

Senators, Senate Republicans have filibustered, obstructed and delayed consideration of President Obama's judicial nominees favorably reported by the Judiciary Committee.

I have tried to ratchet up the cooperation between parties and branches in my role as chairman. It is disappointing to see the Senate Republican leadership take the opposite approach. They are holding up for no good reason consideration of nominees reported from the Judiciary Committee for weeks and months. Their pattern is to stall and obstruct. Republicans' sense of injury is misplaced in my view. Moreover, the disproportionateness of their response to perceived slights disserves the American people and our Federal justice system.

I was interested to see the Republican leader in his statement last week claim credit for the confirmations of Judge Andre Davis of Maryland and Judge Barbara Keenan of Virginia to the Fourth Circuit. I would be delighted to praise the Republican leader were he to work with us, and I look forward to doing so were he to agree without further delay to debates and prompt votes on the more than 20 judicial nominees now being stalled by Republican objection.

Let us remember what happened with the two nominees he now mentions: the nomination of Judge Andre Davis was stalled for 5 months after being reported by the Judiciary Committee with a strong bipartisan majority by a vote of 16 to 3. Some would say this nomination was delayed for 10 years since Judge Davis had been nominated by President Clinton toward the end of his administration in 2000 and was not confirmed until 2010. Judge Davis was a well-respected judge who had served for 14 years as a Federal district judge and before that for 8 years as a Maryland State court judge and had received the highest rating by the ABA. I understand why the Republican leader ultimately voted for him, along with more than 70 other Senators who provided a strong bipartisan majority once Republicans allowed the vote to proceed. It is up to each Senator how he or she chooses to vote. My concern is that the debate and vote on the nomination was needlessly stalled for 5 months.

The case of Judge Barbara Keenan is even more troubling. Judge Keenan had been a judge for 29 years and served on each of the four levels of Virginia State courts. The ABA awarded her its highest rating as did the Virginia State Bar. Judge Keenan's nomination was reported unanimously by the Judiciary Committee on October 29, 2009. It took until March 2, more than 4 months, to get the Senate to debate and vote on this nomination after it was unanimously reported. And even that does not fully indicate the Republican obstruction. It also took the majority leader's filing a cloture petition to bring the nomination to a vote. Having refused to agree to a time agreement

on this consensus nomination, the Senate had to invoke cloture to end the stalling. When the vote was finally taken, it was unanimous. No Senator voted against this nomination or spoke against it. So, I asked, why the stalling? Tragically, that stalling and obstruction has continued and is continuing. I said then that even when Republicans cannot say no, they nonetheless demand that the Senate go slow. This is wrong. Judge Keenan's nomination is just one example from several where after stalling and delaying consideration for weeks and months for no good reason, Senate Republicans do not vote against the nomination.

I suspect that will happen again with the North Carolina nominees to the Fourth Circuit whose consideration the Republican leader objected to last week. After all, they were reported 18 to 1 and 19 to 0. Judge James Wynn of North Carolina and Judge Albert Diaz of North Carolina are examples of the judicial nominees being stalled who would be confirmed by the Senate if the Senate Republican leadership would agree to debate and vote on them. The list includes not only the 21 Federal circuit and district court nominees currently stalled by Republican objection from final Senate consideration, but also many of the 36 confirmed but who were needlessly delayed. What is being perpetuated is a shame that does harm to the American people and the Federal courts.

REMEMBERING FIRST LIEUTENANT VERNON BAKER

Mr. BARRASSO. Mr. President, I rise today to pay tribute to 1LT Vernon Baker, a native of Cheyenne, WY. Our Nation has lost a son of Wyoming and hero of World War II.

First Lieutenant Baker not only fought the fascist Axis powers but he also fought to serve in a segregated U.S. Army. Vernon Baker's life story is a testament to no door or opportunity can be permanently shut in the United States.

As a young man, Mr. Baker made the decision to serve his country in World War II by joining the U.S. Army. He was initially told by Army recruiters he could not sign up because he was Black. His determination to serve his country was not deterred. Vernon returned to the Cheyenne recruiting office and found a recruiter who would sign him up.

First Lieutenant Baker went on to serve with the 92nd Infantry Division's 370th Regiment, an all Black unit in Italy. Throughout his World War II service, Mr. Baker was awarded the Bronze Star, Purple Heart, and the Distinguished Service Cross. Fifty years later, First Lieutenant Baker was awarded the Medal of Honor for his leadership and bravery in destroying a number of German positions near Viareggio, Italy, almost single handedly.

I thank Mr. Baker for his service. Mr. Baker is survived by wife Heidy, four children, and a grandson.

Mr. President, I ask unanimous consent to have printed in the RECORD First Lieutenant Baker's Medal of Honor citation and an article that appeared in the Casper Star Tribune.

