adopted Rule 22 to address legislative gridlock, ever imagined that filibusters would be used to highjack the judicial appointment process.

TRYING TO CHANGE THE SUBJECT

Liberal interest groups, and many in the mainstream media, eagerly repeat Democratic talking points trying to change, rather than address, the subject. For example, they claim that, without the filibuster, the Senate would be nothing more than a ''rubberstamp'' for the president's judicial nominations. Losing a fair fight, however, does not rubberstamp the winner; giving up without a fight does. Active opposition to a judicial nomination, especially expressed through a negative vote, is the best remedy against being a rubberstamp.

They also try to change the definition of a filibuster. On March 11, 2003, for example, Senator Patrick Leahy, ranking Judiciary Committee Democrat, used a chart titled ''Republican Filibusters of Nominees.'' Many individuals on the list, however, are today sitting federal judges, some confirmed after invoking cloture and others without taking a cloture vote at all. Invoking cloture and confirming nominations is no precedent for not invoking cloture and refusing to confirm nominations.

Many senators once opposed the very judicial nomination filibusters they now embrace. Senator Leahy, for example, said in 1998: ''I have stated over and over again. . .that I would object and fight against any filibuster on a judge, whether it is somebody I opposed or supported.'' Since then, he has voted against cloture on judicial nominations 21 out of 26 times. Senator Ted Kennedy, a former chairman of the Judiciary Committee, said in 1995 that ''Senators who believe in fairness will not let a minority of the Senate deny [the nominee] his vote by the entire Senate.'' Since then, he has voted to let a minority of the Senate deny judicial nominees a vote 18 out of 23 times.

Let me put my own record on the table. I have never voted against cloture on a judicial nomination. I opposed filibusters of Carter and Clinton judicial nominees, Reagan and Bush judicial nominees, all judicial nominees. Along with then-Majority Leader Trent Lott, I repeatedly warned that filibustering Clinton judicial nominees would be a ''travesty'' and helped make sure that every Clinton judicial nomination reaching the full Senate received a final confirmation decision. That should be the permanent standard, no matter which party controls the Senate or occupies the White House.

SOLVING THE CRISIS

The Senate has periodically faced the situation where the minority's right to debate has improperly overwhelmed the majority's right to decide. And we have changed our procedures in a way that preserves the minority's right to debate, and even to filibuster legislation, while solving the crisis at hand.

The Senate's first legislative rules, adopted in 1789, directly reflected majority rule. Rule 8 allowed a simple majority to ''move the previous question'' and proceed to vote on a pending matter. Invoked only three times in 17 years, however, Rule 8 was dropped in the Senate rules revision of 1806, meaning unanimous consent was then necessary to end debate. Dozens of reform efforts during the 19th century tried to rein in the minority's abuse of the right to debate. In 1917, President Woodrow Wilson described what had become of majority rule: ''The Senate of the United States is the only legislative body in the world which cannot act when its majority is ready for action. . . . The only remedy is that the rules of the Senate shall be altered.'' Leadership turned gridlock into reform, and that year the Senate adopted Rule 22, by which ⅔ of Senators present and voting could invoke cloture, or end debate, on a pending measure.

Just as the minority abused the unanimous consent threshold in the 19th century, the minority abused the ⅔ threshold in the 20th century. A resolution to reinstate the previous question rule was introduced, and only narrowly defeated, within a year of Rule 22's adoption. A steady stream of reform attempts followed, and a series of modifications made until the current 60-vote threshold was adopted in 1975. The point is that the Senate has periodically rebalanced the minority's right to debate and the majority's right to decide. Today's crisis, with constitutional as well as political dimensions and affecting all three branches of government, presents an even more compelling case to do so.

These filibusters are an unprecedented shift in the kind, not just the degree, of the minority's tactics. After a full, fair, and vigorous debate on judicial nominations, a simple majority must at some point be able to proceed to a vote. A simple majority can achieve this goal either by actually amending Rule 22 or by sustaining an appropriate parliamentary ruling.

A SIMPLE MAJORITY CAN CHANGE THE RULES

The Senate exercises its constitutional authority to determine its procedural rules either implicitly or explicitly. Once a new Congress begins, operating under existing rules implicitly adopts them ''by acquiescence.'' The Senate explicitly determines its rules by formally amending them, and the procedure depends on its timing. After Rule 22 has been adopted by acquiescence, it requires 67 votes for cloture on a rules change. Before the Senate adopts Rule 22 by acquiescence, however, ordinary parliamentary rules apply and a simple majority can invoke cloture and change Senate rules.

Some object to this conclusion by observing that, because only a portion of its membership changes with each election, the Senate has been called a ''continuing body.'' Yet language reflecting this observation was included in Senate rules only in 1959. The more important, and much older, sense in which the Senate is a continuing body is its ongoing constitutional authority to determine its rules. Rulings by vice presidents of both parties, sitting as the President of the Senate, confirm that each Senate may make that decision for itself, either implicitly by acquiescence or explicitly by amendment. Both conservative and liberal legal scholars, including those who see no constitutional problems with the current filibuster campaign, agree that a simple majority can change Senate rules at the beginning of a new Congress.

