

that focuses on a domestic agenda that makes sense to Americans, but most importantly addresses the pain that many Americans are suffering right now today.

Mr. PALLONE. Mr. Speaker, I think we have just a few more minutes, but I am really pleased that the gentlewoman raised the issue, first of all, of the cost of war and some of the aid packages like to Turkey that has been in the paper the last few days and also to NASA. Again, my point this evening when we started this Special Order was to discuss the President's rhetoric versus what he is actually doing with the budget and all of promises, if you will, that are made about turning the economy around, creating more jobs, providing health care, providing prescription drugs, not raising the deficit. And then what we find is that these tax cuts do not really help the average guy, do not do anything really to stimulate the economy and are creating these huge deficits.

But what the gentlewoman is pointing out is that in addition to that is we do not have a true budget at all because we are not including the cost of the war which, as the gentlewoman said, is estimated at something like \$100 to \$200 billion. And that does not include the AID package. Of course, I point to Turkey because that has been in the paper. I do not know how many other countries will be asking for money. I think that was in the tens of billions, what is being discussed.

None of this is in the budget. And so the reality is we may wind up with a situation that by the time this budget is adopted in the appropriation bills by the end of the fiscal year where there have to be even more cuts if you are going to implement, more cuts in health care, more cuts in the things that we were discussing, education, if you are still going to have these tax cuts and pay for the cost of the war or perhaps bigger deficits.

Again, it is just a very sad situation because I think that the President has to be forthright with what he is really doing and not say that we are going to be able to turn the economy around and do all of these things and give tax cuts and fight a war and not increase the deficit. It does not add up. It just does not add up. And it is really incumbent upon us over the next few weeks as we move forward and adopt some sort of budget to make the points that the two of you have been making tonight because we are not, I do not think we are being honest with what is really going on around here and we are trying to be honest. And we have to call the President and the Republican leadership to task about what they are really going to be able to accomplish. So I want to thank my colleagues.

Ms. JACKSON-LEE of Texas. Mr. Speaker, just for a moment, I want to make sure the gentleman emphasizes that they are promises made, but they are promises not kept.

The one point I want to make on a prescription drug benefit, while we

have such a disagreement, if you will, is because the one that has been promised that has not yet been consummated, if you will, still requires seniors to take money out of their pocket, still is sort of a managed-care-type proposal. And my only fear, as I mentioned by starting out by saying that I have doors closed on those suffering from mental illness, is that I have experienced 2 or 3 years ago HMOs just closed up shop on my seniors and left. So I just do not want to see that happen again, and that is why I think this is an important challenge.

Mr. PALLONE. Mr. Speaker, the notion that we will be able to rely on the HMOs in the private sector to provide the drug coverage or any kind of coverage is totally belied by the reality of what has happened in the last few years. In New Jersey alone in the last 2 years 80,000 seniors taken off, HMOs dropped them.

If we do not provide across-the-board prescription drug plans the way the Democrats have devised, we have no guarantee that the seniors will get their drug coverage. I cannot believe after the experience we have had the last few years that has dramatically shown that HMOs will not provide the seniors with the drug coverage, that anyone, including the President, could suggest that somehow that is not the answer. It is, again, the suggestion or the promise that you will do something. The reality will be very different because they will not be able to find that kind of coverage. It will not exist.

#### NO SUPPORT FOR MIGUEL ESTRADA NOMINATION

The SPEAKER pro tempore (Mr. BEAUPREZ). Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes.

Mr. RODRIGUEZ. Mr. Speaker, I thank the Speaker for allowing us the opportunity to be here tonight.

I wanted to come out tonight to talk a little bit about the issue that the Senate is having to deal with and that is the issue of the nomination of Miguel Estrada. And I want to personally, first of all, thank the Senators that are choosing not to support the nomination. And I want to personally thank them because I know that as a caucus we had appointed the gentleman from Texas (Mr. GONZALEZ) and the gentleman from California (Mr. BECERRA) and the gentleman from New Jersey (Mr. MENENDEZ) and several others to look at the nomination process. And we have had a process where we have asked Members to come forward, and my understanding is that we have always, every single Hispanic that has ever come before us we have approved. This is the first nominee that we have chosen not to approve.

And the reason we have done this, and it was not an easy decision, it was a hard decision because of the fact that, after all, he is a Hispanic and we

recognize that it would be very difficult for us to go against him. But the reality was and what we were all unanimously in agreement that we could not endorse this nominee and, in fact, that he did not deserve our nomination, our recommendation. And the reason we came to those conclusions was after we had had the opportunity to interview him, after we had an opportunity to look at the documentation, and, first of all, we found that Mr. Estrada has no judicial experience. And when we have looked at the fact that we are going to be nominating this person for life to a court that will be the second most powerful court next to the Supreme Court, we really need to take note that he has to be a little bit more responsive about answering the questions that come before him. He has to be a little more truthful about coming forward because either he is naive about some of the questions or the fact is that he chooses not to respond on the questions that were asked of him. And that really disturbed us.

One might ask, well, let us give him a shot. Well, the reality is that that might be the case for elected officials, individuals that might be here who get elected. But here is a person that we are going to be appointing for life. Here is a person that we recognize that we do not, if we do not ask those questions will be there for rest of his life.

It is not a typical appointment of someone like ourselves that we run for office that you might say, well, let us give this candidate an opportunity to serve. If he does not make it, then we will not vote for him the next time. That is not the case when it comes to Federal appointments. They are in there for life. So it becomes really important that the Senate have the opportunity to have the documentation that is needed, to have the documentation that is asked of them, and it is something that is fair.

