

Department about his prior employment. But for that, that vote could occur, seeming to suggest that the same thing would be the case with any other nominee—that as long as the information was forthcoming and they knew about the individual, that therefore they could vote.

In fact, the last line, after this colleague talked to others in the Democratic Party, states: Look, if we can just get this information, do you think we can vote? And the answer was: Affirmative, to a person, because, frankly, then we would know for whom we were voting.

There was no commitment to vote for Miguel Estrada but at least they would allow the vote to go forward because they would then know "for whom we are voting."

Well, we do know who we are voting for in the case of Justice Owen. Her record is out there for everyone to see. There has never been a suggestion by anybody that she needs to produce more in the way of a record. It is there to be evaluated.

I suspect the reason Members on the other side of the aisle will not allow her to come to a vote is because they fear she will be more conservative as a justice than they would like to see. Let's be honest about it.

I voted for numerous circuit court nominees of President Clinton knowing they were far more liberal than I am. On my own circuit, the Ninth Circuit Court of Appeals, I voted for several who I knew were more liberal, and their voting record subsequently has borne that. They were confirmed. I voted for them. I felt President Clinton was the President; he was elected by all of the people. He had the right to nominate his own people, and if they were otherwise qualified, then I ought to vote for them. That has always been the tradition, that has always been the standard, by which we have judged these candidates for circuit court. So it is very troubling now to have a new standard imposed on us.

I come this morning to note that we are soon going to go back to the nomination of Priscilla Owen. I implore my colleagues to think about what they are doing by creating the 60-vote standard. There is no way that can be the standard only for Republican Presidents and not Democratic Presidents. It is either going to be the standard or it is not. If it becomes the standard for all Presidents, then I believe it is only a very short period of time before the confirmation process is going to grind to a halt because there will always be political differences.

By and large, that is what divides the Democrat and Republican Parties. We view life a little bit differently. We are all great Americans. We all support the troops and all want the judiciary to succeed, but we have some philosophical differences. That is fine, but they should not be the basis for not confirming judges or, more importantly, for requiring 60 votes to con-

firm because it is a very rare Senate in which one party has more than 60 votes in controlling the Senate. So it is basically going to grind the confirmation process to a halt.

That is a breach of our comity to the judicial branch; it is a breach of our obligations to the American people, to ensure justice is done. We know that justice delayed is justice denied. We have already heard from the Supreme Court Chief Justice about the emergencies that exist because we cannot fill these vacancies.

We have a crisis. We have to find a way to resolve this crisis. I suggest that the simplest way to do this, that is fair to everybody, is the way we have always done it: Express yourself, allow the vote to occur, vote your conscience and then move on. But do not hold up the votes simply because you have a philosophical disagreement with the President who nominates these candidates.

I urge my colleagues to think carefully because in the case of Priscilla Owen, as the bar association found, as the Judiciary Committee concluded in its most recent action by passing her out on the Executive Calendar, she is a fine justice. She would make a fine member of the Federal bench. There is no legitimate reason to oppose her.

I urge my colleagues to think about this as we focus on her qualifications, on the relationship between the Senate and the House, and on the obligation we have to the courts and to the American people. This is serious and we ought to be acting in a serious way. I urge my colleagues to support the nomination of Justice Priscilla Owen.

TRIBUTE TO EMILIE WANDERER

Mr. REID. Mr. President, I would like to pay tribute to Emilie Wanderer, of Henderson, NV, on the occasion of her 101st birthday, which she celebrated earlier this month.

Emilie Wanderer is the oldest member of the Nevada bar, but her significance goes well beyond her longevity. She both contributed to, and exemplifies, the progress our society has made in terms of quality. She broke down barriers for herself and for others. During a time when many women were discouraged from pursuing higher education and many were excluded from professional opportunities, Emilie Wanderer embarked on a legal career in addition to raising her children.

Her noteworthy accomplishments include becoming the first woman to practice law in Las Vegas, being the first woman to run for district judge in Nevada, and joining with her son John Wanderer in the first mother-son legal practice in the State. She has been an inspiration and a role model for Nevadans, especially for women pursuing careers in fields traditionally dominated by men.

Through her legal work and through her life, she has made our State a better, kinder, fairer, and more just place.

Emilie Wanderer is considered a legend in the southern Nevada civil rights community. Several decades ago, racism and segregation plagued Las Vegas like so many places throughout America. Earlier this year when we celebrated African American History Month we rightfully recalled the role that Black leaders played in the civil rights movement, but I think it is important also to recognize that some whites—not only famous and prominent people but also those who never received much attention or credit—were committed to the pursuit of justice and fairness.

