

paid for over their lifetime. People following this debate every day pay into Social Security with the understanding when they retire, this is going to be something they can count on. They may not be able to live in luxury with Social Security, but it is the nest egg, the cornerstone of your retirement income. The idea behind Social Security is still a sound idea. We should keep Social Security strong, we should strengthen it and do it on a bipartisan basis, but not at the expense of cutting benefits. That is what President Bush's privatization plan will do in addition to creating \$2 trillion in additional debt. That does not help Social Security; in fact, it weakens Social Security. That should not be our goal.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### HONORING OUR ARMED FORCES

STAFF SERGEANT BRIAN BLAND, USMC

Mr. THOMAS. Mr. President, I today to express our Nation's deepest thanks and gratitude to a special young man and his family. I recently received word that on January 26, 2005, Marine SSgt Brian Bland of Newcastle, WY died in the line of duty while serving his country in the war on terrorism. SSgt Bland was killed, along with 30 of his brothers in arms when the CH 53E Super Stallion helicopter they were riding in crashed in western Iraq. The Marines were on their way to provide security operations for the recent Iraqi elections.

SSgt Bland was member of 1st Battalion, 3rd Marine Regiment out of Hawaii. He grew up in Newcastle and joined the Marine Corps after graduating from high school there in 1995. He had re-enlisted twice. He held a profound sense of duty and knew he was doing the right thing, telling family members shortly before the crash that he felt good about what he was doing in Iraq. He was very proud of being a Marine and had planned to stay in the service until he retired. He is remembered as one who enjoyed motorcycles and was friendly to everyone, and he took every opportunity to return to visit family and friends in Wyoming and South Dakota.

Because of people like Brian Bland we continue to live safe and free. America's men and women who answer the call of service and wear our Nation's uniform deserve respect and recognition for the enormous burden that they willingly bear. Our people put everything on the line everyday, and because of these folks, our Nation remains free and strong in the face of danger.

The motto of the Marine Corps is "Semper Fidelis." It means "Always Faithful." Through his selfless and courageous sacrifice, Staff Sergeant Brian Bland lived up to those words with great honor in that he willingly gave the last full measure so that others could live in freedom and liberty.

SSgt Bland is survived by his wife Stacey, his mother Beverly and stepfather Mark, his brother Jeremy, his grandmother Emma Lee, and his brothers of the United States Marine Corps. We say goodbye to a husband, a son, a brother, a Marine, and an American. Our Nation pays its deepest respect to SSgt Brian Bland for his courage, his love of country and his sacrifice, so that we may remain free. He was a hero in life and he remains a hero in death. All of Wyoming, and indeed the entire Nation, is proud of him.

So from one Marine to another, SSgt Bland, Semper Fi.

#### CORPORAL NATHAN SCHUBERT

Mr. JOHNSON. Mr. President, I rise today to pay tribute to Cpl Nathan Schubert, a member of the U.S. Marine Corps, who died on January 26, 2005, while serving in Operation Iraqi Freedom.

Corporal Schubert was a member of the 1st Battalion, 3rd Marine Division based out of Kaneohe Bay, HI.

Answering America's call to the military, Corporal Schubert joined the U.S. Marines in October 2001. His brother, Matthew, remembers him as a skilled athlete and a pheasant hunter. Corporal Schubert was carefree and a bit of a joker. His sister, Elizabeth, remembered that, "He would sometimes wrap stuff from around the house to give as gag gifts."

Corporal Schubert courageously served our country with great distinction and, as a hero, died as a proud member of our Armed Forces. He served as a model of the loyalty, dedication, and military professionalism that is required for the preservation of freedom. The thoughts and prayers of my family, as well as our Nation's, are with his family during this time of mourning. As well, our thoughts continue to be with all those families who have children, spouses, parents, and other loved ones serving overseas.

The lives of countless people were enormously enhanced by Nathan's goodwill and service. He inspired all those who knew him and our Nation is a far better place because of his life. All Americans owe Nathan, and the other soldiers who have made the ultimate sacrifice in defense of freedom, a great debt of gratitude for their service.

