EXECUTIVE SESSION

NOMINATION OF J. LEON HOLMES, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider Calendar No. 165. The clerk will state the nomination.

The legislative clerk read the nomination of J. Leon Holmes, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

The PRESIDING OFFICER. There will be 6 hours of debate equally divided.

The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, we find ourselves today considering the nomination of Leon Holmes for the Eastern District of Arkansas. I have known Mr. Holmes for a number of years. In fact, I used to practice law with him. Even though I count him as a friend, I have to go back to the criteria that I use when I consider any nomination for the Federal bench.

Basically, I have a four-part test that I apply. One: Is the nominee qualified? Two: Does the nominee have the necessary experience for the post? Three: Will the nominee, once he or she is on the bench, be fair and impartial? And the fourth criteria is more of a catch-all: Are there other circumstances—maybe his or her temperament or maybe he or she has an agenda—is there something in their background that might prevent this person from serving?

Clearly, Leon Holmes is a qualified nominee. There is no doubt about that. Also, clearly he has the necessary experience to serve as a district judge in the Eastern District of Arkansas. Rightly so, people can ask and should ask: Can he be fair and impartial?

There is no question about the fact that Leon Holmes has been a strong advocate when it comes to the issue of life and choice. He is strongly on the pro-life side. He has been very clear about that point. For over two decades now, there is no question, there is no doubt about where Mr. Holmes stands on that important issue facing our Nation today.

Let's look at that issue and let's look at some statements he made and some things we have learned about Mr. Holmes during this nomination process.

First, let me say, I was attorney general in Arkansas for 4 years before I came to the Senate. As such, I can think, in 4 years of practice, of only one case of which I am aware that either my office or anybody else in the State of Arkansas handled relating to abortion and that was directly on point. The fact that he would be a judge for the Eastern District of Arkansas—we have two districts—probably would mean, given the number of Federal judges we have, given his age, it would be very unlikely for him to ever have an abortion case.

Second, even if he did have an abortion case, Mr. Holmes has represented every pro-life group in the State of Arkansas—I cannot speak to all of his clients, but he has represented them and has been very involved with them. So undoubtedly he would have a conflict if any of those cases ever came before him as a judge.

Mr. Holmes has a very deep conviction and a genuine passion about the issue of when life begins and whether this country should allow women the right to choose under any circumstance. It is a position that is based on much thought and much reason and even much prayer.

I can say this: After reviewing his record very thoroughly in the last year—by the way, this nomination has been pending in the Senate for over a year—he has made a number of inflammatory statements, and I thought what I would do is read through a few of those very briefly so my colleagues will understand what the controversy with Mr. Holmes is all about.

At one point, he wrote:

> Concern for rape victims is a red herring because conceptions from rape occur with the same frequency as snow in Miami.

I could go through a series of statements he made. Let me read a couple more. He, in effect, compared the pro-choice movement to some things that were going on in Nazi Germany. I think that is a fair statement without trying to get into the long background and quote on that point.

Another item which has been controversial is that he wrote a piece for a Catholic newspaper in Arkansas. He also cowrote it with his wife. In this piece it says that a wife has the obligation to ''subordinate herself to her husband'' and ''to place herself under the authority of the man.'' Here, again, this is a reflection of Catholic doctrine. It is a teaching that is found in the New Testament. It is something in which Mr. Holmes and his wife both participate. When we hear statements such as that, naturally questions are raised and people ask: Is this the kind of person we want on the Federal bench?

If we look at most of the statements he has made about abortion and other subjects, not every single one, but most are at least 15 years old. He has apologized during the course of this nomination process, and, for all I know, he has already apologized for this, but he has apologized on many occasions for some of the statements he has written and said.

In fact, if I can read some excerpts of the responses from his questionnaire he answered before the Judiciary Committee. I am not going to try to read all this because there are way too many of them and way too long. Let me take selected excerpts.

At one point he said:

> The sentence about rape victims—

Which I just quoted—

> which was made in a letter to the editor in 1980 is particularly troublesome to me from the distance of 23 years. Regardless of the merits of the issue, the articulation in that sentence reflects an insensitivity for which there is no excuse and for which I apologize.