□ 2145

As elected officials, one of the things that we are told from the very beginning, at least the advice I was given some time back, was that be very careful as an elected official about writing letters of endorsements, and so I take that very seriously. I never write letters of endorsement unless I know the person, and even then, in certain cases, if I know the family, but we have to be very cautious because we do not know.

In this case, the Senate has an obligation, a constitutional obligation, a responsibility, to make sure that if they nominate someone, that they have had a chance, because it is kind of giving a letter of recommendation, and this is a letter of recommendation as a form of a nominee and accepting the nominee for life. So they have to make sure that, if nothing else, the person is able to respond to some of the questions that are up there and to be able to respond in a way that allows an opportunity for us to learn a little bit about the candidate.

One of the things that I know he has been asked time and time again about, for example, simple questions about which court cases does he think have been wrong or have been decided or have been harmful, which court cases have not. I am not an attorney but I could tell my colleagues that there have definitely been some court cases out there, some of the cases that allowed for slavery, *Plessey versus Ferguson*, and a lot of those cases that allowed us not to treat African Americans as full human beings. Those could be easily responded to, but he chose not to do that. He chose not to open up and talk about his concerns.

We asked the Senate to continue this effort until we get a response from the candidate. And one of the things that I want to share is I know there is a lot of dialogue about the fact that we are Hispanics and we ought to be supportive. The reality is it is because he is Hispanic. We also want to hold that anyone accountable, but more so anyone who is Hispanic; and before we would ever go against it, we would make sure that it would be for the right reasons. One of the concerns that we have is that he is just not responsive. He has not, and the reality is that he does not have the experience that a lot of other attorneys have had.

Once again my colleagues say, well, he is well qualified. But we have a lot of municipal judges out there, we have district judges out there, we have had some of our own Members, the gentleman from Texas (Mr. GONZALES), has been a judge and has had some experience in that area. There is a great number of other people that are well qualified that could basically serve, but the administration chose to bring one of the most difficult candidates. At the same time, I know that the Senate has confirmed more than a hundred other candidates. So this is one candidate that we have a problem with.

The other side talks about the fact that, well, he is a Hispanic and that we ought to push forward because of the fact he is a Hispanic. Well, someone has to stand up and say the king has no clothing, and in this case, there is nothing there. Maybe there is. Maybe after he opens up and addresses the questions that are out there, we might decide that, yes, he ought to be nominated; but at this point, we stand on the fact that we are not endorsing the candidate and we are hoping that the Senate stays with that.

Let me talk about a couple of other nominees. I know we have had Richard Paez on the Federal district court in Los Angeles. On June 16, 1994, the Senate unanimously confirmed Richard Paez to the Federal district court. That was after he had waited for a long time before that ever occurred, and he was one of the ones that I think waited the longest, with difficulty. So we have had a lot of nominees that have waited a long time, and I would ask the Senate to take this nomination extremely serious and would ask them to really look at those issues that are before us.

I want to ask my colleague the gentleman from California (Mr. BECERRA) who is here with me to say a few words because I know he participated on the committee, and I want to ask if he would come forward.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEAUPREZ). If I might remind Members to be very cautious in their reference to the Senate. Members should not urge action by the Senate.

Mr. RODRIGUEZ. Mr. Speaker, I thank the Chair. I will be.

I yield to the gentleman from California (Mr. BECERRA), and I want to thank him because I know that in California LULAC has also decided to go in opposition to the nomination. So I know, coming from California, I want to thank him personally for that.

Mr. BECERRA. Mr. Speaker, let me begin first by thanking the gentleman from Texas (Mr. RODRIGUEZ) for yielding me some time and for taking this opportunity to speak on a very important issue which oftentimes, given the crush of the agenda here in Washington, D.C., potential war with Iraq, potential war with North Korea, with a growing budget deficit that is now surpassing \$200 billion for this year and we thought we were going to be looking at budget surpluses, the fact that more and more Americans are losing their jobs, the fact that we have more than 42 million Americans today that are without health insurance, the fact that in almost every State in the Union, Governors are talking about having to cut back on what they will do for schools, and as a father with three little girls, all of those things have to concern us. They certainly concern me.

So without putting aside those very important issues, I believe that it is important this evening to talk a little bit about another very important role that Congress plays with regard to the Nation's life; and, that is, helping select the lifetime appointees to our Federal courts. And I believe it is very important to point out that we are talking about a lifetime appointment. Once this individual who must be nominated by the President, then confirmed by the Senate, is so confirmed, that person is entitled to remain in that position until he or she expires. And so that person will be setting the course of this Nation's future, not just for us but for our kids and well beyond that with his or her actions and words.

For that reason, the Founding Fathers of this great Nation decided that while the President has the right to nominate, it is the obligation, the duty under the Constitution of our country for the U.S. Senate to confirm, to provide, as the words of the Constitution say, its role is to advise and consent the President of the United States.

It is very interesting in this particular case, as my colleague and friend from Texas has pointed out, that we have a nominee who has been nominated by the President, Mr. Miguel Estrada from the Washington, D.C.

area, to serve on the Second Circuit Court of Appeals. Some consider the Second Circuit Court of Appeals the second most important court in the land after the U.S. Supreme Court.

This individual who has been nominated by the President is in many respects a blank page. He has never served as a judge. He has not, as far as I know, written any legal articles, certainly not since his law school days. He has not provided any writings that are essential to determine what his philosophy is, what his background has been in the law. He is a question mark. Some would consider him a phantom candidate. And to believe that the U.S. Senate would just vote to confirm an individual, without going into the qualifications of an individual, is not only unconscionable but it is downright scary, and yet that is where we are today.

