

THE CONFIRMATION OF JUDGE  
RANDY SMITH

Mr. CRAPO. Madam President, I rise today to speak about a tremendous event that happened in the Senate, and that is that the Senate today confirmed my good friend, Randy Smith, to be a judge on the Ninth Circuit.

Madam President, today really is the conclusion of a sometimes unnecessarily long and difficult process for the confirmation of Judge Smith. Judge Smith was originally nominated by the President back on December 16, 2005, for a seat on the Ninth Circuit Court of Appeals that was vacated when Idaho Judge Stephen Trott took senior status.

Earlier this year, through negotiations with the White House, Judge Smith was renominated to a different Idaho seat on the Ninth Circuit that had been vacated when Judge Thomas Nelson took senior status.

Since 1996, Judge Smith has served as district judge for the Sixth Judicial District of Idaho. Judge Smith earned his undergraduate and law degrees from Brigham Young University. Throughout his career, both in private practice and as a judge, Judge Smith has continued to be a student and teacher of the law. He taught courses in business law and tax law at Brigham Young and later at Boise State University. Since 1993 he has served on the faculty at Idaho State University teaching legal environment and business law.

Prior to becoming a judge, Randy Smith spent more than 15 years in private practice, gaining significant experience before both State and Federal courts. He is a member of the bar of the U.S. Supreme Court, the Ninth Circuit Court of Appeals, U.S. District Court for the State of Idaho, U.S. Tax Court, the Idaho Supreme Court, and all of the other courts of the State of Idaho.

In addition to his current position as district judge in Idaho, Judge Smith also serves from time to time as pro tem justice on the Idaho Supreme Court, as a judge on the Idaho Court of Appeals, also, and as a temporary judge in district courts throughout the State of Idaho. He literally handles approximately 100 Federal and State civil cases each year.

In 2004, Judge Smith received the George C. Granata, Jr., Award presented by the Idaho State judiciary in recognition of demonstrated professionalism as an Idaho trial judge, and for motivating and inspiring his colleagues on the bench by his character and actions. In 2002, he received the Outstanding Service Award from the Idaho State Board of Commissioners. Judge Smith is also a member of the board of directors and is a past president of the Idaho State Civic Symphony.

The American Bar Association has given him its unanimous "well qualified" rating for his nomination to the Ninth Circuit.

It is my honor today to personally congratulate Judge Smith. As I said, he is a personal friend. I have known him for years and have watched him give service to the people of the State of Idaho of the highest caliber. He has shown himself to have the principles and values to be the kind of judge that America needs. He understands that we need a conservative understanding and interpretation of the U.S. Constitution, and that the role of a judge is interpretation of the law, not creation of the law. He understands the value that comes from having solid adherence to the principles of our Constitution as issues are adjudicated. He will be a tremendous new asset and addition to the Ninth Circuit Court of Appeals.

As I said at the outset, this has been a long, sometimes very unnecessarily burdensome and difficult process to get his nomination to the floor. I am sure that the strength he will bring to the Ninth Circuit was shown by the vote of confidence given to him today, a unanimous vote by the Senators present, 94 to 0, confirming him to be the next judge on the Ninth Circuit Court of Appeals.

This is a tremendous day for Randy Smith, but it is also a tremendous day for the Ninth Circuit Court of Appeals, the people who live in that circuit, and, frankly, for the people of America.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

HONORING THREE MONTANA  
HEROES

Mr. BAUCUS. Madam President, Saint Luke explains in his Gospel:

The spirit of the Lord is upon me, because He hath sent me to heal.

Delivering care to the sick and injured is the Lord's work. To heal the sick at great risk to one's own safety reflects the best that we can be as the Lord's servants.

I am here to honor three healers from my home State of Montana—ambulance pilot Vince Kirol, paramedic and firefighter Paul Erikson, and registered nurse Darcy Doyle. These Montana heroes died tragically during an air rescue mission on February 6.

Their deaths are a tremendous loss to their families, to Benefits Healthcare, and to all of Montana. These dedicated individuals were en route to Bozeman from Great Falls in dangerous weather to pick up a patient who had suffered a severe head injury that required immediate surgery.