He goes on to say in another paragraph:

> Let me be clear that Roe v. Wade, as affirmed by Casey, is the law of the land. As a district judge, I would be bound to follow it and would do so.

In another response about when it comes time for him to consider whether he should recuse in cases, he said:

> I would follow 28 U.S.C. 455 and the Code of Conduct for United States Judges when making recusal decisions.

He goes on to say in another paragraph:

> Roe v. Wade is the law of the land. As a judge, I would be bound by oath to follow that law. I do not see how a judge could follow the law but restrict the rights established by the law.

In other words, he is committing over and over he is going to follow the law of the land.

Again, in answer to another question:

> I recognize the binding force of the court's holding in Griswold and Eizenstat recognizing the right to privacy.

Once again, people can have a legitimate, genuine concern and can ask questions about this point, but time and again he answers his critics.

He says later:

> Roe v. Wade establishes that the constitutional right to privacy includes a woman's right to have an abortion.

In another section he says:

> I do not understand that the Court in Roe v. Wade contended that the decision there was mandated by strict construction as the term is defined above.

He is talking about this phrase in the question.

> I recognize these decisions are, once again, the law of the land. They are binding precedent on all courts. If I am confirmed, I will do my utmost to follow these and all other precedents of the Supreme Court of the United States.

Then the last couple of excerpts I would like to read are these. Here again he is talking about Roe v. Wade:

> As a judge, I would follow every decision of the Supreme Court that has not been subsequently overruled.

How many times does he have to say that? How many times does he have to say he is going to follow the law?

I know Leon personally. Lawyers in Arkansas have worked with him, and they know him personally. We have a high degree of confidence that he will follow the law.

Something that comes through over and over with Mr. Holmes is he has an incredibly strong reputation for high ethical standards.

In fact, as a demonstration of this, at one point during the process he met with Senator LINCOLN and they talked about a number of issues. If we know Senator LINCOLN, we know she asked a

lot of hard questions and she expected clear and definitive answers, which she got.

At some point during the process, other things came to light he had not told Senator LINCOLN about or that he felt, in fairness to her and out of respect for her, she should know about.

So on his own volition, without being prompted by anyone or anything, on April 11, 2003—this was over a year ago because this has been pending over a year—he voluntarily wrote Senator LINCOLN a letter talking about some of these statements that had come out. He says in the 1980s he wrote letters to the editors in newspaper columns regarding the abortion issue using strident and harsh rhetoric. He goes on to say almost all of these are over 15 years old. He says, in a later paragraph:

As I stated in response to written questions from Senator DURBIN, I am especially troubled by the sentence about rape victims in a 1980 letter to the editor regarding the proposed Human Life Amendment; and as I said there, regardless of the merits of the issue, the articulation of that sentence reflects an insensitivity for which there is no excuse and for which I apologize. . . .

Here again, he is talking about something he had written over 24 years ago. If we were to apply that same standard to us, if we could think back 24 years before we ever were in office or even 24 years ago for any of us, we would probably look back on some of our statements and not be real pleased with some of the things we said.

He goes on when he talks about a 1987 effort, when he was president of Arkansas Right to Life, and he says he asked a rhetorical question in the context of some columns and things that had been written and he mentioned Nazi Germany. One thing he says to Senator LEAHY is: ''I did not intend to say that supporters of abortion rights should be equated with Nazis,'' and he spends a whole paragraph talking about this, trying to clarify and give the context for what he had said.

He also in his letter to Senator LINCOLN wrote about this article he had written in his church newspaper. He says that ''the marital relationship symbolizes the relationship between Christ and the church.'' He stated:

. . . My wife and I believe that this teaching ennobles and dignifies marriage and both partners in it. We do not believe that this teaching demeans either the husband or the wife but that it elevates both. It involves a mutual self-giving and self-forgetting, a reciprocal gift of self. This teaching is not inconsistent with the equality of all persons, male and female . . .

Then he goes on to talk about that. So when we look back at these statements he made 17 years ago, 23 years ago, 24 years ago in one case, Leon Holmes, by his own words, comes to this conclusion in the last paragraph of his letter. He says:

Some of the criticisms directed at things I wrote years ago are just; some of them are not. I hope that my legal career as a whole, spanning the years 1982 through 2003, evidences that I am now ready to assume the responsibility of a United States District Court Judge. I certainly was not ready in 1980, nor for many years thereafter, and I do not claim that I was. . . .