The worst part about this whole situation with this confirmation process is that it seems that some are trying to toy with this nomination and play this as a battle on ethnicity; that because Mr. Miguel Estrada, a U.S. citizen, is not being confirmed automatically because the President has nominated him, that it must be because people are anti-Hispanic.

I thought quite some time ago, the most important court of the land, the U.S. Supreme Court, decided that we do not operate in this country based on quotas and that a person does not get in because they have a particular ethnicity or they are a particular race or because they are a particular gender; that they must prove themselves. Certainly we can consider everything that makes a person an American, their background, all those factors, but that one factor alone does not grant a person the right to such an important position, certainly one where a person would serve for a lifetime.

But yet this controversial nominee, and across the Nation everyone is calling this a controversial nominee, is before the U.S. Senate. The President is asking for a vote on this gentleman, and this is an individual who has refused to answer some of the most basic, most fundamental questions that have been asked of previous nominees in the past, and it makes it very difficult to understand why we would want to go down the route of ever, ever confirming any individual who is not willing, who refuses to disclose information about himself or herself, that would lend to the Senate the ability to cast an informed judgment on whom should serve in the courts of this country to dispense justice for all of us as American citizens.

That constitutional duty that the Senators have should not and never has, as far as I know, been taken lightly. But in this particular case, when we have someone who has refused or failed to answer simple questions, who is your role model on issues of judicial philosophy, what cases have you seen as important in driving the legal agenda and the direction of our judicial

process in this country, simple questions are still unresolved.

Basic information in document form, at a time when we have a nominee who is such an unknown, open question, basic documents that relate to his work when he worked for the Solicitor General's Office for the Federal Government have not been disclosed, and the White House refuses to provide those documents.

It almost seems as if we are being told in this country that because Miguel Estrada happens to have a last name that is Hispanic, because he is of immigrant background, and I applaud all those things, what he has succeeded in doing in getting himself educated and hopefully becoming a successful citizen for the rest of his life, but because of that, does he receive a free pass to a lifetime appointment as a judge on the Federal bench?

I know that most of us here are very proud to be Members of an institution that has reflected a democracy older than any in the world's history, and I believe each and every one of us would say that we are proud that we have earned the right to be here because Americans helped us, through their vote, to get here. But we had to earn the opportunity to be here. No one granted us, as a result of some quota, an opportunity to serve in this House, and there is no difference in the importance of that other branch of government, the judiciary, than there is in the legislative branch, to prove your mettle, to show your qualifications, to indicate that you are prepared to demonstrate you have the disposition to be a judge.

It boggles the imagination to believe that in the Senate we may see a vote on an individual who is still an unknown commodity to the American public, someone who will be dispensing justice on the most important issues of the day: war, abortion, the right to education, health care, the rights of seniors. It seems incredible to believe that we have to stand here today to talk about this, but this controversial nominee has put us in this position.

I applaud those Senators, all of those Senators who are standing up not just for what they believe is right, but for the history of this country and standing up for the Constitution of the United States of America that says the Senate must, must perform its obligation to advise and give consent to the President of the United States on judicial nominees. I hope that they will continue to insist that anyone wishing to serve in a lifetime capacity dispensing justice in this country as a judge in the Federal courts will provide that information.

□ 2200

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEAUPREZ). Members are reminded to be very cautious about urging action by the Senate.

Mr. BECERRA. I thank the Speaker for that admonition.

I believe it is very important as we move forward that Congress fulfill its obligations, and they are obligations that none of us here voted on to make it the law. It is something that was done more than 200 years ago by our Founding Fathers who believed when the Constitution of the United States was written back in 1787 that it was important to make sure that that co-equal branch of government, the legislature, participated in decisions that would be made by the executive branch, the President, to fill the third coequal branch of government, the judiciary.

I am very pleased that the gentleman from Texas (Mr. RODRIGUEZ) has taken the time to call for this special order to give us an opportunity to talk about this particular controversial nominee and what it means to the American public and to the American future when it comes to dispensing of justice. I hope that we can engage in further conversation.

Mr. RODRIGUEZ. I want to thank the gentleman from California (Mr. BECERRA) for being here tonight because I know that he worked diligently on that committee established by the Congressional Hispanic Caucus of which we, over 20 Congressmen throughout this country, represent a good number of the Hispanic population throughout this country. I know that as you well know how difficult it was for us to make this decision but we felt an obligation and responsibility.

I want to share with the gentleman, we had the LULAC group, the State group out of California, come forward.

Mr. BECERRA. For those who may not know what LULAC is, it is the League of United Latin American Citizens. It is the oldest civil rights organization representing Hispanics nationwide in the country.

Mr. RODRIGUEZ. I want to thank you because I know the State LULAC group out of California went forward in opposing the nomination. I have two letters here that I want to talk briefly about. They are both past Presidents of LULAC, they are all leaders in our community; President Robles, Belen Robles, in opposition to the confirmation of Miguel Estrada.

President Robles, President, National President of LULAC, past President, writes, I write to join other Latino leaders and organizations in opposing the confirmation of Miguel Estrada to the D.C. Circuit Court of Appeals. As a native Texan, she writes, I have a very long and active involvement in the Latino civil rights community and have worked hard to ensure that Latinos have real choices about their lives. I am a past President of the League of United Latin American Citizens, LULAC.