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

Citation: For extraordinary heroism in action on 5 and 6 April 1945, near Viareggio, Italy. Then Second Lieutenant Baker demonstrated outstanding courage and leadership in destroying enemy installations, personnel and equipment during his company's attack against a strongly entrenched enemy in mountainous terrain. When his company was stopped by the concentration of fire from several machine gun emplacements, he crawled to one position and destroyed it, killing three Germans. Continuing forward, he attacked an enemy observation post and killed two occupants. With the aid of one of his men, Lieutenant Baker attacked two more machine gun nests, killing or wounding the four enemy soldiers occupying these positions. He then covered the evacuation of the wounded personnel of his company by occupying an exposed position and drawing the enemy's fire. On the following night Lieutenant Baker voluntarily led a battalion advance through enemy mine fields and heavy fire toward the division objective. Second Lieutenant Baker's fighting spirit and daring leadership were an inspiration to his men and exemplify the highest traditions of the Armed Forces.

[From the Associated Press]

MEDAL OF HONOR HERO DIES

WYOMING NATIVE OVERCAME DISCRIMINATION,
SEGREGATION IN MILITARY

(By Rebecca Boone)

ST. MARIES, IDAHO.—Wyoming native Vernon Baker, who belatedly received the Medal of Honor for his role in World War II, died at his home near St. Maries, Idaho. He was 90.

Baker died Tuesday of complications of brain cancer, Benewah County Coroner and funeral home owner Ron Hodge said.

Then-President Bill Clinton presented the nation's highest award for battlefield valor to Baker in 1997. He was one of just seven black soldiers to receive it and the only living recipient.

"The only thing that I can say to those who are not here with me is, 'Thank you, fellas, well done,'" Baker told The Washington Post after the ceremony. "'And I will always remember you.'"

In 1944, 2nd Lt. Baker was sent to Italy with a full platoon of 54 men. On April 5, he and his soldiers found themselves behind enemy lines near Viareggio, Italy.

When concentrated enemy fire from several machine gun emplacements stopped his company's advance, Baker crawled to one and destroyed it, killing three Germans. Continuing forward, he attacked an enemy observation post and killed two occupants.

With the aid of one of his men, Baker attacked two more machine gun nests, killing or wounding the four enemy soldiers occupying these positions. Then he covered the evacuation of his wounded soldiers by occupying an exposed position and drawing the enemy's fire.

On the following night, Baker voluntarily led a battalion advance through enemy mine fields and heavy fire.

In all, Baker and his platoon killed 26 Germans and destroyed six machine gun nests, two observer posts and four dugouts.

He said later he felt the company commander, who said he was going to get reinforcements, had abandoned his group of men. "It made me all the more determined to accomplish our mission," he told the PBS series "American Valor." "Because at that time the Army was segregated. It was thought that we were unable to fight."

No black soldiers were awarded the Medal of Honor during World War II, although Baker did receive the Purple Heart, a Bronze Star and Distinguished Service Cross.

In 1993, U.S. Army officials contracted Shaw University in Raleigh, N.C., to determine if there was a racial disparity in the way Medal of Honor recipients were selected. The university researchers found that there was, and recommended 10 soldiers to receive it. From that list, Pentagon officials picked seven.

But there was one problem—the statutory limit for presentation had expired. Congress was required to pass legislation that allowed the president to award the Medals of Honor so long after the action.

Baker was the only recipient still living; the other six soldiers received their awards posthumously, with their medals being presented to family members.

Baker was initially rebuffed when he tried to join the Army. Baker said in an interview with public television that a recruiter told him that there was no quota for enlisting "you people."

Reflecting on life in a segregated Army unit, he told *The Washington Post*, "I was an angry young man. We were all angry. But we had a job to do, and we did it." He added, though, that he "knew things would get better, and I'm glad to say that I'm here to see it."

Baker returned to his northern Idaho home after the war. When he received a call telling him he was to receive a Medal of Honor, at first he was astonished. Then he was angry.

"It was something that I felt should have been done a long time ago," he told Idaho public television. "If I was worthy of receiving the Medal of Honor in 1945, I should have received it then."

Baker called his 1997 memoir "Lasting Valor."

U.S. Rep. Walt Minnick said he met Vernon Baker in the 1990s when the soldier spoke at a College of Idaho event. Minnick said he'd been expecting a tough, battle-hardened soldier, but says he was instead struck by Baker's gentle demeanor. Minnick said Baker's valor on the battlefield in Italy was a rebuke of racist policies that dominated the U.S. military into the middle of the last century.

"His actions on the front line demonstrates better than words can describe why discrimination and segregation in the military was both unfair and absolutely inconsistent with an effective fighting force," Minnick said. "He demonstrated a degree of courage few people have. He was prepared to give his life for his country—a country in which he was considered a second-class citizen."

Baker was born in 1919 in Wyoming. Orphaned as a small child, he was raised by his grandparents in Cheyenne. He was working as a railroad porter when he decided to join the Army in mid-1941, a few months before Pearl Harbor.