In other words, he is admitting he had maybe crossed a line and there are some things he wished he had not said or wished he had said differently.

I will tell my colleagues about Leon Holmes. He is a very fine person. He is a very serious and very sincere Christian man. He is a husband, he is a father, and he is a lawyer. He is a man of very deep faith. In fact, his faith permeates every aspect of his life. I say that very sincerely because I know Leon. Some people might hear those words and say, listen, that means he has this rightwing agenda that when he gets on the bench he is going to do certain things and hold certain ways.

Well, Leon is much deeper than that. His agenda is justice. The hallmark that really distinguishes Leon from so many other people is integrity. He is a great example of integrity.

I have 23 letters. I promise I am not going to read them all. There are dozens more I could have brought with me. There is a saying in the Bible that if we do not testify about it the stones will cry out. Well, what we found in Arkansas is a swelling where the stones are crying out, except in this case they are not stones, they are people who have practiced with Leon and people who have practiced against Leon.

I have personally talked with dozens and dozens of lawyers in the State of Arkansas. I have asked them: Would Leon Holmes make a good Federal judge? In almost every single conversation, there is an unequivocal yes, he would be an outstanding Federal judge.

I will read some of these excerpts. Then I would like to turn this over to my colleague, the chairman of the Judiciary Committee. One excerpt is from a Federal district judge, Bill Wilson. I actually asked him to write this letter because I asked him about whether he thought Leon Holmes could be fair and impartial. As part of the explanation, Judge Wilson says before Leon was nominated and chosen for the bench, he was ''a New Deal, new frontier, great society Democrat, and unabashedly so.'' He goes on to talk about how Leon Holmes will have a detached objectivity, that he will set a standard all judges would be proud of. He concludes by saying:

I have seen Leon Holmes in action on several other occasions, and he is a top-flight lawyer with the nicest sense of personal honor. I believe this to be his reputation with almost all the legal profession in Arkansas.

That is my impression as well.

Here is a letter from Philip Anderson. Philip Anderson may not be a household name, but Philip Anderson is the former president of the American Bar Association. He writes this paragraph:

I practiced law with Mr. Holmes for many years until he withdrew from our firm two years ago. I believe that he is superbly qualified for the position for which he has been nominated. He is a scholar first, and he has had broad experience in Federal court. He is a person of rock-solid integrity and sterling character. He is compassionate and even-handed. He has an innate sense of fairness. He is temperamentally suited for the bench. He works with dispatch. In short, he has all of the qualities that one would hope to find in a Federal judge, and seldom are they found in a person so amiable and with his degree of genuine humility.

In fact, I know Philip Anderson is a Democrat and was his law partner for a number of years.

Here is another one. This one is from Kristine Baker of Little Rock. She is a lawyer. She goes out of her way to point out she is a Democrat. She says: I do not always see eye to eye but I respect him and trust his judgment. Above all, he is fair.

She talks about his respect and his dignity, his intellect, his demeanor, his temperament, and his ability.

Here we have another letter. This one is actually from Tulsa, OK. It is from a lawyer named Dana Baldwin who used to practice in Little Rock. She is a native Arkansan. She said:

Despite occasional differences in my and Mr. Holmes' views on social and political issues, I can speak highly of his integrity and compassion for the law. . . .

She talks about his impartiality. She talks about his commitment to follow the law.

This letter is from Robin Carroll, who is a lawyer down in El Dorado, AR.

Robin happens to be the legal counsel for the Democratic Party of Arkansas. He calls Mr. Holmes:

. . . a brilliant and ethical lawyer.

He would be a fair and impartial judge. He would be fair and impartial on every issue.

Bear in mind, Mr. Carroll and Mr. Holmes have done battle in the courtroom before on election issues, and other party-type issues.

Here is another one, Nate Coulter. Nate is a very fine lawyer from Little Rock. He has been on the statewide ballot twice as a Democrat. He says:

. . . I am writing to endorse enthusiastically Mr. Holmes' nomination to the federal district court.

He says his political views and party affiliations differ, but those:

. . . do not affect my very high regard for his character and professionalism.

