

the country or the world on any given day is being talked about and sometimes even acted on in the United States Senate.

His first major legislative achievement was a 1966 law to make automakers notify car owners of dangerous defects. He went on to win another victory for consumers by stepping up regulation of slaughterhouses that had been selling diseased and putrid meat.

But he really came into his own in mastering the legislative process with a key victory on his open housing bill. Part of his success in winning a key cloture vote, against great odds, was helped along by his earlier bonding with a crusty earlier chairman of the Judiciary Committee, James Eastland. I hasten to note that I haven't yet entered into my crusty phase. Fritz knew the art of being able to disagree without being disagreeable.

That was a heady and vibrant legislative era, and Fritz had a hand in virtually every major piece of civil rights, education and child care legislation that emerged from Congress during that period.

To me, part of his Senate legacy that is the most significant and timely—timely, even today—was his work on and after the Senate's investigation—headed by Senator Frank Church—into the abuses that led to the spying on the American people by their own government. The FBI's COINTELPRO operation, for instance, had spent more than two decades searching in vain for communist influence in the NAACP, and they had infiltrated domestic groups like organizations that advocated for women's rights.

More than any other member of the special committee, Fritz Mondale mastered the issues and dug into the research, which spanned testimony from 800 witnesses and more than one hundred thousand classified pages. The evidence added up, in his words, to "a road map to the destruction of American democracy." Powerful government surveillance tools were misused against the American people. There had been little effective congressional oversight of these federal investigative and intelligence agencies, and too little judicial review.

Their work led to the creation of the Select Committee on Intelligence, and later, to the Foreign Intelligence Surveillance Act—the FISA law that only lately has entered the public lexicon.

Then, as now, in the name of security, some were willing to trade away the people's rights. Then, as now, some would have the United States of America stoop to the level of our enemies, giving them a victory over us that they could not achieve on their own.

The parallels with today are clear and so are the lessons, but Fritz freshened the bottom line for us in his address to Senators not long after 9/11, as part of the Senate's leaders lecture series. Even before Abu Ghraib, the disclosure of the torture memos, the revelations about unlawful surveillance of Americans, or White House political tampering with U.S. Attorneys, this is what he said in September, 2002: "There is always the danger that our fears will overcome our faith in the power of justice and accountability. Whenever we have gone down that road, we have hurt the innocent and embarrassed ourselves. Justice and accountability make us better able to face our enemies. Justice strengthens us." Unquote, and amen.

Another of Fritz Mondale's most remarkable and lasting achievements in the Senate was to engineer a change in the Senate's rules, to curb the abuse of filibusters in thwarting the will of clear majorities of the American people. The difficulty in passing the civil rights laws of the 60s had gradually convinced more and more Senators that the bar for cutting off debate in the Senate was set too high.

That might not sound difficult, but changing the way the Senate operates is something akin to trying to change the weather.

As a freshman Senator, I had a front seat and a bit part in Fritz's highly organized campaign to change the cloture rule.

He and Republican Senator James Pearson of Kansas launched the effort to change cloture from two-thirds to three-fifths. Fritz preceded and followed that launch by carefully laying the groundwork, enlisting Senators one by one. When it finally reached the Senate Floor, the debate itself was protracted. Finlay Lewis set the scene well in describing part of the debate. Quoting him, "To an uninitiated or casual visitor, the proceedings must have seemed arcane, even bizarre. Here was the world's greatest deliberative body solemnly voting to table the Lord's Prayer. At another point, the Senate became polarized over a murky motion to table a motion to reconsider a vote to table an appeal of a ruling that a point of order was NOT in order against a motion to table another point of order against a motion to bring to a vote a motion to call up a resolution that would change the rules. At least, that's what it sounded like." Unquote.

Late, late one night, at about this point in the debate, Fritz and Majority Leader Mike Mansfield enlisted me, a young whipper-snapper, to play a role. They asked me to stay on the floor one night around two in the morning to take the gavel as the presiding officer. They expected that a lot of tight rulings were coming up. But I felt the honor of the calling drain away as Mansfield explained that they needed someone big who was still awake to be in the chair for those rulings. Sometimes a Senator is no more than a conscious body in the right place at the right time.

The debate went on and on and on, and so did the parliamentary and coalition-building by Fritz and by his opponents. Relationships and Senate comity were being tested. Before they reached the breaking point, Fritz rightly knew when to strike a compromise, and he worked one out with Russell Long.

He won the change in the cloture rule, and it is not an exaggeration to point out that his efforts probably saved the Senate as we know it, and he did it without changing the Senate's fundamental character. As difficult as it still is to get things done in the Senate, without the Mondale cloture rule the Senate by now would be largely unmanageable.