A SIMPLE MAJORITY CAN UPHOLD A PARLIAMENTARY RULING

An alternative strategy involves a parliamentary ruling in the context of considering an individual nomination. This approach can be pursued at any time, and would not actually amend Rule 22. The precedent it would set depends on the specific ruling it produces and the facts of the situation in which it arises.

Speculation, often inaccurate, abounds about how this strategy would work. One newspaper, for example, offered a common description that this approach would seek ''a ruling from the Senate parliamentarian that the filibuster of executive nominations is unconstitutional.'' Under long-standing Senate parliamentary precedent, however, the presiding officer does not decide such constitutional questions but submits them to the full Senate, where they are debatable and subject to Rule 22's 60-vote requirement. A filibuster would then prevent solving this filibuster crisis. Should the chair rule in favor of a properly framed non-debatable point of order, Democrats would certainly appeal, but the majority could still sustain the ruling by voting for a non-debatable motion to table the appeal.

Democrats have threatened that, if the majority pursues a deliberate solution to this political and constitutional crisis, they will bring the entire Senate to a screeching halt. Perhaps they see this as way to further escalate the confirmation crisis, as the Senate cannot confirm judicial nominations if it can do nothing at all. No one, however, seriously believes that, if the partisan roles were reversed, Democrats—the ones who once proposed abolishing even legislative filibusters—would hesitate for a moment before changing Senate procedures to facilitate consideration of judicial nominations they favored.

A FAMILIAR FORK IN THE ROAD

The United States Senate is a unique institution. Our rules allowing for extended debate protect the minority's role in the legislative process. We must preserve that role. The current filibuster campaign against judicial nominations, however, is the real attack on Senate tradition and an unprecedented example of placing short-term advantage above longstanding fundamental principles. It is not simply annoying or frustrating, but a new and dangerous kind of obstruction which threatens democracy, the Senate, the judiciary, and even the Constitution itself. As such, it requires a more serious and deliberate solution.

While judicial appointments can be politically contentious and ideologically divisive, the confirmation process must still be handled through a fair process that honors the Constitution and Senate tradition. If the fight is fair and constitutional, let the chips fall where they may. As it has before, the Senate must change its procedures to properly balance majority rule and extended debate. That way, we can vigorously debate judicial nominations and still conduct the people's business.

REMEMBERING REPRESENTATIVE THOMAS LUDLOW ''LUD'' ASHLEY

Mr. BROWN of Ohio. Mr. President, as we search for solutions to our twin challenges in the housing and energy sectors, we should pause to celebrate, remember, and learn from the life of a legislator who brokered solutions to these very same problems more than 30 years ago ''Lud'' Ashley, the distinguished gentlemen who represented the 9th Congressional District of Ohio.

Thomas Ludlow Ashley represented the Toledo area from 1955 until 1981. He was a pragmatic progressive who knew how to broker a deal to move the Nation forward.

He was tapped by the late Speaker Tip O'Neill to lead the effort to develop a bipartisan set of proposals to address the Nation's energy crisis. His work laid the foundation for the passage of a series of bills that aimed to reduce our dependence on oil and spur the research and development of new, clean energy sources.

We could use his advice and counsel today.

Congressman Ashley made a profound difference in the well-being of everyday Americans. He was known as

''Mr. Housing'' for his leadership of the House Subcommittee on Housing and Community Development. In this role, he authored landmark pieces of legislation in the Housing and Community Development Acts of 1974 and 1977.

''Americans sleep in better homes today because of Lud Ashley,'' Senator Ted Kennedy once said of Congressman Ashley.

As a legislator, Congressman Ashley continued the family legacy of fighting for equality. His great-grandfather, who represented Toledo in Congress during the Civil War era, co-authored the 13th amendment abolishing slavery. A century later, Lud Ashley worked tirelessly to secure the passage of the 1964 Civil Rights Act.

An Army veteran, who served in the Pacific during World War II, Lud Ashley returned home to pursue his education. He earned degrees from Yale University and the Ohio State University College of Law.

Hearing the call to public service, Lud Ashley ran and won the privilege of representing the 9th Congressional District of Ohio in 1954. His service was defined by a passionate but collegial devotion to liberal causes, one that earned him the respect and friendship of his peers on both sides of the aisle.

I hope that my colleagues will take a moment to honor the life and legacy of Congressman Lud Ashley a great Ohioan and a great American.

ADDITIONAL STATEMENTS

ELGIN, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 17–20, the residents of Elgin will gather to celebrate their community's history and founding.

Elgin, a Northern Pacific Railroad town site, was first named Shanley, but became Elgin in 1910. The residents were having difficulty agreeing on a new name, and Isadore Gintzler is said to have looked at his pocket watch to check the time at a very late hour, and suggested its brand name, Elgin, as a compromise name for the town site. Elgin watches are made in Elgin, IL, which was named by founder James T. Gifford for Elgin, Scotland. The post office was established August 11, 1910. Elgin was incorporated as a village in 1911.

Some of the present day businesses and accommodations that continue to thrive within the city of Elgin include the Jacobson Memorial Hospital Care Center and Clinics, Dakota Hill Housing, a dentist, an eye clinic, a cafe and bowling alley, a grocery store, a hardware store, gas stations, a bank, accounting offices, a drug store, insurance agencies, a newspaper, the post office, a lumber yard, a motel, a new public library, and grain elevators.

Citizens of Elgin have organized numerous activities to celebrate their centennial. Some of the activities include an opening ceremony, historical power point presentation, historical bus tour, musical entertainment, an alumni football game, a magician show, and an antique parade.

I ask the U.S. Senate to join me in congratulating Elgin, ND, and its residents on the first 100 years and in wishing them well through the next century. By honoring Elgin and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Elgin that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Elgin has a proud past and a bright future.●

ARKANSAS'S FARM BUREAU SCHOLARSHIP WINNERS

● Mrs. LINCOLN. Mr. President, today I congratulate eight Arkansas college students who were recently selected as recipients of this year's Arkansas Farm Bureau Foundation Scholarship Program. The students will receive $1,000 per semester for their agriculture studies in the 2010–2011 school year.

These young Arkansans represent the best of our State, and I am pleased to see them receive this funding to advance their education and prepare them for their future agriculture careers. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the State and providing $9.1 billion in wages and salaries. In total, agriculture contributes roughly $15.9 billion to the Arkansas economy each year.

To be eligible for the Farm Bureau scholarship, students must be Arkansas residents, members of a Farm Bureau family, and enrolled as juniors or seniors in a State-accredited university. They must also maintain a 2.5 grade-point-average and pursue an agriculture-related degree. As a seventh generation Arkansan and farmer's daughter and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our farm families, and these students are quite deserving of this honor.

This year's scholarship recipients are:

Anna Elizabeth Buck, 21, of Delight, Pike County, daughter of Ricky and Rebecca Buck. She is an agricultural business major with a marketing minor at Southern Arkansas University in Magnolia.

Laura Jones, 29, of Clinton, Washington County, daughter of Rosemary and Willie Jones. She is an animal science/pre-vet major at Arkansas State University in Jonesboro.

Mia Hand, 21, of Magnolia, Columbia County, daughter of Rosanne Hand. She is an agricultural education major at Southern Arkansas University in Magnolia.

Jaimie McMeechan, 23, of Gamaliel, Baxter County, daughter of William and Shirley McMeechan. She is an agriculture education major at Southern Arkansas University in Magnolia.

Jared McMillan, 20, of Pine Bluff, Jefferson County, son of Dale and Teresa McMillan. He is an animal science major at the University of Arkansas at Monticello.

Kevin Dale Morrison, 21, of Onyx, Yell County, son of Vernon and Elise Morrison. He is an agriculture business major with an emphasis in animal science at Arkansas Tech University in Russelville.

Daniel Wade Walters, 20, of Fayetteville, Washington County, son of Danny and Bonita Walters. He is an agriculture business major at Arkansas Tech University in Russelville.

Fines ''Levi'' Hudson, 22, of Mt. Judea, Newton County, son Richard and Anita Hudson. He is a food, human nutrition and hospitality major with a dietetics concentration at the University of Arkansas at Fayetteville.●

REMEMBERING REVEREND GERALD ARCHIE ''G.A.'' MANGUN

● Mr. VITTER. Mr. President, today I wish to acknowledge Reverend Gerald Archie ''G.A'' Mangun of Alexandria, LA, and to honor his memory as an important spiritual leader to the citizens of central Louisiana. I would like to take some time to make a few remarks about his legacy.

Reverend Mangun passed away Thursday, June 17, 2010, at the age of 91. Reverend Mangun was born March 11, 1919, in LaPaz, IN. He was ordained a minister in 1942 and spent the years before coming to Alexandria preaching across the country. He then came to Alexandria and was elected pastor of the then-First United Pentecostal Church in 1950.

Reverend Mangun relentlessly dedicated himself to reaching out to his community through his church. His church began small, with only 35 members, but with his unyielding dedication and inspiration it continued to grow. Today, the Pentecostal Church of Alexandria has a congregation numbering more than 3,000. This growth in itself shows his spiritual leadership and positive influence in the State of Louisiana.

Through his leadership, the church grew to be an integral part of the city of Alexandria and the State of Louisiana. His leadership, however, reached far beyond his own State. For example, Reverend Mangun raised 1.13 million for mission work in 2009 alone. His impact in and outside of his own State and community have been remarkable.

Reverend Mangun suffered a stroke on May 28, 2010, and passed away on June 17, 2010. His passing is a great loss to the State of Louisiana. However, his legacy will continue through the hearts and minds of people he touched and influenced through his ministry. His impact continues to be felt today throughout the country and around the world through his ministry and mission work. Thus today, I am proud to honor Reverend Gerald Archie Mangun for his service and leadership in his community and in the State of Louisiana.●