

friend, the distinguished senior Senator from Utah, regarding this particular judge, Judge Pryor. I don't know much about him, but I am sure in the near future we will learn more about him because, as indicated by my distinguished friend from Utah, the chairman of the Judiciary Committee, the nomination, at the time of the hearing, was very disputed and it took a long time. So I am sure I will learn more about this man.

But the one statement I want to comment on, made by my friend from Utah, is that the Democrats are looking for ways to oppose President Bush's judicial appointments.

Madam President, there is an order in effect that on Monday night we will vote on two judges, a man by the name of Earl Leroy Yeakel of Texas and a woman by the name of Kathleen Cardone of Texas, both to be Federal District Judges for the United States. Both of those judges will be approved by large margins.

These 2 judges will bring the total to 140 judges who will have been approved by this Senate during the administration of this President—140. How many have we turned down? How many have the Democrats—who, as my friend indicated, are looking for ways to oppose President Bush's judicial nominees—turned down? We have turned down two. The count on Monday night will be 140 to 2.

Does it mean that it has to be every judge he gives us? I think not. Any reasonable person, looking at these numbers, would acknowledge there has been no witch hunt by the Democrats. Madam President, 140 to 2 is a pretty good average.

HONORING OUR ARMED FORCES

Mr. REID. Madam President, today, this afternoon, here in the Senate, I stand, for lack of a better description, with a sad heart. I am sorrowful.

Almost every day we see news reports about casualties sustained by our brave men and women in Iraq. In the last 2 days we have lost five soldiers. These reports are always troubling, but when they involve another young person from my State, they really hit home.

Josh Byers of Sparks, NV, was the kind of young man any of us would be proud to call son. He graduated from Reed High School in Sparks/Reno, NV. Kids come from both Sparks and Reno to go to Reed High School.

For many years, the Nevada congressional delegation has been holding an event that was first started by Senator Hecht, who was a Senator from Nevada. And this Senator—we started holding what we call Academy Night where we have a meeting in Reno and one in Las Vegas. We bring young men and young women from Nevada who are now in the academies back to Nevada. We have music, and we have presentations made by all the academies, including the Merchant Marine Academy,

about what there is at the academies for these high school students.

They draw large crowds. Hundreds and hundreds of people come to these events in Reno and Las Vegas. And now Senator Hecht and I don't do it alone; now the entire congressional delegation joins us: Senator ENSIGN and I, Congressman GIBBONS, Congressman PORTER, and Congresswoman BERKLEY. These are wonderful occasions.

Josh Byers of Sparks, NV, came more than 1 year. He loved Academy Night. He wanted to go to one of our military academies. He worked hard. He was student body president at Reed High School. He was nominated to the Naval Academy by me. He was nominated to the U.S. Military Academy at West Point by Senator Bryan.

Josh's best friend, Beau Elsfelder, in being interviewed by the press last night, referred to Josh as "The Man." That is how he referred to him. He was an A student. As I indicated, he was president of the student body. They had a military cadet unit there. He was the leader of that unit.

He always told his friends he wanted to be an officer in the Army or the Navy. The entire Nevada delegation was supportive of this dream.

As I indicated, I nominated him to the Naval Academy. Senator Bryan nominated him to West Point where he graduated. He went on to become a company commander in the 3rd Armored Cavalry Regiment. This past April he was shipped off to Iraq to defend our country and our interests in that part of the world. A little more than 24 hours ago he was riding in a vehicle. Two men hiding beside the road triggered an explosive device, killing him and injuring seven other comrades of Josh's.

Tragically, Josh's mother, on this same date he was killed, was observing her birthday. But mothers, as they are, seem to know. Even before the tragic news about her son she had worried about him a lot, was extremely worried this day. His parents are wonderful people. His father came to Nevada to set up a church. They left northern Nevada and went back to South Carolina to set up a church. His parents just arrived back in this country on the day he was killed, coming back from Guam where they are missionaries.

To show you the outstanding young man Josh was, you only need to look at what his high school counselor Bob White said. He said:

He's the second one we have lost in Iraq.

White, who kept a picture of Josh on his office bulletin board, remembered his second day on the job at Reed High School as a new counselor, during the 1990-91 school year when he met a junior who wanted to attend a military academy. It was Josh Byers. White said:

He came into the office and introduced himself. He said, "My goal is to go to an academy. I'm a junior. I need your help."

White said Josh Byers, as a senior, was accepted into all three major mili-

tary academies, Army, Navy, and Air Force. I don't know who nominated him to the Air Force. Back then it could have been Senator ENSIGN when he was in the House. I really don't know who it was. We know who nominated him to the Army and Navy.

White said Josh Byers selected West Point because he thought its rules of conduct were the strictest. White said:

He said, "Even though I want to go into the Navy, I'm going into the Army. Their honor code is better."

Before he left to go to Iraq and after he was there, Josh tried to comfort his mother by telling her the worst fighting was over and it would be finished by the time he got to Iraq. But as she learned, as we learn almost every day from the news, the worst is not over. In fact, Josh kept saying:

Mom, the worst will be over when I get there. We will be doing peacekeeping, setting up the government and providing aid to the people of Iraq.

Our young men and women in Iraq are still dying almost every day. My office spoke to Mrs. Byers today. I called and the phone was tied up. I was not able to do that. I wanted to give these remarks prior to the Senate recessing. I left a message for the parents saying I was going to give a speech on the Senate floor today. There is nothing I can do, that we can do, to erase the loss of the parents, but the one thing we can do is never forget the sacrifice made by Josh Byers. I know everyone in the Senate family, whether it is our Chaplain or the individual Senators, offers our condolences for Josh's widow, his parents, and the entire family.

I know we all join in hoping for the safe return of the other 150,000 men and women from America who serve in Iraq today. We wish their safe return, and offer our condolences once again to the Byers family.

The PRESIDING OFFICER. The Senator from Utah.

CONFIRMATION OF JUDGES

Mr. HATCH. Madam President, I would like to correct the distinguished minority whip on one thing. It is true we have had about 140 judges go through and only two so far have been filibustered. The third is on its way, maybe fourth, fifth, and sixth. Stopping, through a filibuster, anybody, even one judge, is unacceptable. It has never been done before, especially judges for the circuit court of appeals. But it has never been done even for district court judges and certainly not for Supreme Court judges.

All we want is an up-or-down vote on these people. That is all we want. If they are defeated, we can live with it. If they pass, I hope the other side can live with that. But I don't think it is too much to ask for the President's nominees who are brought to the floor of the Senate to have an up-or-down vote. I don't think that is too much to ask, and I don't think the American people believe that is too much to ask.