no uncertain terms the values he seeks to uphold and the approach he is committed to follow.

I will let history assess how each of the Justice's votes has measured up to the standards he has set for himself. But two things are clear. First, there are countless examples that prove the Justice's fealty to his methodological commitments. The Justice has not shied away from the consequences of his chosen methodologies, even when it has meant overturning an anti-flag burning law in Texas v. Johnson, 491 U.S. 397 (1989), or rejecting the government's attempt to deprive an American citizen accused of terrorism of his procedural rights in Hamdi v. Rumsfeld, 542 U.S. 507 (2004). There are numerous other illustrations of his commitment, including a multitude of criminal law cases where the Justice has protected the rights of defendants. These cases demonstrate that the Justice is not merely a great intellect; he has the courage of his convictions.

Second, and more importantly, regardless of how Justice Scalia himself has performed under the standards he has set for himself, we must thank the Justice for articulating those standards brilliantly, cogently, and colorfully for twenty years. His opinions are not only educational, they are engaging. They make us think about the role of the Court in our democracy, the nature of rights, and the balance of power in government. His opinions are also beautifully written; he is a master artisan of the craft of judicial opinion writing. Whether his opinions prompt howls of delight or screams of disgust, they are full of life, just like the Justice himself.

I hope we can look forward to at least twenty more years of Justice Scalia's service. But even if he served not a day more, his place in history is both assured and well-deserved.

Sincerely,

RACHEL E. BARKOW,
Associate Professor of Law.

BOSTON UNIVERSITY
SCHOOL OF LAW,
Boston, MA, September 25, 2006.

Senator ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: One of the greatest privileges of my life was the opportunity to clerk for Justice Antonin Scalia, who has now reached his twentieth year on the Supreme Court. He taught me lessons about law, writing, and life that I will always value. I am particularly fond of two of his favorite sayings that he would trot out when pointing out to law clerks some deep complexity that they had missed: ''Nothing is easy'' and ''It's hard to get it right.'' Right answers, in law and elsewhere, do not come from slogans, party platforms, or warm feelings. They come from hard work, intellectual rigor and honesty, and a willingness to check premises and follow arguments where they lead. Justice Scalia's example in this regard was, and still is, inspiring.

I also recall—more fondly with distance—Justice Scalia's practice of checking every citation that his clerks put into a draft. Justice Scalia's meticulous concern for accuracy is truly remarkable, and the world would be a better place if more people shared it.

It has been a pleasure and an honor for me to watch this man and this mind in action. I am grateful for the opportunity to recognize one of the finest people ever to sit on the United States Supreme Court.

Sincerely,

GARY LAWSON,
Professor of Law.

SEPTEMBER 26, 2006.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: I write to join you in extending congratulations to Justice Scalia on the occasion of his twentieth anniversary on the Supreme Court of the United States. I had the great privilege to clerk for Justice Scalia during his third term on the Supreme Court, October Term 1988. As a teacher of various separation of powers courses, first at Columbia and now at Harvard Law School, it has been a happy part of my job to follow his career closely. Although it is impossible to capture Justice Scalia's many achievements in a brief tribute, it is worth noting just one of the ways he has managed to change not only the law, but also the way we think about the law.

I refer to the rules of the game by which judges read legislation. When I graduated from law school one year before President Reagan (with the Senate's advice and consent) appointed Justice Scalia to the Court, the question of legitimacy lay deep in the background of the way federal judges approached Congress's handiwork. Although the dominant way of thinking about the law was known as the Legal Process school, little was said about the relationship between the legislative process and its output. The central precept of the time was that judges should be guided by notions of ''reasonableness.'' If legislation was awkward in relation to its apparent purpose, judges should make it more coherent and smooth out its rough edges. Who could be against that? Surely, no one could object to reasonableness in the abstract.

The difficulty is this: Those in your line of work know all too well that in the popularly elected bodies to which our Constitution wisely assigns the task, lawmaking requires compromise. Although sometimes the word ''compromise'' is used pejoratively as the opposite of ''principle,'' the fact is that compromise represents the way that a society as large and diverse as ours works out the inevitable disagreements that people of good faith have about the way we should solve the most pressing problems that we face. Sometimes compromises—good, socially valuable, even life-saving compromises—are awkward, rough-hewn, and uneven. The Court's former impulse to smooth out the rough edges of legislation—to make it always ''reasonable,'' no matter what the text required—ignored that reality.

