victim’s injury had to be treated as quickly as possible. The longer it took to get him to the hospital, the worse his chances

were for survival. The only way to get the patient the care he needed was by air transport. So the dependable air ambulance team at Benefits Healthcare was called. Vince, Paul, and Darcy responded to the call without hesitation and without concern for their own safety.

They knew that somebody’s life was hanging in the balance. This is the type of pressure-filled situation in which they have always operated.

Montana is a large State, it is a beautiful State, with rural and isolated areas, where people who are injured may need immediate rescue, may need it right away, including air ambulance transportation to a trauma center.

Unfortunately, there are not enough hospitals in Montana that can give the kind of care someone with severe injuries immediately needs.

So-called level 1 hospitals have operating rooms, surgeons, and radiologists available 24 hours a day, 7 days a week, waiting and ready for any patient with severe injuries who is brought in. There are no level 1 hospitals in Montana.

Level 2 hospitals have the right facilities, but the doctors are not in the hospital around the clock to be available immediately when a patient arrives. There are only three level 2 trauma centers in Montana.

It is very expensive to run hospitals and offer this high-level, specialized care. Only three hospitals in Montana—one in Missoula, one in Billings, and one in Great Falls—offer such services, so every patient who needs a trauma center has to go to one of these hospitals. This makes air ambulance transportation even more important, given Montana’s 800-mile span and mountainous terrain.

The Benefits medevac program provides 24-hours-a-day, 7-days-a-week air ambulance transportation in Montana and the Northwest. Aircraft respond to isolated areas, accident scenes, and hospitals to bring patients to the regional emergency center as quickly as possible.

These dedicated pilots, nurses, and paramedics who operate the Benefits medevac program provide honorable and essential services to Montana. The three Benefits professionals who lost their lives last week were trying to do just that.

Darcy Dengel was a 27-year-old registered nurse. She joined Benefits in June 2001 and transferred to the emergency room in August 2003, where she also worked as a flight nurse.

Her Benefits colleagues describe her as a bright, talented, and vibrant woman who loved her work because that work gave her a unique opportunity to help people in need.

She was able to make a difficult time for a patient a little easier with her gentle care. She was to be married this spring to Rob Beal and is survived by parents Rich and Donna Dengel of Lewistown, MT.

A long-time friend of Darcy Dengel’s family described Darcy this way: