

nominating controversial nominees. I extended another olive branch to him by my letter last November. I have received no response.

I had consulted with the senior Senator from Pennsylvania, and we had earlier exchanged letters. He knows from my January 22 letter what the situation is. As a former chairman he knows. He knows the history of the Thurmond Rule, by which Republicans, then in the minority, insisted that judicial vacancies in the last year of a President's term remain vacant in order to be filled with the nominations of the next President. He understands the dynamics in the last year of a President's term. And no modern President has been as divisive as this President on these issues.

The Republican chairman serving during the end of President Clinton's term noted many times that judicial confirmations slow in a President's last year. I do not intend to return more than 60 nominations to this White House without action, or return 17 circuit court nominations without action. But much depends on the cooperation of the President and Senate Republicans.

It is hard to consider partisan complaints about the pace of judicial nominations when those same voices criticize me for holding hearings on judicial nominations. Damned if I do and damned if I don't. Indeed, when I went out of my way to hold a hearing for judicial nominations during the last recess period, I was roundly criticized by Republicans. It reminded me of the time in 2001 when I previously chaired a recess hearing for another circuit court nominee of this President and I was criticized by a Republican Senator for proceeding expeditiously. It only goes to prove the truth of the saying that around here, when it comes to judicial nominations, no good deed goes unpunished.

The record is that during the 1996 session, the last of President Clinton's first term, the Republican-led Senate confirmed not a single circuit nomination. If we are able to proceed and confirm just one circuit nominee this year, we will better that record.

Republicans returned 17 circuit nominations to President Clinton without action at the end of his presidency. The treatment of President Clinton's nominees contrasted markedly with that accorded by Democrats to the nominations of Presidents Reagan and Bush in the Presidential election years of 1988 and 1992, when nine circuit court nominees were confirmed on average. Regrettably, the Republican Senate reversed that course in its treatment of President Clinton's circuit court nominations, confirming none during the 1996 session and an average of only four in Presidential election years.

The Republican Senate chose to stall consideration of circuit nominees and maintain vacancies during the Clinton administration. In those years, Senator HATCH justified the slow progress by

pointing to the judicial vacancy rate. When the vacancy rate stood at 7.2 percent, Senator HATCH declared that "there is and has been no judicial vacancy crisis" and that this was a "rather low percentage of vacancies that shows the judiciary is not suffering from an overwhelming number of vacancies." Because of Republican inaction, the vacancy rate continued to rise, reaching nearly 10 percent at the end of President Clinton's term, including 26 circuit vacancies.

By contrast, we have helped cut circuit court vacancies across the country in half, reducing the number to 13 in 2007. In fact, circuit court vacancies reached a high water mark of 32 early in President Bush's first term, with a number of retirements by Republican-appointed judges. Indeed, the current judicial vacancy rate is around 5 percent. That is half of what it was at the end of President Clinton's term, and significantly lower than when Senator HATCH described the vacancy rate as acceptably low. If we applied Senator HATCH's standard, we would have no more hearings or consideration of any of the remaining nominations.

Because of the success of the Republicans at stacking the courts and their success in preventing votes on nominees, the current situation on the circuit courts is that more than 60 percent of active judges were appointed by Republican presidents and more than 35 percent were appointed by this President. If we did not act on another nominee, Republican presidents' influence over the circuit courts is already out of balance.

I would rather see us work with the President on the selection of nominees that the Senate can proceed to confirm than waste precious time fighting about controversial nominees. That is why I have urged the White House to work with Senators WARNER and WEBB to send to the Senate without delay nominees to the Virginia vacancies on the Fourth Circuit. That is why I have urged the White House to work with all Senators from States with vacancies on the Federal bench. We may still be able to make progress, but only with the full cooperation of this President, and Republican Members of this Senate.

THE POLITICAL CRISIS IN ETHIOPIA

Mr. FEINGOLD. Mr. President, I rise today to discuss the political situation in Ethiopia. The U.S.-Ethiopian partnership is an incredibly important one—perhaps one of the more significant on the continent given not only our longstanding history but also the increasingly strategic nature of our cooperation in recent years. Ethiopia sits on the Horn of Africa—perhaps one of the roughest neighborhoods in the world, with Somalia a failed state and likely safe haven for terrorists, Eritrea an inaccessible authoritarian regime that exacerbates conflicts throughout

the region, Sudan a genocidal regime, and now Kenya descending into crisis. By contrast, Ethiopia seems relatively stable with its growing economy and robust poverty reduction programs.

Indeed, one look at the deteriorating situation on the Horn of Africa and it is clear just how essential our relationship with Ethiopia really is. Unfortunately, the Bush administration's approach to strengthening and building bilateral ties with Ethiopia has been shortsighted and narrow. As in other parts of the world, the administration's counterterrorism agenda dominates the relationship, while poor governance and human rights concerns get a pass.

Genuine democratic progress in Ethiopia is essential if we are to have a healthy and positive bilateral relationship. We cannot allow a myopic focus on one element of security to obscure our understanding of what is really occurring in Ethiopia. Rather than place our support in one man, we must invest in Ethiopia's institutions and its people to create a stable, sustainable political system. As we are seeing right now in Kenya, political repression breeds deep-seated resentment, which can have destructive and far-reaching consequences. The United States and the international community cannot support one policy objective at the expense of all others. To do so not only hurts the credibility of America and the viability of our democratic message, but it severely jeopardizes our national security.

I am seriously concerned about the direction Ethiopia is headed—recurring because according to many credible accounts, the political crisis that has been quietly growing and deepening over the past few years may be coming to a head. For years, faced with calls for political or economic reforms, the Ethiopian government has displayed a troubling tendency to react with alarmingly oppressive and disproportionate tactics.

For example, in 2003, we received reports of massacres of civilians in the Gambella region of Ethiopia, which touched off a wave of violence and destruction that has yet to truly loosen its grip on the region. At that time, hundreds of lives were lost, tens of thousands were displaced, and many homes, schools, and businesses throughout the area were destroyed. Credible observers agree that Ethiopian security forces were heavily involved in some of the most serious abuses and more than 5 years later no one has been held accountable and there have been no reparations.

The national elections held in May 2005 were a severe step back for Ethiopia's democratic progress. In advance of the elections, the Ethiopian Government expelled representatives of the three democracy-promotion organizations supported by USAID to assist the Ethiopian election commission, facilitate dialogue among political parties and election authorities, train pollwatchers, and assist civil society in

the creation of a code of conduct. This expulsion was the first time in 20 years that a government has rejected such assistance, and the organizations have still not returned to Ethiopia because they do not feel an environment exists where they can truly undertake their objectives.

Despite massive controversy surrounding the polls, it is notable that opposition parties still won an unprecedented number of parliamentary seats. Their pursuit of transparency and democracy was again thwarted, however, when they tried to register their concerns about the election process. In one incident, peaceful demonstrations by opposition members and their supporters in Ethiopia's capital of Addis Ababa were met with disproportionate and lethal force that killed more than 30 people and injured over 100. In another incident, the Ethiopian government arrested thousands of peacefully protesting citizens who took to the streets in support of the opposition.

The systemic nature of this crackdown was revealed in credible reports coming from the Oromia and Amhara regions that federal police were unacceptably threatening, beating and detaining opposition supporters. Indeed, international human rights groups documented that regional authorities were exaggerating their concerns about armed insurgency and "terrorism" to try to justify the torture, imprisonment and sustained harassment of critics and even ordinary citizens.

This tendency to portray political dissent as extremist uprisings has been repeated more recently with regards to what is being characterized by some as a brutal counterinsurgency operation led by Ethiopia's military in the Ogaden, a long-neglected region that borders Somalia. Certainly I recognize the serious security concerns in this region, made worse by the porous borders of the failed state just a stone's throw away.

But it is precisely because Ethiopia is our partner in the fight against al-Qaida, its affiliates and allies, that I am so concerned about what I understand to be a massive military crackdown that does not differentiate between rebel groups and civilians. While I am sure there are few clean hands when it comes to fighting in the Ogaden region, the reports I have received about the Ethiopian government's illicit military tactics and human rights violations are of great concern.

I have been hearing similar reports of egregious human rights abuses being committed in Somalia, about which I am gravely concerned. When I visited Ethiopia just over a year, I urged the Prime Minister not to send his troops into Somalia because I thought it might make instability there worse, not better. Tragically, more than a year later, it seems my worst fears have been realized as tens of thousands of people have fled their homes, humanitarian access is at an all time low,

and there are numerous reports of increasing brutality towards civilians caught in the crossfire. In the interest of its own domestic security, Ethiopia is contributing to increased regional instability.

