

the time this country has existed. I should say in the Congress—47 years in the Senate, 6 years in the House of Representatives—more than 50 years, approximately 25 percent of the time that we have been a country. He should know something about free speech. He was here on the Senate floor when the great Margaret Chase Smith, a Republican Senator from Maine, talked about the value of free speech in the Senate. He was in the Senate when the Republican Howard Baker talked about the importance of the filibuster in protecting our democracy. A gimmick? I think not.

Senator BYRD was in the Senate when the debate over civil rights took place. I heard BARACK OBAMA upstairs with the press corps say: Isn't it interesting, the filibuster was used against African Americans but they worked around it and prevailed in spite of it. They didn't move to change the rules in the middle of the game.

Senator ROBERT BYRD was here when DAN INOUE, the Medal of Honor winner from Hawaii, a new Senator, came to the floor, and as an Asian American whose friends and family were put in internment camps during the Second World War, spoke on the Senate floor about what it means to be a minority and how the filibuster should be available to protect the minority. A gimmick? I think not.

Over the years, the filibuster has proven to be an important tool of moderation and consensus, which partly explains why the Republican leadership is opposed to it. They aren't interested in moderation. They are only interested in advancing their right-wing, radical political agenda, an agenda being driven by the people who are saying we are filibustering against people of faith.

Mr. President, every day—for 23 years—with rare exception, I go to the House gym and work out. There I met Congressman RUSH HOLT. He is a nuclear scientist, a Congressman from New Jersey. RUSH's father, also named Rush Holt, served in this Chamber in the late 1930s. As a freshman United States Senator, he led a filibuster to preserve wage and hour protections for American workers. RUSH HOLT, Jr., is so proud of his father. He talked to me about the pride he had in his father being a United States Senator, and he told me this story about the filibuster his father conducted alone to preserve wage and hour protections that had come about as part of the New Deal. He wasn't using a political gimmick. He was using something that was part of the vision of our Founding Fathers, something they wanted in this body to make it unique and different—free speech. An important tool to stand up for working men and women in this country, that is what Senator Rush Holt, Sr., was using.

Of course, the filibuster has not always been used for good. I acknowledge that. Just as it has been used to bring about social change, it was also used to stall progress—I have talked about

that—things this country needed to change, such as civil rights legislation.

But Senator BARACK OBAMA speaks in favor of the filibuster. He understands, as an African American, why it is important. But at these times people have spoken and public opinion has spurred this Chamber into action, as indicated, it brings about compromise. So you see the filibuster is not a political gimmick. It is part of the fabric of this institution we call the Senate, the greatest debating society in the world—or at least it has been so far. Is that going to be taken away from us?

While I was in the gym this morning, Mr. President, I was stopped by a Republican House Member. I will not name him for fear the Republican leadership in the House will remove him from a subcommittee or whatever they do to punish people over there, and we know that happens. But everyone within the sound of my voice should know that I am telling the truth. A Republican House Member came to me this morning and said: I never thought I would say this to the Democratic leader of the Senate, but I am praying for you, that you prevail in this battle going on in the Senate. A Republican House Member is praying for me and this institution to maintain the institution as it is.

So as the moment of truth draws near, I, too, am praying, Mr. President. I do not say that lightly. I pray that cooler heads will prevail and the responsible Republicans—and they are there, I know they are there—such as this Congressman who spoke to me this morning, will join Democrats in standing up against this abuse of power, to maintain our checks and balances, to maintain the separation of powers that has made this country the power that it is, one that the world looks upon with awe, inspiration and admiration.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business of up to 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from Washington is recognized.

Mrs. MURRAY. I thank the Chair.

JUDICIAL NOMINATIONS

Mrs. MURRAY. Mr. President, we awoke today to see news of a breakdown in negotiations to end the so-called nuclear confrontation that some Republicans are driving this body toward.

I want to take a minute to thank our leader, Senator REID, who I believe is really doing his best to preserve the tradition and the precedent of the Senate through good-faith negotiations. He put forth a good-faith compromise

proposal only to see it rejected out of hand. This breakdown really marks a sad day for this body.

More than 200 years ago, the Senate was created as part of the Great Compromise, and for the balance of those 200 years, compromise has been central to any and all of the great work that has been completed by the Senate. The rules are set up here to assure that the Senate serves as a center for Government compromise. We have a system of checks and balances, with the Senate checking the President through advice and consent and the President checking the Congress with the use of the veto. And all the while we have an independent judiciary that is empowered to balance out the system. Those checks and balances were put in place for a reason. They promote compromise, they promote preservation of minority rights, and they ensure that our system of government works for all of the people. Unfortunately, the goal of some becomes clearer each passing day in this body that they are not interested in compromise on the so-called nuclear option. If this Senate does remove the last check in Washington against an abuse of power, the majority will be able to appoint to lifetime seats on the Supreme Court and the Federal bench anyone they want.

The American people have rejected court packing before and I believe they will again. We are united against the abuse of power known as this nuclear option. We believe that Senators were sent here to serve all Americans, not to promote political agendas of one faction. Mr. President, Democrats will join responsible Republicans to fight this abuse of power and get back to the real work of the American people.

25TH ANNIVERSARY OF THE MOUNT ST. HELENS ERUPTION

Mrs. MURRAY. Mr. President, I rise today with my colleague from Washington State to very proudly mark the 25th anniversary of the day that Mount St. Helens erupted in my home State of Washington and will be joining with her later to offer a resolution to commemorate this anniversary.

For anyone who lived in the Pacific Northwest at the time, May 18, 1980, is a day we will never forget. It was a day that changed lives and it changed the landscape of Washington State forever. It was also a day that imposed a heavy toll in lost lives and lost habitat. Fifty-seven people were killed that day. More than 230 acres of forest were leveled in an instant.

Mr. President, the story of Mount St. Helens is a story of destruction, but it is also a story of renewal, a story of science, and a story of the importance of preparation. Today I rise to share that story and the lessons that it holds for us now 25 years later.

Perhaps the best place to start really is the day before the eruption, when Mount St. Helens was really a beautiful and striking feature of landscape