No one drove this lesson home more forcefully than Justice Scalia. Twenty years ago, he began to try to persuade his colleagues on the bench and at the bar that the clear import of the enacted text best captures the lines of compromise that legislators work so hard to reach. In the old days, the Court was prone to say that even the clearest text had to yield to some often ill-defined ''spirit'' or ''purpose'' that judges perceived to lie behind a statute. See Holy Trinity Church v. United States, 143 U.S. 457, 459 (1892). Today, the Court is much more likely to emphasize that ''[t]he best evidence of [statutory] purpose is the statutory text adopted by both Houses of Congress and submitted to the President.'' West Virginia Univ. Hosps., Inc. v. Casey, 499 U.S. 83, 98–99 (1991). Or it might explain that judges ''are bound, not only by the ultimate purposes Congress has selected, but by the means it has deemed appropriate, and prescribed, for the pursuit of those purposes.'' MCI Telecomms. Corp. v Am. Tel. & Tel. Co., 512 U.S. 218, 231 n.4 (1994). In short, the Court now recognizes that the compromises brokered in a complex, untidy, but ultimately democratic process of passing legislation are not for federal courts to second-guess.

That change in judicial practice, I submit, is a healthy one. It is much more respectful of the kind of democracy our Constitution adopts. It is much more respectful of the wise process by which you and your colleagues make law—a process whose rules of procedure and whose practices quite obviously stress the importance of compromise. Greater judicial respect for that legislative reality has grown during, and because of, Justice Scalia's tenure on the Supreme Court. It is one of the many things for which Justice Scalia—and the Senate, which confirmed him without dissent—have reason to be proud.

Thank you for the opportunity to join you in celebrating Justice Scalia's first twenty years on the Court.

Very truly yours,

JOHN F. MANNING.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I ask unanimous consent to proceed as in morning business for up to 8 minutes.

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

AMERICA'S SECURITY

Mr. BOND. Mr. President, today we are speaking about security. The major topic of discussion has been, are we safer today? Well, we are safer because of the actions this administration and the Congress have taken, backed up by our brave Americans in the military, intelligence, and law enforcement agencies.

But recently, there has been another politically motivated selected leak of classified information. Regrettably, I am talking about the National Intelligence Estimate, a fraction of which was reported on in the New York Times and, I believe, misinterpreted.

Beside the fact that leaks of this nature, 6 weeks before elections, are clearly politically inspired, these leaks are also illegal and they make the job of our intelligence agency operatives even more difficult. For example, how can intelligence operatives report on the strengths and weaknesses of our allies when those conclusions will be spread on the record? Our policymakers need to know, but what good is it to tell the world what we think about the people we depend upon?

With that said, I have read the NIE in question. It is not what the paper

and some on the other side and the media say it is. Some of our Democratic colleagues would like Americans to believe that the document confirms what the Democrats believe—that the war in Iraq is simply a distraction from and has nothing to do with the war on terror, and that is the reason for the growth of radical Islam. This is simply a pitiful election year misinterpretation of a serious document.

It is clear that critics want Americans to have only a portion of the truth. That is unfortunate, but that is what happens when some people simply see intelligence matters as another tool to aid them in the fall elections.

As I said, I have seen the NIE, which is a lengthy 35-page document. It remains classified, so we cannot discuss its contents, although the President announced that some of it will soon be declassified.

Although it is a shame that dishonorable leakers have put us in this position, I believe declassifying the relevant portions of the document so that the American people will have a more balanced perspective on what the document truly says is necessary.

The fact is the war on Iraq is a central front in the struggle against radical Islamists. Our successes in Afghanistan and Iraq have made us much safer in our homeland. There have been no attacks since 9/11. We have destroyed their safe havens, interrogated detainees, tracked terrorist financing, and listened in on al-Qaida calls in the U.S., followed up by agency, law enforcement, and military personnel.

Iraq is not a distraction from the war on terror; it is now central to the war on terror. You don't have to take my word for it; that is the word of Osama bin Laden's primary deputy, Ayman al-Zawahiri. He wrote this to the late head of al-Qaida in Iraq, Zarqawi. We intercepted that in a raid months ago. So their deputies echoed the sentiments.

They believe the war in Iraq is their best chance in the war on terror, and I believe that once you see more of the NIE, you will see it conveys that message with a warning that if we lose in Iraq, terror threats from radical Islamists will dramatically increase.

There is no greater motivation than success. If the radicals are able to claim success in Iraq, I believe we will see a geometric increase in radical recruitment as we have never seen before.

