

I applaud President Obama and Acting Archivist of the United States Adrienne Thomas for recently appointing Miriam Nisbet as the first Director of OGIS. I look forward to working closely with Director Nisbet and I will continue to work very hard to ensure that OGIS has the necessary resources to carry out its mission.

These new reforms to FOIA are very good news. But there is still much more to be done.

Earlier this year, Senator CORNYN and I joined together to reintroduce the bipartisan OPEN FOIA Act, S. 612, a commonsense bill to promote more openness regarding statutory exemptions to FOIA. This FOIA reform measure requires that Congress clearly and explicitly state its intention to create a statutory exemption to FOIA when it provides for such an exemption in new legislation. While there is a very real need to keep certain government information secret to ensure the public good and safety, excessive government secrecy is a constant temptation and the enemy of a vibrant democracy.

The OPEN FOIA Act has twice passed the Senate this year as a part of other legislation. This bill provides a safeguard against the growing trend towards FOIA exemptions and would make all FOIA exemptions clear and unambiguous, and vigorously debated, before they are enacted into law. I hope that the Congress will enact this good government measure this year.

When describing our vibrant democracy, President Kennedy once wisely observed that “[w]e are not afraid to entrust the American people with unpleasant facts, foreign ideas, alien philosophies and competitive values. For a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people.” As we reflect upon the celebration of another FOIA anniversary, we in Congress must reaffirm this commitment to open and transparent government.

Open government is not a Democratic issue, nor a Republican issue. It is truly an American value and a virtue that all Americans hold dear. It is in this bipartisan spirit that I join Americans from across the political spectrum in celebrating the 43rd anniversary of FOIA and all that this law has come to symbolize about our vibrant democracy.

#### COMMENDING HUBERT AND THOMAS VOGELMANN

Mr. LEAHY. Mr. President, I would like to bring to the Senate’s attention a recent article published in *The Burlington Free Press* on Father’s Day, which featured father and son botanists Hubert and Thomas Vogelmann from Jericho, VT, and the University of Vermont.

Now professor emeritus at the University of Vermont, Hub Vogelmann was the pioneer researcher calling attention to the impact of atmospheric

deposition—acid rain—on the forests of the Northeast. Hub led a field trip on the western slopes of the Green Mountains to view the damage in person with the Environmental Protection Agency, EPA, Administrator. His contributions to the stewardship of our natural resources are many, particularly concerning the health of the forest ecosystem.

Now dean of the College of Agriculture and Life Sciences at the University of Vermont, Hub’s son Tom is carrying on in the Vogelmann family tradition of science, service and stewardship.

As if this were not remarkable enough, Hub and his late wife Marie’s two other sons are scientists as well, Jim a botanist and Andy, a physicist.

I value the working relationship I have enjoyed with Hub over the years and look forward to working with Tom in his new role as dean.

Mr. President, I ask unanimous consent that the article “Like Father, Like Son—Fellow botanists have a lot in common,” be printed in the RECORD.

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

#### LIKE FATHER, LIKE SON; FELLOW BOTANISTS HAVE A LOT IN COMMON

(By Tim Johnson)

JERICHO.—This is a story about the family Vogelmann, father and son. They’re next-door neighbors.

Hub, the father, grew up in a city, married, had three sons, moved here to the country, and tried his hand at raising beef cattle—grass-fed, back before that was fashionable.

Tom, the eldest, proved adept at haying. He was a bit of a handful, into everything, but he was good at tossing bales into the barn.

Hub had a day job, and he used to joke that’s what made it possible for him to lose money on the cattle. Tom helped out but “he always had a mind of his own—it was get out of my way,” Hub recalled the other day.

Tom smiled knowingly. They were sitting on Tom’s porch in the late afternoon sun, reminiscing.

Hub’s day job was professor of botany at the University of Vermont. He was there 36 years, retiring in 1991.

Tom turned out all right. He, too, is a professor of botany . . . at the University of Vermont, where else? He’s also the new dean of the College of Agriculture and Life Sciences.

If ever there was a prime example of a son’s following in his father’s footsteps—not just figuratively, but literally—Tom is it. That’s what he’s doing every time he walks along the gravel road that runs past their houses.

#### BUTTERNUTS DECODED

Hubert W. “Hub” Vogelmann, son of a minister in Buffalo, N.Y., became a botanist by a kind of happenstance.

He liked science. During his last year at Heidelberg College, in Ohio, his favorite professor asked him what he was going to do after he graduated.

“I said, ‘I dunno,’” Hub recalled. “And he said, ‘You’ve got to go to graduate school. I know some people in the botany department at the University of Michigan.’”

On the strength of the professor’s recommendation, Hub went to Ann Arbor.

“They gave me an exam, and I flunked it,” he said. “The department chairman was very kind. He let me stay on.”

Hub stayed on long enough to get his Ph.D. His first job after that was at UVM, and he never left.

“Vermont,” he said. “As a botanist, you couldn’t ask for a better place.”