It is saddening and frustrating today to see that even the Mondale rule has been abused. Filibusters are used far more often than they used to be. We had to have 72 cloture votes last year, and with a razor thin majority like the current Democratic majority in the Senate, that usually is an insurmountable hurdle. As Fritz knows and as Fritz practiced, the Senate's machinery is oiled by good will and self restraint, and there is less and less of that around.

Through his public service, Fritz Mondale invested himself in the belief that our democracy offers civilizing power to all of us together as a community, through our representative government, to give each of us, and all of us, the opportunity to thrive, to make justice real, and to make the economy work for all and not just for some.

In a time when government is compiling more and more information about every American, every American deserves to know what their government is doing. Checks and balances and the kind of oversight that Fritz Mondale believes in and practiced makes government more accountable to the people. It helps make our system work as the Framers intended.

This is the way he put it in that address in 2002: "What a paradise we would live in if trust were never abused. But our Founders

knew better. They built our system on this deep insight into human nature. We are not perfect. We are, all of us, mixtures of the good and base, lofty and lowly, selfless and selfish. We are capable of sonatas, sonnets, and cathedrals. But we are also capable of greed, paranoia, and a dangerous thirst for power." Unquote. That insight of the Framers, he concluded, accounts for our unique system of checks and balances.

The Senate at its best can be the conscience of the nation. I have seen that when it happens, and I marvel in the fundamental soundness and wisdom of our system every time it does. But we cannot afford to put any part of the mechanism on automatic pilot. It takes constant work and vigilance to keep our system working as it should for the betterment of our society and its people. Keeping faith with these fundamentals accounts for much of the legacy of Fritz Mondale.

It is easy for politicians to appeal to our worst instincts and to our selfishness. Political leaders serve best when they appeal to the best in us, to lift our sights, summon our will and raise us to a higher level.

This year we celebrate our good fortune of knowing and benefiting from Fritz Mondale's ample service to the nation, and there is much to celebrate. His is the generous and optimistic spirit of the reformer, and of the patriot.

Thank you, Fritz. And Happy Birthday.

COMMISSION ON THE NATIONAL GUARD AND RESERVES

Mr. WARNER. Mr. President, I rise today to commend the work of the Commission on the National Guard and Reserves. Under the leadership of Arnold L. Punaro, the Commission has done this Nation a great service. It was my privilege as chairman of the Senate Armed Services Committee to include the legislation that established the Commission in the annual National Defense Authorization Act for Fiscal Year 2005.

On January 31, 2008, the Commission submitted its final report to the House and Senate Armed Services Committees and the Secretary of Defense. That report is thorough, is based on substantial and careful research and an extensive information-gathering process, and reflects many hours of deliberations by the Commission's members.

The 12 Commissioners, between them, brought 288 total years of military service, 186 total years of non-military government service, and many years of private-sector experience to the task. In addition to Chairman Punaro, the Commission's members are William L. Ball, III; Les Brownlee; Rhett B. Dawson; Larry K. Eckles; Patricia L. Lewis; Dan McKinnon; Wade Rowley; James E. Sherrard, III; Donald L. Stockton; E. Gordon Stump; and J. Stanton Thompson.

The Commission was established by Public Law 108-375, the Ronald Reagan National Defense Authorization Act for fiscal year 2005, as amended by Public Law 109-163, to assess the reserve component of the U.S. military and to recommend changes to ensure that the National Guard and other reserve components are organized, trained, equipped, compensated, and supported

to best meet the needs of U.S. national security.

The Commission's first interim report, containing initial findings and the description of a strategic plan to complete its work, was delivered on June 5, 2006. The second interim report, delivered on March 1, 2007, was required by Public Law 109-364, the John Warner National Defense Authorization Act for Fiscal Year 2007, enacted on October 17, 2006. That second report examined 17 proposals contained in the National Defense Enhancement and National Guard Empowerment Act, and included 23 recommendations covering the broad spectrum of issues raised by the legislation.

The Commission's second report was thoroughly reviewed by both Congress and the Department of Defense, and careful consideration was given to the Commission's recommendations that have changed, in a fundamental way, the Department of Defense's role for domestic security, taking significant steps towards improvements to make the nation safer from man-made and natural disasters. Secretary of Defense Gates also has taken timely and decisive action to implement those recommendations not requiring legislation, and has advocated before Congress for those requiring legislation.

The final report of the Commission was constructed from 17 days of public hearings, involving 115 witnesses; 52 Commission meetings; more than 850 interviews; numerous site visits, forums, and panel discussions; and the detailed analysis of thousands of documents supplied at the Commission's request by the military services, government agencies, experts, and other stakeholders. It contains 6 major conclusions and 95 recommendations, supported by 163 findings. This prodigious, thorough effort met the expectations of Congress.