At first, Democrats argued that Iraq had nothing to do with the global war on terror. Now they are grasping at a selectively leaked portion of an NIE, claiming that Iraq is central to terrorism because of our efforts there. You cannot have it both ways. Does Iraq or does it not have something to do with the war on terror? It is clear it does.

Iraq supported terrorists before the war, and terrorists are there now. Iraq was a state sponsor of terrorism and paid the families of suicide bombers. Was Iraq the primary backer of al-Qaida? No, but Saddam Hussein supported terrorism, and that is what this is about—all groups who use terror to attack America. And they must be dislodged.

In April, about the same time the NIE was produced, current CIA Director Michael Hayden, then the Deputy Director of National Intelligence, best summarized why Iraq is crucial to winning the global war on terror. In his speech in Texas, he addressed the subject we focus on today. He said that while the war in Iraq may inspire or motivate terrorists now, the failure of the terrorists in Iraq would weaken the movement elsewhere.

He continued saying that, should jihadists leaving Iraq perceive themselves, and be perceived, to have failed, fewer fighters would step forward to carry the fight.

He went on to explain the terrorists' greatest vulnerability—the fact that the terrorists' ultimate goal of establishing an ultraconservative religious state spanning the Muslim world is unpopular with a vast majority of Muslims.

General Hayden stated that the emergence of a Muslim mainstream, such as the one we are building in Iraq, could emerge as the ''most powerful weapon in the war on terror.''

Whatever one believes about how we got where we are now, one thing is clear: The war in Iraq and the global war on terror are part and parcel of the same thing.

Some on the other side of the aisle, and some in the media, may try to use selected leaks and political spin and half truths to cynically win votes in the election, but their efforts grossly distort reality.

If we win in Iraq, moderate Islam wins and bin Laden and other extremists will have been handed a sound defeat that will have profound repercussions.

The terrorists realize this. That is why they are there, and that is why we are fighting them on their turf before they have the opportunity to regroup and assault us on our turf.

There is no way the United States can afford to let the terrorists have their way in Iraq. That means we cannot cut and run, or establish a politically driven withdrawal date, before Iraq's security forces can control the country. Were we to do that and were the place to fall into chaos, not only would sectarian strife arise, but it would become a training ground and feeding ground for terrorists once again, and they would be emboldened, as they were after we pulled out of Somalia. That sign of weakness would be a sign for terrorists to get mobilized and get working on it.

Success in Iraq is essential. Sure, people are motivated on both sides by the war, but the only answer to that is to win, make sure that we prevail and protect freedom, democracy, and integrity throughout the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I ask unanimous consent for 30 minutes, to be equally divided into 10-minute parcels, to the Senator from New Mexico, the junior Senator from New Mexico, and the Senator from Tennessee, Senator ALEXANDER, and that we speak in that order for 10 minutes each.

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

NATIONAL COMPETITIVENESS INVESTMENT ACT

Mr. DOMENICI. Mr. President, while we in the Senate have been busy doing many things and our minds have been all over the world, literally, with the war in Iraq and all kinds of things that have come before us and to us for consideration, we have been confronted with a very exciting opportunity for America and America's future.

We have been listening to and acting on a rather remarkable effort involving three Senate committees, with valuable contributions from a number of other committees and a number of Senators from many committees. All of these Senators and all of these committees have worked to write this legislation and are deeply concerned about maintaining our Nation's ability to compete in the high-tech global marketplace.

Today I join a bipartisan group of Senators in speaking about legislation that will be introduced later tonight by the distinguished majority leader and the minority leader. They will introduce the legislation later this evening. Its name will be the National Competitiveness Investment Act, and its number is S. 3936.

All of us worked on this legislation because we are deeply concerned about America maintaining its ability to compete in the high-tech global marketplace.

One year ago, the National Academy of Sciences released a report that highlighted the urgency of the challenge. It was called ''Rising Above the Gathering Storm'' report, which was written by a distinguished committee chaired by Norm Augustine, former chairman of Lockheed Martin. His committee included three Nobel laureates, presidents of leading universities, and chief executive officers of multinational corporations.

The charge to Mr. Augustine and his committee was to develop a specific list of policy recommendations to bolster U.S. competitiveness. After an intensive 10 weeks of effort, the committee produced and recommended an impressive report with a list of 20 recommendations.

The recommendations all address a central problem; that is, we are not doing enough to harness and develop our national brainpower. The report recommends significant increases in