He says they have been opposite each other in at least six lawsuits. Mr. Coulter talks about Mr. Holmes' intellectual fitness and integrity and once again, Nate has done battle with him in the courtroom.

Also now we have a letter from Beth Deere. She again goes out of her way to talk about how she is a Democrat and how they do disagree on a number of issues. But she talks about his bright legal mind. Once again, she mentions the word ''integrity.'' That comes through over and over and over in these letters.

Margaret Dobson says:

I have met no man who respects women more.

She talks about the respect she has for Leon and Leon has for others. She says he is the partner who had most supported her career growth and her rise to the level of partner.

Here again she talks about Leon's political views and hers. They may disagree, but he is:

. . . fair and honest and diligent.

He has a commitment to follow the law. He has:

. . . impeccable morals, unquestionable ethics, and supreme intelligence.

She talks about how respected he is in the legal community in Arkansas.

Here is one from Stephen Engstrom, who is a lawyer in Little Rock. He says:

He is an outstanding lawyer and a man of excellent character.

Once again, he says:

Leon Holmes and I differ on political and personal issues such as pro-choice/anti-abortion. [In fact he says] I am a past board member of our local Planned Parenthood chapter. . . .

But he goes on to say:

. . . I am confident that Leon Holmes will do his duty as the law and facts of any given case require.

Here again, I am only reading short excerpts from a few of the letters we have received on Mr. Holmes.

Here is one from David Grace, who is a lawyer in Little Rock and practices in downtown. He has a very fine reputation. He says that he and I have had several cases. Some of these have been with him and some against him.

. . . Leon has a powerful mind and excellent judgment. He is able to be honestly objective. . . .

He goes on to say:

. . . he is among the very best and most respected lawyers in Arkansas.

Once again, he goes out of his way to say he disagrees strongly with some of Leon's political or social views, but they have not:

. . . affected his analysis of a legal problem or his performance as an attorney.

We have a law professor from the University of Arkansas Law School, where Leon was a student. This is Howard Brill. In fact, he was one of my law professors. He says:

I have no doubt that he is scrupulously fair and will be so on the bench—fair to all individuals, to all groups, to all political persuasions, to all viewpoints on the issues that divide Americans. In his judicial role and temperament, he is not a partisan.

Here is a letter from a lawyer, Field K. Wassen, Jr., who was Governor Bill Clinton's legal counsel. He says Leon Holmes has ''unquestioned integrity.''

Here is another one from a plaintiff's lawyer in the State. Her name is Eileen Woods Harrison. Her father was a Federal judge and she is a lifelong Democrat. In fact, at one point she was on the State Workers Compensation Commission and she was released from that post because she was considered to be too liberal on some of the issues. And lo and behold, who was hired to represent the State against her when she sued the State? Leon Holmes. She goes on in this letter to say, even though he was ''on the other side,'' he:

. . . conducted himself in the most professional and ethical manner throughout my case. I gained a great respect for him throughout the course of the litigation.

This isn't a lawyer who is on the other side, this is a litigant. This is a party and he is the lawyer for the other side. In fact, she closes with a Bible verse and says:

''Let Justice run down like waters, and righteousness like a mighty stream.'' It is my firm belief that Mr. Holmes is a just and righteous man who deserves the appointment to the Federal Bench.

Here is one from Bradley Jesson, from Fort Smith, a very fine lawyer who was for a short time Chief Justice of the Arkansas Supreme Court and a Democrat. He says:

My opinion is this is one of the best judicial selections that President Bush has made.

He says he has been with Leon in a number of cases.

In some we are on the same side. In others we are on opposing sides. . . . [He's] one of the best prepared lawyers around and most courteous and most professional. . . . His legal work is among the very best I observed. . . . Leon and I frankly disagree about some issues . . .

But Brad Jesson is convinced Leon will follow the law.

Here is one from Jack Lavey. He is a great lawyer in the State of Arkansas. In fact, he is one of the founding members of the State chapter of the ACLU. He calls himself, in this letter, a liberal Democrat. He talks about Leon Holmes and he says:

. . . his professional reputation is outstanding. He is very bright . . . and he's a very ethical lawyer. He is very honest. . . . he has always been very professional and very ethical.