I join with all South Dakotans in expressing my sympathies to the friends and family of Corporal Schubert. I know that he will always be missed, but his service to our Nation will never be forgotten.

#### NOMINATION OF ALBERTO GONZALES

Mr. THOMAS. Mr. President, I rise in support of the nomination of Alberto Gonzales to be our next Attorney General. Certainly his life story embodies the American dream: Son of immigrant farmers, the first in his family to go to college, attended Rice University, Harvard Law School, now nominee to be our Nation's first Hispanic top law enforcement officer.

I am troubled by some remarks unfairly distorting his honorable record. I am concerned, as well, that the Senate is losing some of its civility, which is what makes our Chamber unique.

I cannot think of anyone who would do a better job than this man as U.S. Attorney General. I support him.

I yield to my friend from Montana.

Mr. BURNS. I thank my friend from Wyoming.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Could the Senator arrange some more snow to Montana?

Mr. THOMAS. We are not ready yet.

Mr. BURNS. Mr. President, I am in support of the nomination of Judge Alberto Gonzales for Attorney General of the United States. We have all heard his life story. I can relate to that somewhat because he grew up in Texas. I grew up in Missouri, starting out on 160 acres consisting of two rocks and dirt. He comes to this job with a different perspective.

When we look down the line of the nominees the President has sent to the Senate for confirmation, we can see there are a lot of calluses, a lot of dirt under their fingernails. That is what he brings to this job.

We congratulate the former Attorney General. John Ashcroft has done a wonderful job on the heels of September 11. As the primary law enforcement officer, he was not only in charge of law enforcement on the domestic side but had a lot to do around the world with the collection of intelligence, coordinating, protecting.

We are in a time where we do not get smacked and then just simply pick up the pieces and continue. We are in the business of preempting activities. When these nominees come with a different perspective, a ground-level perspective, everything they do touches American lives.

I commend Judge Gonzales for accepting the President's call to service. It is a thankless job if you look at the dollars. Yet it carries with it great responsibilities.

We are quickly learning how to adapt to the threat of terrorism. In an attempt to make all Americans safe, we have changed policy and government structure dramatically. In a free society, a mobile society this makes our job even more difficult.

The groundwork we have laid and will continue to build upon is what makes us a great nation. The United States is a world model for picking up the pieces, adapting to new challenges.

I am hopeful and confident Judge Gonzales will continue that legacy in his new position. He is a man of great integrity. I encourage all my colleagues to entrust him with the honor and responsibility of being our next Attorney General.

I also take a few moments to formally thank Attorney General John Ashcroft for his tremendous service the past 4 years. I have a personal relationship with the Ashcroft family and understand what he went through in the last 4 years. He has done his job with great dedication and integrity. He is a man who put the right people in the right places at the right time.

He has served us well. He reorganized the Department of Justice with new directives, new directors. I thank him. His friendship, his service to the country, should not go unnoticed and unappreciated. He has done a tremendous job in very stressful times. I venture to say for an Attorney General, no time has been more stressful than the time John Ashcroft has hung his hat as Attorney General downtown.

We welcome the nominee. We have the highest hopes for him. We wish him not only good luck but good hunting. We also thank the outgoing Attorney General.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF ALBERTO R. GONZALES TO BE ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the hour of 10:45 a.m. having arrived, the Senate will proceed to executive session for the consideration of Executive Calendar No. 8, which the clerk will report.

The assistant legislative clerk read the nomination of Alberto R. Gonzales, of Texas, to be Attorney General.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, we are proceeding at the moment to the nomination of White House Counsel Alberto Gonzales to be Attorney General of the United States of America. He had served as a judge on the Supreme Court of Texas and has been commonly referred to as Judge Gonzales, which I shall do during the course of my presentation.

Judge Gonzales, 49, comes to this nomination to be the chief law enforcement officer of the United States with an extraordinary record.

He was one of eight children, sharing a two-room living quarters with their parents. They had no hot water, no telephone. He pursued an academic career, first at the military academy; then at Rice University, where he graduated; and then at the Harvard Law School.

