

The explanations that some of our friends offered yesterday to justify a rushed hearing were almost as remarkable as the decision itself and the partisan way in which it was handled. Some said Republicans proposed unreasonable hearing dates. Yet no one can cite the time and place when any of these supposed requests were made.

But blaming Republicans for statements they never made was not as ludicrous as the claim that Judge Sotomayor's long judicial record is somehow reason to rush the review process. Not only is this counterintuitive—why should it take less time to read more cases?—it also flies in the face of every statement our Democratic friends made on the topic after the nomination of the last two Supreme Court nominees.

Time and time again, they told us the Senate was not a rubberstamp and that hearings for Judge Alito and Judge Roberts could not be rushed. As Senator LEAHY put it at the time:

I want to do it right. We don't want to do it fast.

Republicans respected these requests because we recognized the importance of a thorough review. On the Alito nomination, for instance, Senators had 70 days to prepare for a hearing on a nominee who, as Senator LEAHY noted at the time, had handled some 3,500 cases on the Federal bench. Judge Sotomayor has handled over 3,600 cases, so it stands to reason we would have as much time to review her record as we did Judge Alito's. But for some reason, the old standard has been thrown out as new reasons have emerged for rushing the process on this nominee.

As Senator SESSIONS informed us yesterday, the questionnaire Judge Sotomayor filled out suffers from significant omissions. For example, she failed to produce numerous opinions from cases in which she was involved as a district attorney.

In addition, she failed to produce a memorandum from her time with the Puerto Rican Legal Defense Fund that opposed the application of the death penalty. When this omission was brought to the judge's attention, I understand the White House then provided this memorandum, saying it was an oversight. But in the rush to complete the questionnaire in order to garner a talking point, you are prone to these sorts of mistakes. This, of course, counsels the Senate to have a thorough, deliberative process, not a rush to judgment in order to meet an arbitrary deadline.

When it came to Republican nominees such as Judge Roberts and Judge Alito, our Democratic friends wanted to review the record, and Republicans worked in a bipartisan fashion to come to a consensus on a fair process that respected the minority's rights. Yet when it comes to a Democratic nominee, our friends want to deny Republicans the same rights. They want the shortest confirmation timeline in re-

cent memory for someone with the longest judicial record in recent memory. Let me say that again.

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This violates basic standards of fairness, and it prevents Senators from carrying out one of their most solemn duties—a thorough review of the President's nominee to a lifetime position on the highest Court in the land. The decision to short circuit that process is regrettable and completely unnecessary.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Nevada.

GUANTANAMO

Mr. ENSIGN. Mr. President, as we are confronted with the news this week of the first of what may be many deadly terrorists being transferred to American soil, I am still left to wonder what the administration's plan is for the detention facility at Guantanamo Bay.

I recently had the privilege of visiting Guantanamo Bay. I traveled down there with Senators BROWBACK, BARRASSO, and JOHANNIS. I would like to start out by saying how proud I am of the job our men and women in uniform who are stationed down there are doing. ADM Dave Thomas and his staff are doing an outstanding job, and their efforts need to be recognized. These are the kinds of individuals who make America great and who keep us safe.

This is the type of facility where you do not have a true understanding of how well run it is until you go down there and see it in person for yourself. I would actually encourage our President to go down and see firsthand what Guantanamo Bay is like, what the facility is like, how the prisoners are treated down there, and how well our service men and women in uniform are performing.

As we are all aware, 6 months ago, President Obama set an arbitrary timeline of January 2010 to close Gitmo. It is now mid-June, and it appears he is no closer now than he was back in January of this year in identi-

fying what his plan is. We still have seen little more than political rhetoric and no concrete plan of how to deal with the prisoners currently being housed at Gitmo.

My question to the administration is: Why are we rushing to close this world-class facility without first having a plan in place? The administration should work with Congress on a bipartisan basis to first come up with a plan, if a plan is even possible, and then proceed from there.

Included in this population are critical figures involved in the 9/11 attacks on the United States and the bombings of a U.S. warship, the USS *Cole*, and also terrorists captured from the battlefield in Afghanistan. As I stated earlier, one of the most deadly terrorists who was formerly at Gitmo and is directly responsible for the deaths of 224 individuals is now in the United States.

On our trip, we were able to see the security measures that have been put in place to keep these evil individuals from escaping or doing harm. These individuals do not view this war we are in as over. A document that was found in an apartment of an al-Qaida operative in Manchester, England, appropriately entitled the "Manchester Document," lays out how terrorists should act if captured.

According to the Manchester Document, if an individual is detained, he should "insist on proving that torture was inflicted on him. . . ." Whether it was or not, they want to use the press. They want to try to show that torture was used on them.

According to this document, they want to "take advantage of visits from outsiders to communicate with brothers outside the prison and exchange information that may be helpful to them in their work outside the prison. . . ." They are to "master the art of hiding messages . . . and provide information about the enemy's strengths and weaknesses, movements of the enemy and its members."

The terrorists practice this doctrine on a daily basis. In addition, on a regular basis, they abuse our troops down at Guantanamo Bay. It is not the other way around.

A spokesman for the Pentagon stated that 14 percent of the over 500 who were released from Guantanamo Bay have returned to some sort of terrorist activity—14 percent. Some people say: Boy, that is a very low recidivism rate. But if we think about it, these are mass murderers and evil individuals. These are people who want to set out to destroy our country, our way of life, and kill as many Americans as they can. Do we want to transfer or release some of these individuals even if only 14 percent of them return? The lives of American troops are at stake.

By the way, the people who were released early, the over 500, those are the people we actually thought were safe. The people who are still there are the most dangerous and deadly.

One of the people who was transferred detonated a car bomb in Iraq.