I am deeply troubled with the nomination of Miguel Estrada. I am very troubled with the positions he seems to have taken about our youth being subjected to racial profiling. As I understand his position, he does not believe

that racial profiling exists, and has many times argued that the Constitution gives police officers unbridled authority and power. In our community, she writes, racial profiling does exist and our children have been subjected to it. This is an issue that Latino organizations, including LULAC, have long cared about. In all of the years that I was involved with civil rights, LULAC always stood to protect our community, including our youth, when law enforcement exceeds their authority.

I am also concerned, writes President Robles, that Mr. Estrada did not allow the Senate to fully evaluate his record. He was not open in his responses, but instead was evasive. Yet anyone appointed to a lifelong position has to be willing to answer questions fully. The American people have a right to know who sits in our seats of justice and to demand that person be fair.

Mr. Estrada has also taken actions against organizations that make me believe that he would not be fair. For example, she writes, as an attorney, he argued that the NAACP did not have legal standing to put forward the claims of African Americans who have been arrested under a particular ordinance. As a former National President of LULAC, she indicates, I know very well that on many occasions LULAC has been a champion of the rights of its membership in civil rights cases. We asserted those rights on behalf of voters in voting cases in Texas and in many other civil rights cases. Under his view, Mr. Estrada could decide that a civil rights organization such as LULAC would not be able to sue on behalf of its members. No supporter of civil rights could agree with Mr. Estrada's confirmation. For that, she writes, I oppose the confirmation of Miguel Estrada.

I know the gentleman has had the pleasure of meeting Mrs. Robles, a great leader in this country, and has been there working in behalf of our constituency and continues to do that, and so I was very pleased to also have received her letter. I know the gentleman from California has had the pleasure of knowing her.

I also have before me, I wanted to share with you, because I was also pleased to hear from another past President of LULAC, and this is President Ruben Bonilla, in opposition to the confirmation of Miguel Estrada.

President Bonilla, as he expressed his concerns, talks about, and I will read just part of that. He says, it is particularly troubling that some of the Senators have accused Democrats or other Latinos of being anti-Hispanic, or holding the American dream hostage, he writes. Yet these same Senators in fact prevented Latinos appointed by the Clinton administration from ever being given a hearing. Notably, Corpus Christi lawyer Jorge Rangel, he recalls—President Bonilla is from Corpus—and also El Paso attorney Enrique Moreno and Denver attorney Christine Arguello never received hearings before

the Judiciary Committee. Yet these individuals who came from the top of their profession, were schooled in the Ivy League, were raised from modest means in the Southwest and in fact truly embodied the American dream. He further says, these highly qualified Mexican Americans never had the opportunity to introduce themselves and their views to the Senate as Mr. Estrada did.

In addition to my concerns regarding this double standard, and he talks about a double standard in his letter, I am also concerned that Mr. Estrada showed himself unwilling to allow the Senate to fully look at his record. He was not candid in his responses, as anyone who saw the interview would have come to that conclusion. Yet Mr. Estrada, as every other nominee who is a candidate for a lifelong appointment, must be prepared to fully answer basic questions, particularly where there is no prior judicial record.

In this case he has no record because he has never been a judge, so it is difficult, and you being an attorney can understand that, in terms of looking at how we can scrutinize or whether he is scholarly or not.

This is a comment by Ruben Bonilla, the past President of LULAC, also: By declining to give full and candid responses, he frustrated the process. Individuals with values should be called to explain those values honestly and forthrightly, he adds. He also indicated, we can demand no less from those who would hold a lifelong appointment in our system of justice.

Finally, I am also concerned, writes President Bonilla, with some of the answers that Mr. Estrada did give when he was pressed. For example, I understood that as an attorney, he argued that the NAACP did not have legal standing to press the claims of African Americans who had been arrested under a particular ordinance.

And he writes, as a former National President of LULAC, I know that on many occasions LULAC has represented the rights of its membership in voting cases and in other civil rights matters. I would be troubled that if he were confirmed, Mr. Estrada would not find a civil rights organization to be an appropriate plaintiff, and would uphold closing the courthouse door on them.

As we see these letters of these leaders, two Presidents of LULAC, we see the concerns that they have expressed, and mainly because of the lack of information that we have received and the fact that he has been unwilling to come forward. I am hoping that as we move forward, he might come back and respond to some of those questions.

I know that the gentleman from California wanted to make a few more comments.

Mr. BECERRA. I cannot agree with what the gentleman has said more. I believe the gentleman from Texas is helping to set the record straight. It is fascinating that as we are here discussing a very important subject of

who will serve for a lifetime on our judicial courts, that we have to discuss this in terms of brown versus white, Republican versus Democrat. I think it is unfortunate because, quite honestly, Miguel Estrada has been his own worst enemy, because he has refused to provide information that would give people sufficient ability to discuss and then entertain his nomination and vote on a confirmation. I think at the end of the day, if Mr. Estrada does not move farther through this confirmation process, he has only himself to blame.

Certainly I do not believe the administration, the White House, has done him any favors in refusing to produce the documents that would give the Senate a better sense of who this person, who has never served as a judge, who has never taught a class in law, who has not published an article on the law since law school days, is not willing to provide any additional information.

Because this has become a very intense debate by those wishing to make this into more than what it is, I think it is important to address those issues. Some people are saying, well, Democrats don't want this gentleman because he is Republican and he is conservative. You don't want a conservative Republican Hispanic. That goes contrary to the fact.