He says he is honest and fair. He says also he will follow the law. He says:

If a Roe v. Wade issue comes before Mr. Holmes, if he is appointed as a federal district court judge, he will follow the Supreme Court's decision in that case. If I thought otherwise, I would not be writing this letter to you.

He goes on to talk about him and uses words like ''fairly,'' ''honestly,'' ''ethically,'' ''in accordance with established law.''

He says:

To conclude, I consider it a privilege to highly recommend to the United States Senate the appointment of Mr. Holmes as a federal district judge for the Eastern District of Arkansas.

Here is one from Sandy McMath. He uses words like ''integrity,'' ''compassion,'' ''scholarship.'' He says:

. . . he's an honorable and upright lawyer.

He goes on to say they have opposed each other vigorously in a case involving ERISA, but he was at all times compassionate toward the other side's client. He treated the other client with tremendous respect.

Once again, Sandy McMath, like most of these others, talks about how they are on opposite sides of the political fence, but he is confident Leon Holmes will make a good judge.

Also, here is one from Elizabeth Murray. She is with the largest law firm in Arkansas, does a lot of defense work, probably insurance defense work mostly, and corporate law work. She talks about his intelligence, his integrity, and his respect for the law. She says she does not share his opinions on a variety of issues, but nonetheless she thinks he would be a good Federal judge.

Jeff Rosenzweig offers his ''wholehearted support.'' He is a criminal defense lawyer. He calls himself a libertarian Democrat. I am not even sure exactly what that is, but that probably does sum up his political views. But he says:

He's a person of the highest character, intelligence and judgment. He's been an outstanding advocate and if confirmed will be an outstanding judge. If there is any person in the world who will apply the law without regard to what his personal beliefs might be, that person is Leon Holmes.

Time and time and time again we see that. Here is a letter from Charles Schlumberger, a great lawyer in Little Rock and a good friend of mine. He says:

I am a Democrat, I am pro-choice, and I support gender equality.

He goes on to say:

If ever there was an individual fully qualified to serve on the federal bench, it is Mr. Holmes.

He goes on to say:

I am confident that Mr. Holmes will uphold his duty as jurist to follow the rule of law, without bias or deference to his personal convictions.

We hear from a lawyer who now lives in Naples, FL, but used to practice in Little Rock, Jeanne Seewald. She gives her wholehearted endorsement. She talks about how respectful, courteous, and supportive he was of her personally at their old law firm when they practiced together. She says Leon is a gentleman and a scholar.

He has been a faithful mentor over the years. His ethics are beyond reproach.

She talks about his thoughtful and brilliant analysis of issues.

I could read a couple of paragraphs out of that letter because she says so many glowing things about him.

Here is one from Steven Shults who is, again, a lawyer in Little Rock—a very fine lawyer with a great reputation. He talks about how they have been on opposite sides of many lawsuits, but ''Mr. Holmes is one of the finest lawyers in Arkansas and a premier appellate advocate.''

He talks about his integrity. There is that word again, ''integrity.'' It comes through time and time again.

He talks about his ''integrity, judgment, courage, compassion, intellect, dedication, patience, and intellectual honesty.''

Here again, Steven Shults is on the other side of some of these issues, but, nonetheless, he thinks he would be a very good judge.

Here is one from Luther Sutter, who is a civil rights lawyer in Arkansas. In fact, he may have the largest civil rights practice in the State. I am not sure, but he is definitely among the largest. He talks about Leon Holmes being the consummate professional. He says:

> I assure you that in my eight years of practice, I have learned to identify ideologues who are also lawyers. Such lawyers routinely put their personal and philosophical interests ahead of what I consider to be their clients' best interests. Mr. Holmes never did that.

He goes on to say:

> I recommend Leon Holmes to the Federal bench, with a full understanding of his politics. Personally, I do not agree with some of his political views.

He goes on to talk about how he heartily recommends Leon Holmes.

This is the last letter I will read. I promise because I know I am trying the patience of everyone in the Chamber right now. But this is a letter that the majority leader referred to a few moments ago from Kent Rubens who is a very good lawyer from West Memphis, AK, which is right across the Mississippi River from Memphis, TN. Kent Rubens has been a pillar of that legal community in this part of the State for a long, long time. He says:

> I cannot think of anyone who is better qualified legally or ethically to so serve.