Emilie Wanderer is one such person who helped bring about progress in race relations in Nevada. Early in her career, she served as legal counsel for the Nevada chapter of the National Association for the Advancement of Colored People, and she held NAACP meetings within her own home, even at the risk of harassment, threats and intimidation. She believed it was the right thing to do, and she had the courage of her convictions.

Emilie Wanderer's commitment to, and contributions to, promoting social justice and securing equal rights for all the people of Nevada deserve to be recognized and praised. On behalf of our State, I thank her and send my best wishes.

COMMEMORATING THE 35TH ANNIVERSARY OF THE DEATH OF MARTIN LUTHER KING, JR.

Mr. DURBIN. Mr. President, 35 years ago on April 4, 1968, Martin Luther King, Jr.'s life was tragically cut short by an assassin's bullet. Dr. King was just 39 years old. In 1963, Dr. King delivered a funeral eulogy for the children who were killed by a firebomb at the 16th Street Baptist Church in Birmingham, Alabama. Dr. King said: "Your children did not live long, but they lived well. The quantity of their lives was disturbingly small, but the quality of their lives was magnificently big." Dr. King's own words could be said about himself.

Only three Americans have ever had a Federal holiday named for them by Congress. Two were presidents George Washington helped create our Nation and Abraham Lincoln helped preserve it. The third, Martin Luther King, Jr., never held an elected office but he redeemed the moral purpose of the United States. He reminded us that since we are all created equal, all of us are equally entitled to be treated with dignity, fairness, and humanity.

Last month I had an opportunity to visit the State of Alabama for the first time. I went there with Democratic and Republican Members of Congress, on a delegation led by Republican John Lewis from Atlanta, GA. We paid a visit to some of the most important spots in American civil rights history. Dr. King's fingerprints are on these and countless other watershed events in American civil rights history.

We went to Montgomery and stood on the street corner where Rosa Parks boarded the bus in 1955 and refused to give up her seat to a white rider, as was required by city law. After Rosa Parks was arrested, Dr. King led a bus boycott in Montgomery, where he had just moved for his first pastorate.

We went to Birmingham and visited the 16th Street Baptist Church. Before the tragic bombing in 1963, the church had been used for civil rights rallies and desegregation protests, and Dr. King had spoken there and throughout Birmingham on many occasions. He wrote his famous "Letter from a Birmingham Jail" 40 years ago after being arrested for leading a protest in April 1963. We went to Selma and stood at the spot on the Edmund Pettus Bridge where, in 1965, a young John Lewis was beaten unconscious by Alabama State troopers, at the time the 52-mile voting rights march from Selma to Montgomery was turned back. In response, Dr. King led a second march, and these brave actions led to Congressional passage of the Voting Rights Act of 1965. Dr. King is the pre-eminent civil rights figure in our Nation's history, but he would not have been as successful had it not been for a handful of courageous federal judges who despite death threats to themselves and family members used the judiciary to help dismantle the legacy of Jim Crow. For example, Alabama Judge Frank Johnson was part of a three-judge panel that struck down Montgomery's bus-segregation law, holding that separate but equal facilities were violations of the due process and equal protection clauses of the Fourteenth Amendment. And after Governor George Wallace banned the Selma-to-Montgomery march, Judge Johnson issued the order that allowed Dr. King and Rep. Lewis to conduct the march, calling the right to march "commensurate with the enormity of the wrongs that are being protested." Dr. King called Judge Johnson a jurist who had "given true meaning to the word 'justice.'"

Dr. King was keenly aware of the importance of the federal judiciary to ensure equality and justice in our society. In a 1958 speech at Beth Emet synagogue in Evanston, Illinois, Dr. King said: "As we look to Washington, so often it seems that the judicial branch of the Government is fighting the battle alone. The executive and legislative branches of the Government have been all too slow and stagnant and silent, and even apathetic, at points. The hour has come now for the federal government to use its power, its constitutional power, to enforce the law of the land."

Regrettably, President George W. Bush has been appointing Federal judges who have tried to limit the ability of the federal government to use its constitutional power to enforce the law of the land. Many of his judicial nominees are conservative ideologues who believe that the Federal Government lacks the constitutional power to pro-

vide meaningful remedies and access to the courts for victims of discrimination. In the name of States rights, these nominees have urged federal courts to strip Congress of its powers and citizens of their remedies. I question whether the President is appointing men and women to the federal judiciary who will make courageous decisions and, in the words of Dr. King, give true meaning to the word justice.