In conducting its work, the Commission gathered information, analyzed evidence, identified significant problems facing the reserve components, and sought to offer the best possible recommendations to solve the problems identified. The Commissioners stated clearly their belief that the problems identified in the report are systemic, have evolved over many years, and are not the product of any one official or administration. Many of the Commission's recommendations to solve those problems can now be implemented; however, a number of them will take years to reach full implementation and will require additional work by Congress and the executive branch.

At the core of these changes is the explicit recognition of the evolution of the reserve components from a purely strategic force, with lengthy mobilization times designed to meet threats from large nation-states, to an operational force. This operational reserve must be readily available for emergencies at home and abroad, and more fully integrated with active components. Simultaneously, this force must

retain its own required strategic elements and capabilities.

The Commission concluded that there will be greater reliance on the reserve components as part of its operational force for missions at home and abroad. Moreover, the Commission also concluded that the change from the reserve components' historic Cold War posture necessitates fundamental reforms to reserve components' homeland roles and missions, to personnel management systems, to equipping and training policies, to policies affecting families and employers, and to the organizations and structures used to manage the reserves. These reforms are essential to ensure that this operational reserve is feasible in the short term while sustainable over the long term. In fact, the Commission believes that the future of the all-volunteer force depends upon the continued success of our implementation of needed reforms to ensure that the reserve components are ready, capable, and available for both operational and strategic missions.

In reviewing the past several decades of diverse use of the reserve components, as an integral part of operations in Iraq, Afghanistan, and the homeland, most notably the Commission has found indisputable and overwhelming evidence of the need for future policymakers and the military to break with outdated policies and processes and implement fundamental, thorough reforms in these areas.

The members of the Commission on the National Guard and Reserves share this view unanimously. The Commission notes that these recommendations will require the nation to reorder the priorities of the Department of Defense, thereby necessitating a major restructuring of laws and DOD's budget. While there are some costs associated with these recommendations, the Commission believes that the problems are serious, the need to address them is urgent, and the benefits of the reforms we identify more than exceed the expense of implementing them.

Clearly, the reserve force has proven itself to be a wise investment in our overall security structure and should be commended for their professional contributions to our Nation's defense. The Commission recognizes that these issues are extremely complex, and that there will be disagreement with some of the solutions it has proposed. That is to be expected. Commission members anticipate that this report will generate lively debate among the organizations and key policymakers responsible for protecting U.S. national security. With the submission of its last report, the Commission turns its findings, conclusions, and recommendations over to the legislative and executive branches, where Commission members feel confident that they will be carefully considered, improved upon, and implemented.

The Commission has provided America a blueprint for our work on the Na-

tional Guard and Reserves this year and in the future. Each of its 95 recommendations merits our careful consideration. The Senate Armed Services and Homeland Security and Governmental Affairs Committees have already held hearings on the Commission's report, and we await the Department of Defense's formal response to its recommendations.

It is with profound admiration and gratitude that I extend our collective thanks for the service that this Commission has rendered to our nation and to our men and women in uniform. I know my colleagues will agree when I say that this Commission has made profound and substantive recommendations for reforming our National Guard and Reserves and that we look forward to working to address the issues raised by the Commission's final report.

ADDITIONAL STATEMENTS

TRIBUTE TO MICHAEL E. BAKER

• Mr. AKAKA. Mr. President, it is a privilege for me today to honor Mr. Michael E. Baker as he retires as president of Maryknoll School. I want to express a heartfelt mahalo nui loa—thank you very much—and best wishes with my warmest aloha as he retires after 11 years at the helm of the school with an unsurpassed record of achievements. He leaves a legacy which benefited students and continues to do so and is appreciated by parents, alumni, and our educational community. His is a legacy of a great leader and educator.

As a former principal in our public school system, I agree wholeheartedly with the philosophy contained in Mr. Baker's "President's Message" in which he emphasize the critical importance of exceptional teachers in the commencement and development of students, intellectually and spiritually, and to inculcate them with these and all the other attributes necessary to develop into a valued member of our society. He has built on the solid foundation laid by his predecessors and attracted the very best faculty recognized for their excellence locally, regionally, and nationally.

As he retires from his stewardship of Maryknoll School to spend more time with his family, I also want to congratulate him for his leadership that made the Maryknoll School Community Center a reality. When completed, this much-needed first-rate center for the school's athletics program will be an important part of the school's curriculum as it continues to build success upon success for its students.

Mr. President, I join President Michael E. Baker's family, colleagues, friends, and the community in wishing him Godspeed as he enters the next phase of his life. He has earned the right to enjoy his family and the simple pleasures of life in retirement.●