He uses a funny phrase that I have heard in Arkansas a few times. He says, ''I will shoot dice with him over the telephone.''

He talks about his honesty and how much integrity he has.

Let me give one little bit of background. He goes on in this letter to say:

> I was privileged to represent a litigant who struck down the abortion statutes here in Arkansas after Roe and Doe were decided. There is no one who will argue that my views are anything other than pro-choice.

This is the lawyer who actually litigated the cases in Arkansas right after Roe v. Wade and decided to strike down Arkansas' laws on abortion. He is unabashedly pro-choice, and he is unabashedly in support of Leon Holmes for this position.

He says in conclusion:

> As someone who has represented the pro-choice view and holds the pro-choice view, I ask that you urge your Members to support his confirmation.

I have read these letters and I think I have tried everyone's patience. But I will tell you this: From the people who know him best, from the people who practice with him and practice against him, from the people who have seen him up close and know him and have had personal contacts and personal interactions and years of affiliation with him in one way or another, they wholeheartedly endorse him to be on the Federal bench.

Going back to my criteria, is he qualified? Yes. There is no doubt about it. Does he have the necessary experience? Yes, no question. You can look at his resume. It is not even close. He easily has the experience you want to see. Will he be fair and impartial? Is there anything else in his background that might raise questions such as his temperament? Does he have an agenda? Clearly, from his contemporaries and from his peers, the answer is yes to those questions.

He has the attitude of being fair and impartial, and there is nothing in his background—no circumstance, even though he has been a staunch advocate on the pro-life side, he still has the respect and the veneration of his peers in Arkansas and even around the country from other States.

I ask all of my colleagues to give him strong consideration, to wade through some of the rhetoric and look back on this with the perspective that most of these inflammatory things were written at least 10 years ago, and some as long ago as 24 years ago.

I appreciate his conviction on the issue of abortion. I appreciate his compassion and his moral certitude on that question.

In many cases, people do not always agree with Leon but they have a lot of respect for him. They think he would be a good judge in Arkansas. They would be proud to have him on the Federal bench.

With that, I yield the floor and turn this over to my wonderful colleague from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I wish to associate myself with the extensive and good remarks of the distinguished Senator from Arkansas, Mr. PRYOR regarding the nomination of J. Leon Holmes to be a United States District Court judge. Mr. PRYOR comes from the State. He knows the man. He practiced law with him. He has read newspaper editorials in support of this man. He has read a number of letters—a wide variety of letters—from Democrats as well as Republicans in the State who say this man would make an excellent judge.

Having known Mr. Holmes personally, he vouched for his integrity and his qualifications, and I think we should pay attention to the distinguished Senator.

Of course, Senator LINCOLN as well is strongly in favor of Leon Holmes for this Federal district judgeship.

In addition, this man has the highest rating by the American Bar Association that you can have—a ''well-qualified'' rating—which means he is placed among the higher echelon of great lawyers in this country.

I think we should heed Senator PRYOR's views.

Of course, I think Senator PRYOR makes an overwhelming case that this man deserves to sit on the Federal district court bench. So I rise today to express my support for the confirmation of J. Leon Holmes of Arkansas who has been nominated to be U.S. District Judge for the Eastern District of Arkansas.

Mr. Holmes is widely respected for his intelligence, his legal skills, and his commitment to the rule of law. Leon Holmes knows the value of hard work. He came from humble roots and is the only one among his seven siblings to attend college. He worked his way through college and finished law school at night while working a full-time day job in order to support his family.

Anyone would know how difficult that is to do.

Leon Holmes is an accomplished scholar and has displayed a wide-ranging academic interest. He is a distinguished graduate of Duke University, where he received a doctorate in political science, and the University of Arkansas law school. Mr. Holmes finished law school at the top of his class, was inducted into Phi Beta Kappa while a doctoral student at Duke University, and was named Outstanding Political Science Student upon graduation from college.

He has pretty terrific credentials.