What troubles me most is that the reports of Ethiopia's military coming out of the Ogaden and Mogadishu join a long list of increasingly repressive actions taken by the Ethiopian government. The Bush administration must not turn a blind eye to the aggressive—and recurring—tactics being utilized by one of our key allies to stifle dissent.

I certainly welcome the role the Bush administration has played in helping to secure the release of many—although not all—of the individuals thrown in jail in the aftermath of the 2005 elections. I welcome the Embassy's engagement with opposition members and their efforts to encourage Ethiopian officials to create more political space for alternative views, independent media, and civil society. These are all important steps but they do not go far enough.

The administration's efforts at backroom diplomacy are not working. I understand and respect the value of quiet diplomacy, but sometimes we reach the point where such a strategy is rendered ineffective—when private rhetorical commitments are repeatedly broken by unacceptable public actions. For example, recent reports that the Ethiopian government is jamming our Voice of America radio broadcasts should be condemned in no uncertain terms, not shrugged off.

The Bush administration must live up to its own rhetoric in promoting democracy and human rights by making it clear that we do not—and will not—tolerate the Ethiopian government's abuses and illegal behavior. It must demonstrate that there are consequences for the repressive and often brutal tactics employed by the Ethiopian government, which are moving Ethiopia farther away from—not closer to—the goal of becoming a legitimate democracy and are increasingly a source of regional instability.

I am afraid that the failure of this administration to acknowledge the internal crisis in Ethiopia is emblematic of its narrow-minded agenda, which will have repercussions for years to come if not addressed immediately. Worse yet, without a balanced U.S. policy that addresses both short- and long-term challenges to stability in Ethiopia, we run the risk of contributing to the groundswell of proxy wars rippling across the Horn—whether in Somalia, eastern Sudan, or even the Ogaden region. And those wars, in turn, by contributing to greater insecurity on the Horn and providing opportunities for forces that oppose U.S. interests, pose a direct threat to our own national security as well.

NATIONAL PEACE CORPS WEEK

Mr. BINGAMAN. Mr. President, I wish to add my voice to those of my

colleagues who have stood to salute the Peace Corps.

The Peace Corps is one of our country's most effective international development programs. Since its inception in 1961, the Peace Corps has sent over 190,000 volunteers to 139 developing countries, where they have helped build thousands of schools, health clinics, and small businesses.

Equally as important, the Peace Corps is one of our country's most important public diplomacy programs. The sight of ordinary Americans volunteering to serve the world's most disadvantaged populations cannot help but elevate good will toward our country. Fifty-nine volunteers from my home State of New Mexico are currently serving in countries ranging from Ukraine and Georgia in Europe, to Malawi and Senegal in Africa, to Peru and Honduras in Central America.

Today, I urge the Peace Corps to consider returning to the poorest country in our own hemisphere. That country is Haiti.

According to the U.N. Development Program, over three-quarters of Haitians subsist on less than \$2 per day and over half on less than \$1 per day. Haiti is one of the poorest of the poor. The security situation in Haiti was precarious for much of the new century—which is why the Peace Corps left. But one year ago, a brighter picture emerged. The international community launched a concerted effort to rid Haiti's slums of violent gangs. President Rene Preval made real efforts to promote political reconciliation in the country. Because of these efforts, we have a genuine window of opportunity to make a difference in Haiti. But this window will not last forever. In the best tradition of the Peace Corps, we Americans should seize this opportunity while we have the chance.

I can think of no better way of honoring the Peace Corps than by calling upon it to consider returning to Haiti.

IN MEMORY OF WILLIAM F. BUCKLEY, JR.

Mr. DODD. Mr. President, I wish to mark the loss of an outstanding American intellect—and, what's more, a decent and a well-loved man. William F. Buckley, Jr., died last week at the age of 82. He was found at work at his desk, pen in hand—and I don't think he could have imagined a more fitting exit.

Few thinkers were more prolific than Bill Buckley—his total catalogue amounts to more than 50 books and thousands and thousands of columns, not to mention his three decades on the pioneering debate program "Firing Line." Few writers wielded more influence—the entire modern conservative movement honors him as its founder. And few figures in our national life earned such admiration—all the way from Ronald Reagan, who told Buckley, "You didn't just part the Red Sea—you rolled it back, dried it up and