He went into the private practice of law and then was asked by then-Governor George Bush to work with him in the Governor's office.

Judge Gonzales then, as noted, was a justice of the Supreme Court of Texas. With the election of Governor Bush to the White House, Judge Gonzales has been White House Counsel for the last 4 years.

It is not irrelevant to note that Judge Gonzales would be the first Hispanic to be Attorney General of the United States. That is quite a dramatic rise in the legal community.

When I was elected district attorney of Philadelphia some time ago, in 1965, there was not a single Hispanic lawyer in Philadelphia. At that time, I made an effort of outreach to bring minority representation into the district attorney's office as assistants and could not find a single Hispanic. So there has been a great deal of progress. Now there are Hispanic Federal judges in Philadelphia, State court judges, city solicitors, prominent attorneys, but Judge Gonzales would be the first Hispanic to be Attorney General of the United States, if confirmed.

He will bring, I think, a unique perspective because of his minority status. I think he would have a broader view, a different view on civil rights. We have an issue which is subject to some congressional oversight where some 762 alien detainees were rounded up after 9/11, and according to a report by the Inspector General of the Department of Defense, there was never any showing of connection to terrorism or to al-Qaida or to any reason for their detention.

While we know we live in a very dangerous world, there has to be some reason—it may not be as strong as probable cause for an arrest, or probable cause for search and seizure, or even sufficiency for stop and frisk—but there has to be a reason for detention. That is something of which I think Judge Gonzales might have some greater perspective.

Judge Gonzales, I think, also would be expected to have a broader view on the immigration laws, being Hispanic, being from Texas, seeing the kinds of problems which are present both from the point of view of stopping illegal immigrants and also from the point of view of immigrants who come to this country who seek a better way of life.

Similarly, I think he might have some greater insights into voting rights. He took a position broadly viewed as divergent from the administration on affirmative action in the controversial cases involving the University of Michigan. Affirmative action, always a complicated, controversial subject, but one where differing views and a broader perspective is a

quality that would be well served in the Attorney General of the United States.

He also took a broader view on the issue of what was required on parental notification under the Texas statute, drawing opposition from some on the so-called right of the party. There again, a little different view and a little broader view reflective of his background and his own attitudes.

A great deal of the hearing process on Judge Gonzales has been involved on the issue of compliance with the Geneva Convention, on compliance with the statutes of the United States which prohibit torture. A great deal has been made of a statement made by Judge Gonzales with respect to the Geneva Conventions. He has been broadly quoted on a statement that some of the Geneva Convention's limitations are obsolete or quaint. In an opinion which he circulated, he said this:

In my judgment, this new paradigm—

referring to what has happened after 9/11—

renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions.

That part of the statement is the one always quoted, and the comment on "quaint" and the comment on "obsolete" have drawn a lot of criticism. But almost nowhere has there been a followup on what he was referring to. But what he said, continuing:

. . . renders quaint some of its provisions requiring that captured enemy be afforded such things as commissary privileges, scrip—i.e., advances of monthly pay—athletic uniforms and scientific instruments.

Well, when you see the reference here to "items like commissary privileges," I don't know that that would be exactly something to be concerned about on a prisoner, or scrip or advances of monthly pay or athletic uniforms or scientific instruments. So in that context, to say it is "quaint" or "obsolete" is not to challenge the underlying provisions of the Geneva Convention on its important substantive provisions.

In Judge Gonzales's statements and testimony before the Judiciary Committee, he has been very emphatic about his personal opposition to torture and about the opposition of the administration to torture. He has been emphatic on his opposition to transporting detainees to other countries which permit torture to enable detainees to be tortured in other countries where they could not be under the auspices of the United States. He has been explicit in articulating the view that the CIA is bound by the same rules prohibiting torture as anyone else.

He has come under considerable criticism for the so-called Bybee memorandum which was issued in August of 2002, signed by Jay Bybee, then Assistant Attorney General of the United States, where the memorandum was requested so that there would be a full