In 2004, Baker underwent emergency surgery to remove a malignant brain tumor. Before he fell ill, he had failed to sign up for benefits from Veterans Affairs and Medicare, not realizing what the requirements were. Community members and politicians in Idaho pitched in to help him get aid for his unpaid medical bills.

Hodge said Baker continued to battle brain cancer over the next years, and he recently

began receiving hospice care at his home. Baker was surrounded by his family when he died Tuesday evening.

Hodge said Baker's wife, Heidi Baker, plans to have a memorial service in St. Maries but the arrangements have not yet been made. He said Heidi Baker also planned to talk with military officials about possibly having Baker buried at Arlington National Cemetery.

A war hero, Baker was also a man of peace. After receiving the award, he told a newspaper reporter for the *Moscow-Pullman Daily News*: "I hope never to see someone else having the Medal of Honor hung around his neck by the president of the United States. You young people coming up, please don't take war as a solution to a problem. God gave you the brains to think and not to use violence as a means to an end."

ADDITIONAL STATEMENTS

GANN VALLEY, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the population center of our State, Gann Valley. This community, just 15 minutes away from the Missouri River, is the county seat of Buffalo County.

Gann Valley was named after Herst Gann, one of the area's pioneers as well as the publisher of one of two local newspapers. Gann also donated the courthouse when the town was founded on January 14, 1885. Since the railroad never came through, a freight line made three trips a week to neighboring Kimball to bring in goods for the town and ship out the products from the town's creamery.

Gann Valley will spend Saturday, July 31, celebrating this historic milestone. A wagon train will arrive in the morning to kick off the festivities, followed by a parade, games, a dance, and more. Small towns like Gann Valley are the backbone of South Dakota, and I am proud to recognize the people who live in and around this great community.●

TIMBER LAKE, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I pay tribute to the 100th anniversary of Timber Lake, SD, on the Cheyenne River Sioux Indian Reservation. The county seat of Dewey County, this small town embodies South Dakota values.

Originally established by the Secretary of the Interior, the land plots were so popular that 1,000 people camped out when the land went on sale. The town grew quickly with many "tent stores" springing up. Settlers arrived before the railroad did, so building materials were brought in by wagon. The Milwaukee Railroad quickly realized the demand for a railroad through Timber Lake, and by May, trains were reaching the thriving new town. Timber Lake officially incorporated in February 1911. The census in 1920 showed a population of 555, making it officially a city of the second class.

In the early 1920s, sewer lines were laid for a town septic system. The

digging machine unearthed a metal object, which was put in the bank. Upon further examination, and after it was cleaned, it was determined to be a sculpture of two hands clasping a rose branch with a snake winding through the hands. The origin of this unexpected find is still unknown.

To honor its 100 year anniversary, the Timber Lake community is having a "Days of 1910" celebration, complete with a banquet, a talent show and play, and a viewing of 4-H exhibits. I am proud to recognize them on their historic milestone, and I look forward to seeing what else this great town accomplishes.●

TRIBUTE TO SONYA DAMSKER LEFKOVITS

• Mr. SHELBY. Mr. President, today I wish to pay tribute to Sonya Damsker Lefkovits, who is being honored by the Columbiana Chamber of Commerce for her dedication and service to her community.

Sonya was born May 6, 1923, in Memphis, TN, to Louis and Helen Richberger Damsker. Raised in Tyler, TX, Sonya graduated from Tyler High School and went on to attend Louisiana State University, where she earned a degree in public school music. Following her graduation at LSU, Sonya moved to Birmingham to work at the Jewish Welfare Board as its first activities director. It was there that she met her future husband, Norman Leo Lefkovits.

In July, 1947, Sonya married Norman Leo Lefkovits, and she moved to Columbiana to operate the Lefkovits family mercantile store, *The Columbiana Leader*. Since arriving in Columbiana, AL, nearly 63 years ago, Sonya has been an integral member of her community. In 1949, she became a charter member of the *Vignette Club*, which gave her the opportunity to participate in various community projects. Among her proudest achievements was working on the building committee during the construction of the *Columbia Library* when she was chairman of the *Columbiana Library Board*.

Sonya has also held various community leadership positions. She was a member of the *Shelby County High School Band Boosters Club*, the *women's coordinator* for the *Columbiana Civil Defense Organization*, and *co-chairman* of the *Shelby County Civil War Centennial Commemoration*. Sonya was an active member of the *Shelby County Historical Society*. In 1999, Sonya helped to form the *Columbiana Merchants and Professional Association*, where she worked on the *Columbiana Downtown Renovation Committee*. She also served as an *ambassador* to the *South Shelby Chamber of Commerce*.

Sonya has two children, *Norman Leo Lefkovits, Jr.* and *Marsha Phyllis Lefkovits*, both of whom now reside in California. In the early 1980s, *Marsha*