Despite this unfortunate trend, I think Dr. King would have remained optimistic. In a 1965 speech of Dr. King's entitled "A Long, Long Way to Go"—published for the first time this month in a new book called "Ripples of Hope: Great American Civil Rights Speeches"—Dr. King said:

There are dark moments in this struggle, but I want to tell you that I've seen it over and over again, that so often the darkest hour is that hour that just appears before the dawn of a new fulfillment.

Dr. King's optimism in the face of dark moments is one of his enduring legacies. On this 35th anniversary of his death, I pay tribute to his optimism, courage, and heroism that transformed our Nation.

LETTER FROM A CONNECTICUT SAILOR

Mr. LIEBERMAN. Mr. President, we are all so proud of the American men and women in uniform who risked and gave their lives to liberate the Iraqi people. They performed bravely and brilliantly, proving once again that there has never been a fighting force in the history of the world as well trained, well equipped, and well motivated as the United States of America's.

Of course, their work is not done. Far from it: serious danger remains. Winning the peace will take a sustained commitment. But we can already look back with so much gratitude at the sacrifices the men and women of our Army, Navy, Air Force, Marines, and Coast Guard have made for our security and the security of the world.

In my service in the Senate and on the Senate Armed Services Committee, I have heard countless stories of the heroism of those who protect us. But just when you think nothing can deepen your conviction about the extraordinary character of these men and women, something does. Two proud parents from Bristol, CT, passed on to me a letter written on February 15, 2003, by their daughter, Barbara. She is an Operations Specialist Second Class in the U.S. Navy she was Third Class when she wrote it—serving aboard the U.S.S. *Pearl Harbor*, which was then on deployment to the Middle East. The letter was sent to a newspaper in reaction to some coverage that Barbara had read about war protests here at home. In it, Barbara explains, more eloquently than I ever could, what drives those who risk their lives for our freedom, and she reminds us of the unbreakable bonds between those serving

half a world away and our communities here at home.

I ask unanimous consent to print the letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR EDITOR,

I currently serve as an Operations Specialist 3rd class in the United States Navy, and there are a few things I would like to clear up for you and for everyone. I serve my country for many reasons, some of which include: pride, love and responsibility. Let me explain

I am proud to be an American. It may sound cliché, but it's true. I am proud to be a part of the greatest and strongest nation in the world, and I am proud to serve her. It is my duty and my privilege to serve in the United States Military, and I am thankful for the chance to do so. I am by no means an exemplary sailor; by anyone's standards I'm mediocre at best. However, I do what I can. I was raised to be thankful for the freedoms that we, as Americans, take for granted on a daily basis: the freedom of speech, the freedom of religion, the freedom to bear arms and many more. Many countries around the world laugh at our government for allowing us these 'privileges' that we take for granted. After all, they ask, how can you maintain authority when dissent is allowed? But we say, how can you not? And that is what makes our country great.

I am not a warmonger, nor a dissenter. I do not carry guns or cry 'fire' in a crowded theater. I am simply someone who realizes that these freedoms that we cherish are not free of cost. I am aware that the cost these freedoms is human lives. A familiar saying, often attributed to Voltaire, captures the spirit of the American military perfectly: "I [may] disapprove of what you say, but I will defend to the death your right to say it."

Every day we hear reports of people speaking out against the U.S. military, saying that we spend too much, waste too much, and are an archaic set of muscles our government flexes to tell the world that we are still pertinent. I disagree wholeheartedly for one reason: If I were not here spending too much, wasting too much, and flexing my protective muscles, then they would not be able to say that. If they lived in a country like Iraq, they and their families could be put to death for saying that. Think about that before you say that we should do nothing. Think also that the man who runs that country, Saddam Hussein, is building long-range weapons and weapons of mass destruction, intending to aim them at us.

I love my country, and I love my family and friends. I would rather die than see either of them hurt. I would rather put my life on the line so that they don't have to. That is why I am here on a ship, ready to go to into danger. I'm not saying I'm not scared; I'm terrified. However, I'm more scared of inaction. More scared that if I don't do this, then this man will reach out his hand from his palace and try to hurt the ones I love. I will not allow that to happen. I am on my way, right now, to stand ready to remove this man from power before he can hurt the people I hold dear. Right now, the man I love is over there getting ready to stand against those who wish to hurt the people we love. I pray every day that this does not come to war. I do not want to fight, and I do not want my love to be in harm's way. However, we have already made our decisions. We have realized that inaction now will lead to greater bloodshed farther down the road, and we will