Mr. Holmes is currently a partner with the Little Rock firm of Quattlebaum Grooms Tull & Burrow, specializing in complex business litigation, torts, and appellate practice. He has practiced commercial litigation at the trial and appellate level in State and Federal court for many years, and has acquired significant courtroom experience. Leon Holmes is well respected by the Arkansas Bar and is one of the finest appellate lawyers in Arkansas. In 2001, the Arkansas Bar Association bestowed its Writing Excellence award on Mr. Holmes.

In addition, Leon Holmes has been an active participant in the Arkansas Bar. He has taught continuing legal education courses to the bar on numerous occasions. He has been awarded the State bar's Best CLE award four times. He sits on the Board of Advisors to the Arkansas Bar Association's magazine and has chaired the editorial board for the bar's publication of Handling Appeals in Arkansas.

Mr. Holmes sits on the judicial nominations committee for the Arkansas State courts, which recommends attorneys to the Governor for judicial appointment in Supreme Court cases where one or more justices must recuse themselves. On two occasions, he himself has been appointed to serve as a special judge of the Arkansas Supreme Court. This is a great honor for a practicing attorney, and the justices praised Mr. Holmes for his service in those cases.

As a person who took advantage of the opportunities presented to him, Mr. Holmes believes in giving back to the community. He is committed to providing legal services to all, and has given approximately 200 hours of pro bono services during each of the last 3 or 4 years.

Among other cases, he has represented, on a pro bono basis, a terminally ill Laotian immigrant woman denied Medicaid coverage for a liver

transplant; an indigent man with a history of drug felony convictions; and a woman who lost custody of her children to her ex-husband.

He represented Ricky Rector, a mentally retarded Arkansas man whose execution then-Governor Bill Clinton refused to commute in 1992. He represents Clay Ford, who has been sentenced to life in prison for shooting at pointblank range and killing a police officer in 1981. He defended on appeal the largest jury verdict in Arkansas history, which involves a nursing home resident who allegedly died from neglect. Her family won a $78 million judgment.

Leon Holmes has given back to his community in areas outside the law as well. He was a houseparent for the Elon Home for Children while a graduate student in North Carolina. He also served as the director of the Florence Crittenton Home of Little Rock in 1986 and 1987, helping young women cope with teen pregnancy.

Those who work with and personally know Leon Holmes strongly support his nomination, as we have already heard from Senator PRYOR, the distinguished Senator from Arkansas, and expect to hear from Senator LINCOLN before the day is out. I certainly appreciate their endorsements of Mr. Holmes in his nomination hearing last year.

Let me address some of the arguments that are being put forward by Mr. Holmes' opponents: that he is extreme in his views on abortion, that he is anti-woman, and that he is insensitive on matters of race. Those are the major arguments that have been brought forth, and I believe based upon all of nothing. A full reading of Mr. Holmes' writings and, more importantly, a review of his actions in these matters, I think, will set the record straight.

There is no question that Mr. Holmes has been a pro-life activist. He served as president of Arkansas Right to Life. He was president from 1986 to 1987. He also served as secretary of the Arkansas Unborn Child Amendment Committee in 1984. Some of the statements he has made in the course of his activism he admits have been insensitive, and he has expressed regret for such remarks, but in almost every case they are decades ago when he was a much younger man.

For example, in a 1980 letter—think about that; it was 24 years ago—to the editor, Mr. Holmes criticized the argument that abortion should be available to rape victims as a red herring because ''conceptions from rape occur with approximately the same frequency as snowfall in Miami.'' Mr. Holmes has clearly apologized for this remark, which he made almost 24 years ago.

In response to a written question from Senator DURBIN, he wrote:

> I have to acknowledge that my own rhetoric, particularly when I first became involved in the issue [of abortion] in 1980 and perhaps some years thereafter, sometimes has been unduly strident and inflammatory. The sentence about rape victims which was made in a letter to an editor in 1980 is particularly troublesome to me from a distance of 23 years later. Regardless of the merits of the issue, the articulation in that sentence reflects an insensitivity for which there is no excuse and for which I apologize.

I believe all of us have made statements in the past that we wish we could apologize for. Many of us have apologized for statements we have made in earnest and extreme ways. He is no different. He made some mistakes and says that he was insensitive at the time, but he apologizes for them. You have to look at his overall career and realize this man has a great reputation in that State and among his people and among his peers. If he is like the rest of us, and apparently on occasion has been, he is going to make some statements for which he has to apologize. We all have to do that from time to time. There may be some perfect in this body who do not have to, but I, for one, have had to apologize from time to time myself.