Last Congress when the Senate, in majority, was Democrat, you saw the Senate Democrats swiftly confirm six Hispanic judicial nominees who were chosen by President Bush: Christina Armijo of New Mexico, Judge Phillip Martinez of Texas, Randy Crane of Texas, Judge Jose Martinez of Florida, Magistrate Judge Alia Ludlum of Texas, and Jose Linares of New Jersey, all Republican, all Hispanic, all swiftly confirmed by Senate Democrats.

Then we have heard the charge made that, well, you don't want him simply because he is Hispanic, that Senate Democrats are anti-Hispanic; which would be farthest from the truth, because if you look back at the record, most of our appellate court judges, most of our district court judges, have been appointed by Democratic Presidents. I should only remind those who keep saying that of the 10 Hispanic appellate judges currently seated in the Federal courts, 8 were appointed by President Clinton. Three other Hispanic nominees of President Clinton's to the appellate courts, I should mention, were blocked by Republicans, as well as other district courts, the trial court level nominees by President Clinton, also blocked by Republicans when they controlled the Senate.

Some will say, well, what we are really finding is that you are just trying to get your kind of judge. The problem here is we do not know what kind of judge Mr. Estrada might be. We have no concept of it. He has been unwilling to volunteer information on that. So, first, that is an unfounded accusation because no one knows enough to say what kind of judge he would be, and,

secondly, everything that has been uttered or provided seems to indicate that he is far from the mainstream. But again it is tough to say. Maybe he is close to the mainstream. It would help if he would disclose some of that information so we could make a decision on this very controversial nomination.

It is interesting when you think that if the President really wanted to make a point about appointing an Hispanic as a judge, and I hope what they were looking for was an American who was extremely well qualified and prepared and happened to be Hispanic to be judge, but it seems like it was just the reverse, he was Hispanic and put him out there to be the judge, that the President would have taken the time, and others would have taken the time to recognize that if you want to get qualified individuals, there are over 1,000 sitting judges today in America, over 1,000 judges, State, Federal, local level judges throughout America who are American and happen to be Hispanic. But, no, instead of that, it looks like the White House picked someone who has very little record, very unwilling to disclose, and the White House is unwilling to provide documents to help us understand.

It is unfortunate but there is a constitutional obligation here and we must recognize that the Senate must do its job. As much as I want to see a diverse America prosper with a diverse judiciary, I will stand here and say that I am first and foremost an American, and I am very proud of it, and I am very proud of what I have been able to accomplish in life, having grown up in a home, was the first born in a place where we had about 580 square feet of house in a one-bedroom home for my three sisters and I, with parents who did not have much of an education. But we were very fortunate. We had great parents. They to this day continue to be great parents. That will drive others to greatness as well. But let it be that we prove ourselves. Let it be that we are willing to show who we are.

Is there something that Mr. Estrada is hiding? Is there any reason why the American public should wait until after the fact instead of before the fact to know about this gentleman that wishes to have a lifetime appointment?

□ 2215

Let us know now so we can make informed decisions on who will serve us on the bench, and I believe Congress that when we stand here and say that we find it very difficult to support a process to move forward on confirmation of Miguel Estrada, it does pain us. It pains us quite a bit because we know that on the judiciary we do not have the kind of diversity that we see today in America; but we want to see it filled with the most qualified, the most prepared individuals, those who have shown the temperament, the disposition to dispense justice for all Americans, whatever their color, whatever

their background; and that is why we have an obligation to insist as Americans and as Members of Congress that the Senate abide by the Constitution and its role to advise and consent and make sure that when the decision is made, they have made it for the right reasons for the entire American public.

And I cannot say at this stage that any of us can believe that this controversial nominee has gone anywhere near the point where anyone can feel comfortable voting to confirm him to a lifetime position. It is difficult to say; and I wish we did not have to stand here when there are other issues like potential war, poverty, unemployment, lack of health care, failing schools. Yet we must discuss this because we know the courts and these individuals who wish to be judges will be making decisions for all of our kids, all of our grandparents, our parents, our brothers and our sisters, our military men and women. They will be making decisions that affect their lives, and we have to make sure that the Senate does the right thing. So at this stage what can we say but continue, Senate, to fulfill the obligation, to receive the information they need, to be able to advise the President and then give consent if it is merited to any nominee that the President wishes to put before the Senate for confirmation as a lifetime judicial appointment.

I think it is great that the gentleman from Texas (Mr. RODRIGUEZ) has taken the time to have this Special Order here, and I hope we will continue to have this discussion. We are not debating. It is hard to debate someone we know little about. But it is great to discuss it because that is what America is all about.

Mr. RODRIGUEZ. Mr. Speaker, I want to thank the gentleman from California (Mr. BECERRA) personally, but also maybe he can correct me if I am wrong, but I have been here 6 years and in the whole process this is one of the first nominees, I think, that we have opposed and the gentleman would correct me if I am wrong, and I know that we took it very seriously. We did not take it lightly. We recognized the importance of the nomination process, but as Latinos in this country, we also felt an obligation and responsibility to make sure that if there is anyone who is nominated up there that we feel that maybe they have not been forthcoming in their answers that that needs to happen, and so one of the things I think it is important is that here we have a Latino Hispanic who is not being responsive and for them I think the gentleman mentioned the issue of being anti-Hispanic. We are asking the person just to respond to the questions. Just as there would be an Anglo or anyone else, we would expect them to do the same.

Mr. BECERRA. Mr. Speaker, could I stop the gentleman from Texas (Mr. RODRIGUEZ) on that point?

