

this juncture during the 1996 session, another presidential election year.

The fact that Senate Democrats have moved more of President Bush's nominees more quickly when we have been in the majority than the Republicans did working with a President of their own party have is nothing new, just unacknowledged. We confirmed 100 nominations in only 17 months in 2001 and 2002, while working with a most uncooperative White House, reducing the judicial vacancies I confronted when I became Judiciary Committee chairman in the summer of 2001 by 45 percent by the end of 2002. The 40 additional judicial nominations we confirmed when I became chairman, again, last year was more than in any of the previous 3 years with a Republican majority and Republican chairman.

It is ironic that the Senate's Republican minority is so focused on the number of judges, because the reduction in judicial vacancies is the one number that has improved during the Bush administration in an era of skyrocketing gas prices, unemployment, health care costs and deficits and plummeting consumer confidence and home values.

On July 1, 2000, when a Republican Senate majority was considering the judicial nominees of a Democratic President in a presidential election year, there were 60 judicial vacancies. Twenty-one were circuit court vacancies. Those vacancies were the result of years of Republican pocket filibusters of judicial nominations. In stark contrast, after the 2 nominations we confirmed yesterday and the circuit court judges we confirmed on Tuesday, there are just 40 total judicial vacancies throughout the country, with only 9 circuit court vacancies. By confirming Judge Helene White and Ray Kethledge to the last two vacancies on the Sixth Circuit Court of Appeals, we reduced circuit court vacancies to single digits for the first time in decades—nine vacancies on our Nation's 13 circuit courts.

The Judiciary Committee and the Senate have continued to make progress filling judicial vacancies even while having to devote extensive time and attention to rebuilding the Department of Justice. At the beginning of this Congress, the Judiciary Committee began its oversight efforts. Over the next 9 months, our efforts revealed a Department of Justice gone awry. The leadership crisis came more and more into view as Senator SPECTER and I led a bipartisan group of concerned Senators to consider the U.S. attorney firing scandal, a confrontation over the legality of the administration's warrantless wiretapping program, the untoward political influence of the White House at the Department of Justice, and the secret legal memos excusing all manner of excess and subverting the rule of law.

What our efforts exposed was a crisis of leadership that took a heavy toll on the tradition of independence that has

long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through bipartisan efforts among those from both sides of the aisle who care about Federal law enforcement and the Department of Justice, we joined together to press for accountability. That resulted in a change in leadership at the Department, with the resignations of the Attorney General and many high-ranking Department officials.

This week's troubling report from the Department's inspector general confirms what our oversight efforts in this Congress have uncovered about the politicization of hiring practices at the Department. It confirms our findings and our fears that the same senior Department officials involved with the firing of U.S. attorneys were injecting improper political motives into the process of hiring young attorneys. I suspect further reports from the inspector general will continue to shed light on the extent to which the Bush administration has allowed politics to affect—and infect—the Department's priorities, from law enforcement to the operation of the crucial Civil Rights Division to the Department's hiring practices.

This report and those to follow will serve as a reminder to future Presidents that never again should blatant partisanship be made the crux of the Justice Department's hiring practices. The Department of Justice is not the President's legal defense team. It houses our Nation's top law enforcement officers, and it has been crippled in the last 7 years. By beginning the first real oversight efforts of this administration, we have uncovered troubling truths about this administration's efforts to infuse partisan politics into our Nation's top law enforcement agency.

The oversight efforts did not complete our work. Any result of the mass resignations at the Justice Department in the wake of the scandals, the committee held seven hearings on high-ranking replacements to restock and restore the leadership of the Department of Justice between September of last year up through the spring, including confirmation hearings for the new Attorney General, the new Deputy Attorney General, the new Associate Attorney General, and so many others. I thank Senator WHITEHOUSE for chairing the hearings on the Katsas nomination. Today we continue that progress by confirming another nominee for an important leadership position at the Department.

It is vital that we ensure that we have a functioning, independent Justice Department, and that we ensure that this sad era in the history of the Department is not repeated. We have seen what happens when the rule of law plays second fiddle to a President's agenda and the partisan desires of political operatives and it is a disaster

for the American people. Both the President and the Nation are best served by a Justice Department that provides sound advice and takes responsible action, without regard to political considerations—not one that develops legalistic loopholes and ideological litmus tests to serve the ends of a particular administration.

I congratulate the nominees and their families on their confirmations today.

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#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

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#### ORDERS FOR MONDAY, JUNE 30, AND MONDAY, JULY 7, 2008

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Monday, June 30 for a pro forma session only; that following the pro forma session, the Senate stand adjourned under the provisions of H. Con. Res. 379, the adjournment resolution, until 2 p.m. on Monday, July 7; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate resume consideration of the House message to accompany H.R. 3221, the housing reform legislation, as under the previous order; I further ask that the RECORD remain open until 2 p.m. for the introduction of statements, cosponsorships, introduction of bills, and committee reporting.

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

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#### PROGRAM

Mr. LEVIN. Mr. President, under a previous order, at 5:30 p.m. on Monday, the Senate will proceed to a cloture vote on the motion to concur with respect to the housing reform legislation. As Senator REID stated earlier today, last night we were able to reach an agreement with respect to the FISA legislation. When we return from the Fourth of July recess, we will take up the FISA legislation and consider three amendments with limited debate time. Senators should be prepared to debate and vote on FISA on Tuesday, July 8.

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#### ADJOURNMENT UNTIL 10 A.M., MONDAY, JUNE 30, 2008

Mr. LEVIN. If there is no further business to come before the Senate, I ask unanimous consent it stand adjourned under the previous order.

There being no objection, the Senate, at 1:38 p.m., adjourned until Monday, June 30, 2008, at 10 a.m.