

have not been distracted by politically driven fights but stayed focus on making real progress. Even now, while others insist on fussing and fighting, I am working to continue to make progress where we can.

We have already cut the circuit court vacancies more than in half. Today circuit court vacancies stand at 12, the lowest number of such judicial vacancies in more than a decade, indeed since the Republican effort to stall President Clinton's nominees and increase circuit court vacancies. By the end of President Clinton's administration, the Republican majority in the Senate had expanded those vacancies from 12 to 26. When I began the consideration of President Bush's nominees in the summer of 2001, circuit court vacancies stood at 32 and overall vacancies topped 110. Yet we get no credit or even acknowledgement from the Republican side of the aisle for all our efforts and accomplishments in cutting those vacancies. In fact, we are being penalized for doing a good job early and not following their pattern of building up massive vacancies before allowing nominations to proceed.

While I continue to process nominations in the last year of this President's term, we have already lowered the vacancies in the Second Circuit, the Fifth Circuit, the Sixth Circuit, the Eighth Circuit, the Ninth Circuit, the Tenth Circuit, the Eleventh Circuit, the DC Circuit, and the Federal Circuit. Both the Second and Fifth Circuits had circuit-wide emergencies due to the multiple simultaneous vacancies during the Clinton years with Republicans in control of the Senate, some numbering as high as five. Both the Second Circuit and the Fifth Circuit now are without a single vacancy after last week's confirmation of Judge Catharina Haynes. Circuits with no vacancies also include the Seventh Circuit, the Eighth Circuit, the Tenth Circuit, the Eleventh Circuit and the Federal Circuit. That is five circuits without a single vacancy due to our efforts. Indeed, the only circuit that has more vacancies than it did at the end of the Clinton administration is the First Circuit, which has gone from no vacancies to one. The other three circuits, the Third, the Fourth and the Seventh have the same number of vacancies today that they had at the end of the Clinton administration. When we take action on the Agee nomination from the Fourth Circuit, even that circuit will be in an improved posture.

I am trying to make significant progress. I have made sure that we did not act as Republicans did during the Clinton administration when they pocket filibustered more than 60 judicial nominations and voted lock step against the confirmation of Ronnie White. I am also mindful that their bad behavior not simply be forgotten, and thereby rewarded. They have yet to acknowledge responsibility and accept any accountability for their actions. We have not engaged in a tit-for-tat.

Rather, by cutting the vacancies as we have, we have taken a giant step toward resolving these problems, just as we are now on course to resolve the longstanding impasse in the Sixth Circuit. We have acted more fairly. I hope to be able to complete the restoration of the confirmation process during the next President's administration. We will then have overcome years of partisan rancor.

#### THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Madam President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Early in the morning of September 9, 2007, a gay man was walking home when he was attacked near the Georgetown University campus. According to the victim, two men at a college party began following him while yelling homophobic slurs. As the victim turned a corner, one of the men began punching him in the head, resulting in cuts and bruises to his face, and a broken thumb. The victim immediately reported the incident to the Georgetown campus police. The attack was investigated as a bias-related crime based on the victim's sexual orientation and the circumstances of the attack. However, the Washington, DC, Metropolitan Police Department has charged Philip Cooney, a 19-year-old Georgetown sophomore, with simple assault.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### FOREIGN POLICY VISION

Mr. CARPER. Madam President, I wish to bring to the attention of my colleagues a speech that my good friend and fellow Delawarean JOE BIDEN delivered yesterday at Georgetown University. In his remarks, Senator BIDEN eloquently laid out a foreign policy vision for Democrats and outlined what is at stake for our country in the years ahead. I urge my colleagues to read Senator BIDEN's speech, and I ask unanimous consent that it be printed in the CONGRESSIONAL RECORD.

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

When people say "this is the most important election in my lifetime," they're right.

So much is at stake. The physical security of our children. The retirement security of our parents. The economic and health security of our families. And, above all else, the national security of our country, which is a President's first responsibility.

I start from a simple premise: we cannot afford another four years of Republican stewardship of our nation's security.

After eight years of the Bush Administration, our country is less secure and more isolated than it has been at any time in recent history. This administration has dug America into a very deep hole—with very few friends to help us climb out.

It doesn't have to be this way. The next President will have an awesome responsibility—but also the greatest opportunity since FDR—to change the direction of our country\* \* \* and the world.

It starts with a much clearer understanding of how the world has changed over the past two decades. As Yeats wrote in "Easter 1916," our world has "changed utterly, a terrible beauty has been born."

The emergence of China and India as major economic powers. The resurgence of Russia floating on a sea of oil. A unifying Europe. The spread of dangerous weapons and lethal diseases. The shortage of secure sources of energy, water and even food. The impact of climate change. Rising wealth and persistent poverty. A technological revolution that sends people, ideas and money hurtling around the planet at ever faster speeds. The challenge to nation states from ethnic and sectarian strife. The struggle between modernity and extremism.

That's a short list of the forces shaping the 21st century. No one country can control these forces, but more than any other country, we have an ability to affect them—if we use the totality of our strength.

Our military might and economic resources are necessary but not sufficient to lead us into this new century. It is our ideas and ideals that will allow us to exert the kind of leadership that persuades others to follow and to deal effectively with these forces of change.

Over the next few months, I'll speak in detail about how Democrats will exert that kind of leadership.

For today, I want to concentrate on this administration. It has squandered our ability to shape this new world. It has put virtually all of these issues on the back burner, failing to devote the intellectual capital and constant effort they require. It has destroyed faith in America's judgment. And it has devalued America's moral leadership in the world.

Instead, this administration has focused to the point of obsession on the so-called "war on terrorism" and produced a one-size-fits-all doctrine of military preemption and regime change ill suited to the challenges we face.

It has made fear the main driver of our foreign policy. It has turned a deadly serious but manageable threat—a small number of radical groups that hate America—into a ten-foot tall existential monster that dictates nearly every move we make.

Even if you look at the world through this administration's distorted lens, you see a failed policy. This failure flows from a dangerous combination of ideology and incompetence and a profound confusion about whom we're fighting.

It starts with the very language the President has tried to impose: "the global war on