Mr. RODRIGUEZ. Mr. Speaker, I yield to the gentleman.

Mr. BECERRA. That is a crucial point because people are saying, you would not do this to anyone else and we have never done it to anyone else in the Senate. That is not true. What is being asked of the White House to produce memoranda that were prepared by Mr. Estrada during his time with the Solicitor General's office is no different than what was asked for of Judge Bork when he was before the Senate for confirmation to become a Supreme Court Justice. It is no different than what was asked of Mr. William Bradford Reynolds, who was nominated to be the Associate Attorney General for the Department of Justice. It is no different from what was asked of Benjamin Civiletti, who was nominated to be the Attorney General. It is no different than what was asked of Steven Trott, who was nominated to the Ninth Circuit Court of Appeals, and it is no different than what was asked of today's Supreme Court Justice, Chief Justice William Rehnquist, when he was nominated to be the Supreme Court Chief Justice. No different.

People say we have never seen a process where Senators are on the floor preventing a vote on this through a cloture motion trying to prevent a filibuster. There is no filibuster. Business can take place in the Senate. That is something that is occurring not as a result of those objecting to this process on Mr. Estrada; and it should be mentioned that since 1980 there have been, I believe, some 15 to 18 occasions where this process which we are seeing played out in the Senate has occurred where in order to have a nominee before the full Senate for a vote, we would have had to have the 60-vote majority in order to get there. So when people get out there and say this is unprecedented, it has never happened before, that is just not the fact; and we should know that there is history to prove that we need Senators who will stand up for the American people and the Constitution to make sure that that person, once lifetime appointment is granted, will do the right job because he or she is qualified.

Mr. RODRIGUEZ. Mr. Speaker, I want to reinforce the importance that people understand because I know we have heard some people say he is well educated, let us give him a chance. You might say to someone who is going to be elected for 2 years, let us give him a chance. That would be fine. But here is a person we are going to appoint for the rest of his life. It is not a chance. We do not have a chance to come back and take him down, if they are not qualified, if we find something else that they might have responded to or done or whatever. This is the time to do the right thing. These people get appointed for life. They do not have a second chance on this. So as an attorney, I know the gentleman recognizes that fully.

I also wanted to share that I got a letter that is signed by about 15 presidents of the Hispanic National Bar Association.

Mr. BECERRA. Hispanic presidents. Correct.

Mr. RODRIGUEZ. Fifteen members. Not just one, 15 past presidents of the Hispanic National Bar Association; and in their letter, if I can, let me just read a couple of quotes. It says: "We the undersigned past presidents of the Hispanic National Bar Association write in strong opposition to the nomination of Miguel A. Estrada for the judgeship on the Court of Appeals in the District of Columbia.

"Since the Hispanic National Bar Association, establishment in 1972, promoting civil rights and advocating for judicial appointments of qualified Hispanic Americans throughout our Nation have been our fundamental concerns. Over the years we have had a proven and respected record of endorsing," and I say again, "of endorsing" and also "not endorsing or rejecting nominees on a nonpartisan basis of both Republican and Democratic Presidents."

This is a group that has been both Democrat and Republican; and they go on to talk about their criteria, and they do a very good job of how they evaluate the nominee. And the gentleman's being an attorney, he probably understands some of this. Then they finally at the end say: "Based upon our review and understanding of the totality of Mr. Estrada's record and life's experiences, we believe that there are more than enough reasons to conclude that Mr. Estrada's candidacy falls short in these respect. We believe that for many reasons including his virtually nonexistent written record, his verbally expressed and 'nonreputed' extreme views, his lack of judicial or academic teaching experience (against which his fairness, reasoning skills and judicial philosophy could be properly tested), his poor judicial temperament," of which we experienced personally, "his total lack of any connection whatsoever to, or lack of demonstrated interest in the Hispanic community, his refusals to answer even the most basic questions about civil rights and constitutional law," and they go on, "his less than candid responses to other straightforward questions of Senate Judiciary Committee members, and because of the administration's refusal to provide the Judiciary Committee the additional information and cooperation . . ."

So it seems like the administration is kind of deliberately putting him on the front, knowing full well that there were concerns with this candidate; yet they chose to bring him forward, and we wonder why when my understanding is that the Senate has looked at over 100 candidates and they have all been approved. This is the first one that we have decided we are not going to approve because we do not have the right information.

Mr. BECERRA. Mr. Speaker, what the gentleman from Texas (Mr. RODRIGUEZ) is pointing out, I think, so very well is that no one wants to get up

and speak out against a nomination of an individual whom the President puts forward if we do not have to because we want to give respect to the decisions of the executive to move forward, but we have to do something. We have to speak up for what the Constitution stood for. And as someone who, as I said before, would love to see a diverse America reflected in its judiciary as well, it pains me, but we are acting now not as Hispanics. We are acting now not as Latinos. We are acting now not as minorities. We are acting as Members of Congress, the 435 of us in the House and 100 in the Senate, with the responsibility to act for the entire American public of some 280 million people.

Those 280 million people depend on us to make the right decisions, and it is not just for the 37 million Latinos in this country. It is not just for those who are immigrants. It is for everyone. And I would hate to see the day come when we believe that simply because the person is nominated by the President or the person looks or sounds a particular way that we will act a certain way. We have to be prepared on issues that require constitutional confirmation, that we move forward deliberately, that we have all the information that the public would want to have. No one back home, whether in the gentleman's district in Texas, my district in California, or any other district in this Nation, no one would go and look for an attorney or a doctor or a dentist or an accountant not knowing anything about the person's background. One would not have surgery by some doctor one has never met and know nothing about. One would not give an important case to an attorney that one knew nothing about, that one met on the street. One would not go to a dentist to pull out his wisdom teeth if they had no way of knowing that this person would do a decent job, and someone is not going to send their kids to any school without having some idea of what kind of education their child can receive.