At first, Hub and his wife, Marie, settled in Essex Junction. In 1958, when Tom was 5, Hub bought a 120-acre dairy farm in Jericho and has lived there ever since. He later acquired the adjoining property and rented that place out.

Tom was in the first entering class at the new Jericho Elementary School. He remembers being able, from the house, to spot the distant school bus approaching from far across the fields—far enough away that he could time his arrival just right at the stop down the road. His summers were pretty uneventful. He remembers sitting in a tree and watching draft horses at work—old farming technology that was in its last throws in the ‘50s. He appreciated what he saw.

“When they’d do haying,” he said, “there was not one straw left.”

At age 14, during a year the family spent in Mexico, Tom served as his father’s assistant as they studied fog in the Cloud Forest. Later Tom went to UVM, where he sampled various disciplines. He liked science and remembers being intellectually swept away by plant biochemistry and molecular biology, two courses in his senior year. He remembers one night at the family dinner table: Tom remarked how curious it seemed to him that butternuts grow next to stone walls—could it be something in their biochemistry or molecular biology?

His father looked at him.

“Tom,” Hub said, “you need to take more ecology. They grow there because that’s where squirrels drop the nuts.”

Hub knew something about ecology, a field that began to flourish during his career. He did seminal research on the impact of acid rain on forests. He was the first to pin the decline of red spruce on industrial emissions from the Midwest, according to Walter Poleman, a senior lecturer at UVM, who delivered a testimonial May 1 when Hub received a Lifetime Achievement Award at the Center for Research on Vermont. “His findings helped establish guidelines for the Clean Air Act and set the stage for acid rain research throughout the Northeast,” Poleman said.

Tom went his own way. He applied to graduate school in plant biochemistry and in archaeology.

“The plant people took me,” he said. “The archaeology people didn’t.” So, he became a botanist, earning a Ph.D. from Syracuse University and specializing in whole-plant physiology. He and his wife, Mary (also a botanist), spent three years in southern Sweden, then they went to the University of Wyoming, where he rose to full professor. In 2001, someone from UVM asked if he’d be interested in chairing the botany department—the same department Hub had chaired for 20 years.

“I thought, ‘Why not?’” Tom said. “So, I came back in January of 2002.” He camped out in his old room in his father’s place. Before long the tenant vacated the house next door. Tom and Mary moved in. “The whole story is a bit surreal,” Tom said, when asked how he came to be living next door to his father. “It wasn’t ever thought out or planned. “One thing led to another,” he said.

#### GROWING DEGREES

One thing led to another for Tom’s younger brothers, too, both of whom also have doctorates. Jim has a Ph.D. in botany, and so does his wife. The youngest, Andy—the odd one out in this family, unless you count their late mother, Marie, who was an accomplished musician—has a Ph.D. in atmospheric physics.

Was it something in the water? How was it that all three Vogelmann offspring wound up with advanced degrees in science?

The question brought a blank look to Tom's face.

"A lot of conversations around dinner table . . ." he said vaguely.

About what, besides butternuts?

"Could be about anything," he said, "from fossils to . . . We used to walk through plowed fields, we'd find artifacts, and we'd talk about them."

Or, he mused, maybe it had to do with the ambience in which they came of age. Some kids grow up in a corporate culture. They grew up in a university culture.

Hub still enjoys hearing Tom talk about the doings at UVM. Some things don't change, Hub said.

They don't just talk shop, though. Each one brags about the other's garden.

"He grows some of the world's best celeriac," Tom was saying before Hub showed up.

Celeriac, Tom explained, is a big root that you can grate into soups or salads. The leaves look like celery leaves.

After Hub arrived and sat down, the porch conversation soon got back to gardens.

"He has the biggest garlic patch in Vermont," Hub said.

"No, I don't," Tom said.

"How many plants do you have—a thousand?"

"Over a thousand," Tom said. "That's a lot of holes to make with your thumb."

"How many varieties?"

"Forty-two," Tom said.

Hub smiled. He seemed to know what was coming.

"It all tastes pretty much the same," Tom said.

#### GUN VIOLENCE

Mr. LEVIN. Mr. President, the past few months have been marked by several high-profile, tragic shootings that have left families to grieve and communities to ponder why. While many of the details of these recent shootings vary tremendously, one fact remains constant, our current gun laws have failed to keep firearms out of the hands of those who should not have been able to acquire them.

In 1983, James von Brunn, a white supremacist and Holocaust denier, was convicted of attempting to kidnap members of the Federal Reserve Board, after he was caught trying to enter a board meeting carrying multiple firearms. As a convicted felon, Mr. Von Brunn was legally barred from possessing firearms. Despite this fact, on June 10, Mr. Von Brunn walked into the United States Holocaust Memorial Museum and fatally shot security guard Stephen T. Johns, a 6-year veteran of the facility, before being shot himself by other officers. Holding a .22-caliber rifle, this man entered a museum that welcomes 30 million visitors and school children annually. Tragically, this type of violence is not uncommon.