Every minute counted. The victim's injury had to be treated as quickly as possible. The longer it took to get him to the hospital, the worse his chances

were for survival. The only way to get the patient the care he needed was by air transport. So the dependable air ambulance team at Benefits Healthcare was called. Vince, Paul, and Darcy responded to the call without hesitation and without concern for their own safety.

They knew that somebody's life was hanging in the balance. This is the type of pressure-filled situation in which they have always operated.

Montana is a large State, it is a beautiful State, with rural and isolated areas, where people who are injured may need immediate rescue, may need it right away, including air ambulance transportation to a trauma center.

Unfortunately, there are not enough hospitals in Montana that can give the kind of care someone with severe injuries immediately needs.

So-called level 1 hospitals have operating rooms, surgeons, and radiologists available 24 hours a day, 7 days a week, waiting and ready for any patient with severe injuries who is brought in. There are no level 1 hospitals in Montana.

Level 2 hospitals have the right facilities, but the doctors are not in the hospital around the clock to be available immediately when a patient arrives. There are only three level 2 trauma centers in Montana.

It is very expensive to run hospitals and offer this high-level, specialized care. Only three hospitals in Montana—one in Missoula, one in Billings, and one in Great Falls—offer such services, so every patient who needs a trauma center has to go to one of these hospitals. This makes air ambulance transportation even more important, given Montana's 800-mile span and mountainous terrain.

The Benefits medevac program provides 24-hours-a-day, 7-days-a-week air ambulance transportation in Montana and the Northwest. Aircraft respond to isolated areas, accident scenes, and hospitals to bring patients to the regional emergency center as quickly as possible.

These dedicated pilots, nurses, and paramedics who operate the Benefits medevac program provide honorable and essential services to Montana. The three Benefits professionals who lost their lives last week were trying to do just that.

Darcy Dengel was a 27-year-old registered nurse. She joined Benefits in June 2001 and transferred to the emergency room in August 2003, where she also worked as a flight nurse.

Her Benefits colleagues describe her as a bright, talented, and vibrant woman who loved her work because that work gave her a unique opportunity to help people in need.

She was able to make a difficult time for a patient a little easier with her gentle care. She was to be married this spring to Rob Beal and is survived by parents Rich and Donna Dengel of Lewistown, MT.

A long-time friend of Darcy Dengel's family described Darcy this way:

She was a light . . . She didn't worry about danger in her work as a flight nurse. She wanted to help people.

Paul Erickson was 33 years old and was the medic on the flight. Paul was a firefighter who worked on the Mercy Flight on his days off. He worked side by side with his wife Rachelle, who is the trauma coordinator for Benefits. They had a baby boy last July named Spencer Pilot.

Assistant fire chief Steve Hester said this of his colleague:

Paul considered it a service to the community. He was all about service to others. He knew that in rural Montana the only way you can get help sometimes is by air.

Vince Kirol was 58 years old and had been flying for 40 years. He was a Mercy Flight fixed-wing pilot for 13 years after working for Metro Aviation in Shreveport, LA. He is survived by his wife Diana and two sons. Vince's pastor noted that he loved the mountains and he loved skiing and hiking with his sons.

Billy Darnell, a friend of Vince's from his church, said this about him:

He cared about people. That's why he loved his job.

Darcy, Paul, and Vince selflessly put their lives at risk, transporting critically ill patients even in perilous weather conditions. They gave their own lives trying to save others. Their deaths are a tremendous loss to Montana. They were good servants, and they are heroes. Our hearts and our prayers go out to their families and to their friends.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

The senior Senator from New Jersey is recognized.

#### IRAQ

Mr. LAUTENBERG. Thank you, Mr. President.

I wanted to take just a few minutes to kind of review where we are here in the silence that abounds in this Senate. The question about what is going on is kind of mystifying for much of the public looking in and saying: What are they doing wasting time?

There was some talk about the terrible situation we are in in Iraq, and I spoke as one of those who say we have had enough. We have had enough there. We have lost over 3,000 people, and the Iraqis have lost substantial numbers. One would have to be really hard-hearted not to be moved when you look in the paper and you see a child weeping over a dead mother or a brother or a sister or people lying in the street dead from brutal attacks from this in-

ternal civil war while we are trying to figure out what we do to protect our people.