And the same applies in the case of the courts of the United States for lifetime appointments. This controversial nominee should not expect that the American public will let his name move forward without knowing something about him; and when we have that information, then we can make some decisions. And I believe that there must be something he is hiding because for him not to come forward with it, if he is so qualified, he is so prepared, then he is holding himself up. As we say in Spanish, *es una hoja en blanco*, he is a blank page. *Es su peor enemigo*, he is his worst enemy, because it is he and the White House who have placed him in this predicament; and it is only he and the White House who can remove him from this predicament, and by goodness I hope that sooner or later they recognize that there are Senators who determined to fulfill their obligation to make sure

that we have the most qualified people serving on our judicial bench, and I hope they will continue that; and we are going to stand here day after day in vigil to make sure that we get across to the American public what is at stake here, not as Hispanics, not as minorities, but as Americans who are fighting to make sure that the best people are going to make those decisions on those courts for all of us.

Mr. RODRIGUEZ. Mr. Speaker, I know the gentleman from California (Mr. BECERRA) is also from L.A., and I wanted to also mention to him that one of the leading organizations that is stationed there as an office in Los Angeles is MALDEF, the Mexican American Legal Defense and Education Fund, and they have openly come out in opposition also of the nomination of Miguel Estrada, and I know the president and general counsel of MALDEF, the Mexican American Legal Defense and Education Fund, Antonia Hernandez, has strongly opposed the nomination; and I know that she has written letters on their behalf, and this is a well-respected organization within the Hispanic community throughout this country that when it comes to the legal area, the gentleman's being an attorney understands that they have been there on the forefront for our issues that confront us, and one of the things that I know concerned us when we did the evaluation was that here we had a candidate who was not willing to come forward and respond to the questions, and in some cases I kind of felt whether the person was either naive about our history as a community, as a Latino community in this country.

There is a history that has been out there, a history that depicted the struggle of Latinos in this country as we have confronted the issues of bilingual education, for example, that has been so important in our schools, and when we asked him whether he was aware or not of the *Lau v. Nichols*, I am not an attorney, but I know about *Lau v. Nichols* because it is a decision that has had a tremendous impact on the Hispanic community in this country because it is about bilingual education.

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He was either naive about the law or chose not to respond in reference to the law.

So that really kind of concerned me, that he was not willing to come forward on that basic law that has meant so much to us. If someone, whether they be Anglo or Hispanic or whoever, if they have no history in terms of the importance of the struggles of African Americans in this country, the struggles of Hispanics in this country, the struggles of women in this country, what kind of judge are we going to be having?

So I think it is important, if nothing else, in terms of hearing whether there is even an understanding that there has been a struggle out there, whether he

has any history or understanding of what has occurred in the past, that has bothered me when we asked those questions.

Mr. BECERRA. In pointing out that the Mexican American Legal Defense and Educational Fund has taken an explicit position against him, the gentleman from Texas (Mr. RODRIGUEZ) is absolutely right, that MALDEF has been at the forefront of issues affecting Latinos, and if anyone understands what the courts have meant to minorities and to the Hispanic community specifically, it is MALDEF; and having, I assume, tried to piece together whatever information they could get about this controversial nominee, the Mexican American Legal Defense and Educational Fund has taken a position opposed to this controversial nominee.

I, with great respect, listened to what MALDEF says because they have been at the forefront. The gentleman mentioned *Lau v. Nichols*; *Plyler v. Doe*, which dealt with education, the basic right of education; *Bakke v. U.C. Board of Regents*, which dealt with diversity in our universities and colleges; MALDEF, they are at each one of those cases.

We need to know. What will happen when we have a court that is very divided on choice for women, where one vote could turn the situation in America on the Supreme Court, where we are right now debating whether there will be diversity in our institutions of higher learning before the United States Supreme Court? All of these things matter. The decisions made by the Senate to confirm or not an individual matter, because they will have an impact.

So before the decision is made, before the vote is cast, before the confirmation occurs, the Senate and the American public are entitled to know who this phantom nominee is.

Controversial nominees go the way of controversy, and in America I hope that means that they will not prevail. Controversy is not the way this democracy has operated. We try to come together as a people.

I believe that we have an opportunity to come together as a people and have the President put before the Senate individuals of full qualification who have the preparation to serve on our courts, the highest courts of the land.

I believe that we still can resolve this in a way that will be constructive for all. But let there be no mistake; there should be no give on this issue by any Senator, there should be no give by any American in this country, to the standards set forth by the Constitution more than 200 years ago. Those standards have served us well and we should continue in that vein.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEAUPREZ). Members are reminded to be very cautious, once again, about urging action by the Senate.

Mr. BECERRA. Mr. Speaker, I want to thank the gentleman from Texas

(Mr. RODRIGUEZ) for having yielded me so much time. I believe this is an important issue.

Perhaps it is cloaked by the many issues that are before us today that are of great importance to the American public. This is one of those issues that in the future would surface if it were a bad decision, and hopefully, if we can deal with this in a good way and make sure that we vote only on those who are forthright and forthcoming in information, that this will be something that in 10 years, in 20 years, in 100 years will not come back and bite us anywhere on our body, because what we do not want to see is that we diminish the standards that we use to place people in lifetime positions on the courts of the Federal Government. That is an important task.