On June 1, a 24-year-old man shot two soldiers, PVT William A. Long and PVT Quinton Ezeagwula, outside of a military recruiting station in Little Rock, AR. Private Long, who had just completed basic training and was vol-

unteering at the recruiting office before starting an assignment in South Korea, was killed in the shooting. The man accused in this incident was later found with two rifles and a handgun, despite being under investigation by the FBI's Joint Terrorism Task Force. The day before, a 51-year-old man with a history of mental illness walked into the Reformation Lutheran Church in Wichita, KS, and shot Dr. George Tiller in the head while he served as an usher during Sunday morning services. The accused in this incident had been arrested by police in 1996, after being found with bomb-making material in his car.

These senseless acts of gun violence frequently also target police officers. On April 4, a 23-year-old man, dishonorably discharged from Marine basic training, armed with three guns, including an assault rifle, ambushed and gunned down Officers Eric Kelly, Stephen Mayhle, and Paul Sciuillo in Pittsburgh, PA. A fourth officer, Timothy McManaway, was shot in the hand. This shooting occurred just 2 weeks after a 26-year-old man, with a prior conviction for assault with a deadly weapon, turned two guns, including an assault rifle, on police officers in Oakland, CA. SGTs Mark Dunakin, Ervin Romans, Daniel Sakai, and Officer John Hege were fatally shot in what was the deadliest day for U.S. law enforcement since September 11, 2001.

In the span of a few months, a security officer, a doctor, two soldiers, and seven police officers lost their lives. All devoted their professional lives to the protection of others; all gunned down by someone who should not have had access to a firearm. These are not uncommon events, but rather simply the latest high-profile shootings to capture national headlines. In a nation which suffers 12,000 gun homicides, 17,000 gun suicides, 650 accidental gun deaths, and another 70,000 nonfatal gun injuries every year, there are still those who resist legislation aimed at putting an end to these tragedies. I urge my colleagues to act immediately and pass urgently needed commonsense gun legislation.

#### CLOSE THE SILO/LILO LOOPHOLE ACT

Mr. BAUCUS. Mr. President, I have been extremely concerned about the problems lease-in/lease-out and sale-in/lease-out transactions cause our tax system for years. I have made clear before that gaming the system at the taxpayers' expense is simply unacceptable. In 2004, Senator GRASSLEY and I successfully shut down the loophole that allowed losses from these deductions, but the current economic crisis has created new problems. I applaud the work of Senator MENENDEZ to address these issues, and I support his efforts to resolve this problem.

#### COMMENDING CHIEF WARRANT OFFICER KEVIN J. GALVIN

Mr. REED. Mr. President, today I pay tribute to the long and distinguished service of chief warrant officer and ancient keeper, Kevin J. Galvin of the U.S. Coast Guard.

For over 30 years, Chief Warrant Officer Galvin has served proudly in our Nation's Coast Guard, exhibiting the classic attributes of a "Coastie": a profound dedication to duty, unsurpassed technical expertise, and an uncompromising commitment to operational excellence.

Since June 2006, Chief Warrant Officer Galvin has served as the commanding officer of Castle Hill Station in Newport, RI. Through this period, during which the Coast Guard has taken on an increasing burden to help secure our homeland, Chief Warrant Officer Galvin exhibited sound and capable leadership. Under his watch, the Castle Hill Station exceeded every operational expectation, including the successful execution of over 350 search and rescue cases which resulted in 46 lives saved, 428 persons assisted, and \$23 dollars in property secured. Chief Warrant Officer Galvin also oversaw more than 500 law enforcement boardings, directed multiple ports, waterways, and coastal security missions to protect critical infrastructure, provided security for visits by the President and foreign heads of state, and led his crew in providing security and SAR response for Tall Ships 2007, where 27 ships visited Rhode Island from around the world culminating in a Parade of Sail with over 6000 spectator vessels.

On June 21, 2008, Chief Warrant Officer Galvin relieved master chief boatswain's mate John E. Downey as the ancient keeper of the Coast Guard, becoming the second recipient of the Joshua James Ancient Keeper Award. The Ancient Keeper Award is presented to a Coast Guard member on Active Duty in recognition of their longevity and outstanding performance in boat operations. The award's namesake, CAPT Joshua James, is the most celebrated lifesaver in Coast Guard history with 626 lives saved. Only those who have exemplified the finest traits of maritime professionalism and leadership are appointed keepers. The ancient keeper is charged with overseeing Coast Guard boat operations to ensure the service's traditional professionalism remains intact. Chief Warrant Officer Galvin has carried out this responsibility with honor and distinction.

On July 1, 2009, Chief Officer Galvin will bring his long and impressive career in the Coast Guard to an end and will be relieved of his duty as the ancient keeper and commanding officer of the Castle Hill Station by another outstanding member of the Coast Guard, CWO Thomas Guthlein.

Again, I commend Chief Warrant Officer Galvin for his dedicated career in the U.S. Coast Guard and thank him for all he has done in service to our country.