What is it that we want to accomplish with the votes that have been taken here? I think it is fair to say that what we would like on this side of the aisle, and I am sure there are many colleagues on the other side who feel as we do but would be out of step politically if they took the vote we want to take, to approve or disapprove of sending more troops into that death trap, to say how long we want to stay there.

What do we have to prove by supporting the President's order, the President's interest in the so-called surge? They try to disguise the word. The word is "escalate." It is not "surge." "Surge" can be interpreted many ways, but "escalate" is very clear: Put more people there. Put more people in harm's way. Put more people in an abyss from which there is no way, that anyone has told us, out of the situation.

We get the argument: Oh, you want to cut and run. No. Do you want to stay and die? Is that what the alternative is? Ask the families who have children, brothers, fathers, and mothers there. They come in to see me, people who have someone who is in Iraq, and they are scared to death about what kind of news they will get some night.

I had a woman in the office one day, with a group of other people, sobbing so hard that she couldn't talk. Why? Because her son had been wounded—a light wound but enough to earn him a Purple Heart—and he was being sent back on hazardous duty. He was willing to do it. His mother didn't want him to do it. But at what point do we say the pain is so excruciating that we can't stand it?

It has nothing to do with cut-and-run. I wore a uniform in World War I. Others here have worn the country's uniform, some in Vietnam, some in Korea. We have had a lot of experience with wars. But in each case, if we didn't have an objective, we fared very badly. That was true, unfortunately, in Vietnam, where we finally had to wrap it up and go home, leaving 58,000 of our brothers and sisters still there, if not physically, in sharp memory. And now we see what is happening here.

I bring to our attention the fact that in Iraq, in the month of January, we lost 83 of our bravest. Thus far in February, we have already lost 48 members of the American military. And the Iraqis have suffered deaths. Look at the number of people who have been murdered there with suicide bombs, roadside bombs, and brutal murders, with hands tied behind their backs and blindfolded. It goes on and on. If we could wish it away, if we could see an end to it, I would be more than willing to leave troops there to kind of monitor the last parts of a war that is one of the worst America has been in, but what we see is not only the numbers that are perishing daily, weekly, but

the tactics they are using now with shooting down helicopters. That wasn't something we saw before.

Suddenly now, in the past couple of weeks, three helicopters have been taken down by enemy fire. That changes the complexity of things because helicopters were an integral part of our capacity to fight back. If we can't do that, does that mean we have to put more people on the ground, that we have to lose more people? It ought not to be that way.

Last week, we took a vote here, and it was a vote that would limit debate. We, the Democrats, led the charge there because we wanted to get on with the issue of whether we wanted to send more troops than we have there now. The number, estimated to be at 21,000 in combat, means that 48,000, roughly, would be the total number because you need the support groups as well. That vote was disguised as something else, which is what our friends are doing today—disguising what their intent is. Their intent is to escape the responsibility they took when they voted against closing the debate the other day. That is what happened.

They have a lot of discomfort over there. I see my colleague from the State of Minnesota is here now, and if I am not mistaken, he was one of those who said: Let's cut the debate and get on with the issue. That is what his message was that day. And so there is abject discomfort with the vote that was taken because people at home interpreted that in a different way. They are not interested so much in our tactical maneuvering here or the process; they want to know: Do we want to send more troops into that inferno or do we want to try to figure out a way to get out of there as quickly as practicable? That is the question.

So they voted the wrong way. And now, Heaven forbid, we had something we could vote on, and that was voted on by way of closing the debate, which was developed by Senator CARL LEVIN of Michigan, chairman now of the Armed Services Committee, and supported fully by Senator JOHN WARNER, who himself was a veteran and served at the time of World War II, who agreed with him that we ought to show our displeasure. There wasn't anything radical in it. We weren't calling the other side names. We just said we want to stop this escalation. We don't want to put more troops out there in harm's way. We don't want to see more limbless veterans. We have almost 800 now, veterans who have lost one limb at least, and we have 25,000 who have been injured. And there are a lot of severe injuries that you can't see because they are internal injuries. They are injuries of the mind. They are injuries of the spirit. There are a lot of them; 30,000 with PTS, post-traumatic stress, in addition to those who have the physical, visible wounds we see.

So we want to get on with the vote. Let us have an honest count here about whether you are for escalation or