I appreciate that the gentleman has taken the time to call for this special order.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman very much. Nothing would be worse than to set a very negative precedent, where a person would be confirmed without having to respond to the questions that have come before them. Nothing would be more harmful to the Constitution, that allows the opportunity for the Senate to review nominees, than for them to go without asking for those questions to be asked.

Tonight I want to thank everyone for allowing us this opportunity, and I want to thank the Senate and those organizations throughout this country, the past presidents of LULAC who have also gone in opposition, as well as many other organizations throughout.

#### GENERAL LEAVE

Mr. RODRIGUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### THE NEED FOR FURTHER UNITED NATIONS ACTION ON IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to lay on the record information that needs to be brought to the attention of this body and every American as we struggle with the current crisis involving our relationship with Iraq.

We have seen a lot of information, in the media, a lot of public protests, both against and for action that this country might need to take, but there has been one major part of the debate that has been missing.

As we talk about Saddam Hussein and the need for him to abide by the agreement that he reached with the U.N. And the U.N. Security Council 12 years ago, as we discuss the fact that the U.N. inspectors have not yet been able to determine that he in fact has taken apart his weapons of mass destruction, there is in fact one set of facts, Mr. Speaker, that are obvious, that are documented, and that need action.

It is for this reason that I rise this evening to present to this body, our colleagues, our country and the world, the facts that will support a resolution that I will introduce in this body on Thursday of this week, a bipartisan resolution, with the gentleman from Maryland (Mr. CARDIN) and the gentleman from Maryland (Mr. HOYER), and a whole host of other Democrats and Republicans, that calls for the President to require and request the U.N. to convene a special war crimes tribunal to hold Saddam Hussein accountable for the egregious acts against human beings that he has perpetrated over the past 20 years.

Mr. Speaker, it is certainly time that the world holds Saddam Hussein accountable.

Mr. Speaker, the facts are all over the place. They have been documented by human rights groups, by Amnesty International, by agencies of the U.N. and the U.S. Government, and by other nations around the world. In fact, there have been specific actions taken by the U.N. The United States budget in fiscal year 2001 and 2002 contributed \$4 million to a special U.N. Iraqi War Crimes Commission to document the evidence, some of which I am going to put out this evening.

The United Nations Security Council and the Commission on Human Rights have repeatedly condemned Iraq's human rights record. On April 19, 2002, the United Nations Commission on Human Rights passed a resolution drawing attention to "the systematic widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror."

In fact, the United Nations Security Council Resolution 674 called on all states to provide information on Iraq's war-related activities and atrocities to the U.N.

Mr. Speaker, it is amazing to me as we heard Americans, especially those coming from Hollywood, recently on our national media outlets, praising and defending Saddam Hussein as a man who can be trusted, as someone who will do the right thing if just given the right amount of time.

It is amazing to me that this country went to war just a few short years ago, pushed very aggressively by France and Germany, to remove Milosevic from power in Yugoslavia because he was allegedly committing war crimes.

Now, Mr. Speaker, I am no fan of Milosevic. In fact, I think he is where he belongs, in the Hague before a war crimes tribunal. But, Mr. Speaker, tonight I am going to lay out the evidence that will make the case that Saddam Hussein makes Milosevic look like a common street criminal. In fact, I am not the only one that feels this way, Mr. Speaker.

Let me quote from a recent op-ed that ran this past Sunday, written by Richard Holbrooke. Now, Richard Holbrooke was the U.S. Ambassador to the United Nations under President Bill Clinton. Let me quote from Mr. Holbrooke's op-ed that ran nationwide this past weekend.

"When one considers that Saddam Hussein is far worse than Slobodan Milosevic and that Iraq has left a long trail of violated Security Council resolutions while there were none in Kosovo." So Richard Holbrooke, the U.N. Ambassador under President Clinton, has publicly acknowledged as recently as this past week that, in his opinion, Saddam Hussein is far worse than Slobodan Milosevic.

This country went to war to oust Slobodan Milosevic. This country murdered innocent Serbs with bombs to oust Slobodan Milosevic. And who pushed this country? France and Germany, because the French and Germans were concerned that Milosevic was in their neighborhood.

In fact, Mr. Speaker, in a quote from a book just recently released, *The Threatening Storm*, by the expert on Iraq during the Clinton administration in both the CIA and the Security Council, Ken Pollack, one section documents the Saddam Hussein regime in Iraq, and I want to quote from this book, which I think every Member of this body should read. It is page 122, discussing the Iraqi state and security. Again, this individual, Ken Pollack, is an acknowledged intelligence expert on Iraq. This is what he said:

"Max Van der Stoel, the former United Nations Special Rapporteur for Human Rights in Iraq, told the United Nations that the brutality of the Iraqi regime was of an exceptionally grave character, so grave that it has few parallels in the years that have passed since the Second World War."

In other words, Mr. Speaker, that the Saddam Hussein regime has not been equaled since Adolf Hitler. Not Slobodan Milosevic, who the Germans and French supported militarily to remove, but not since Adolph Hitler.

Let me continue. "Indeed, it is to comparisons with the obscurity of the Holocaust and Stalin's mass murders that observers are inevitably drawn when confronted with the horrors of Saddam's Iraq. Saddam's Iraq is a state that employs arbitrary execution, imprisonment and torture on a comprehensive and routine basis."

A full catalogue is not yet totally available, but tonight we are going to put on the record, Mr. Speaker, the examples that are available.