In a different editorial, Mr. Holmes compared abortion to the Holocaust. On another occasion, he wrote:

> The abortion issue is the simplest issue this country has faced since slavery was made unconstitutional, and it deserves the same response.

In an April 11, 2003, letter to Senator LINCOLN, Mr. Holmes explained:

> In the 1980's—

Twenty-four years ago; at least two decades ago—

> I wrote letters to the editor and newspaper columns regarding the abortion issue using strident and harsh rhetoric. I am a good bit older now and, I hope, more mature than I was at the time. As the years passed, I came to realize that one cannot convey a message about the dignity of the human person, which is the message I intended to convey, using that kind of rhetoric in public discussion.

Again, referring to his 1980 ''snow in Miami'' remark, Mr. Holmes wrote:

> I do not propose to defend that sentence, and I would not expect you or anyone else to do so.

Based upon this letter, Senator LINCOLN reaffirmed her belief that Mr. Holmes would be a fair judge.

The fact is, regardless of any personal views, Mr. Holmes will abide by the rule of law. He understands that principle, and he is committed to it. He understands that his personal views play no role in his duty as a judge to honor stare decisis, or prior precedents, and to faithfully follow the precedents of the Supreme Court and the Eighth Circuit, within which he lives and practices.

Pro-choice attorneys and others in Arkansas who work with him have written to the committee in support of Mr. Holmes' nomination. Those who know him well strongly believe that, despite his personal views, Mr. Holmes will fairly adjudicate any abortion cases that may come before him. His supporters include Robin J. Carroll, legal counsel to the Democratic Party of Arkansas; Philip S. Anderson, a former president of the American Bar Association and a leading Arkansas trial attorney; and Stephen Engstrom, former Little Rock Planned Parenthood chapter board member.

Mr. Engstrom wrote:

> I heartily commend Mr. Holmes to you. He is an outstanding lawyer and a man of excellent character. Leon Holmes and I differ on political and personal issues such as pro-choice/anti-abortion. I am a past board member of our local Planned Parenthood chapter and have been a trial lawyer in Arkansas for over twenty-five years. Regardless of our personal differences on some issue[s], I am confident that Leon Holmes will do his duty as the law and facts of any given case require.

Trial attorney Kent J. Rubens, a pro-choice attorney who successfully brought a lawsuit to strike down Arkansas' abortion statutes after Roe v. Wade was decided wrote: Q02

> I cannot think of anyone who is better qualified to serve. . . . As someone who has represented the pro-choice view, I ask that you urge your members to support his confirmation.

Eileen Woods Harrison sent this letter to the committee:

> I am a female attorney in Little Rock, Arkansas. I am a lifelong Democrat and am also pro-choice . . . I commend Mr. Holmes to you. He is a brilliant man, a great lawyer and a fine person.

Another letter, this one from Cathleen V. Compton, states:

> I heartily recommend Mr. Holmes to you. He is an outstanding lawyer and a fine person. While he and I differ dramatically on the pro-choice/pro-life issue, I am fully confident he will do his duty as the law and facts of a given case require.

Beth M. Deere wrote the following:

> I am proud to be a Democrat. I am also proud to recommend Leon Holmes as a federal district judge for the Eastern District of Arkansas, even though he and I disagree on issues, including a woman's right to choose whether to bear a child. . . . I support Leon Holmes because he is not only a bright legal mind, but also because he is a good person who believes that our nation will be judged by the care it affords to the least and the littlest in our society. I am not troubled that he is personally opposed to abortion. Mr. Holmes is shot through with integrity. He will, I believe, uphold and apply the law with the utmost care and diligence.

Another issue which opponents have distorted is that of gender equality. Mr. Holmes cowrote an article with his wife entitled ''Gender Neutral Language.'' Let's get it straight: he wrote this article with his wife. It was for a Catholic newspaper. This article, which appeared in a religious newspaper of his faith, stated: ''The wife is to subordinate herself to her husband'' and, ''The woman is to place herself under the authority of the man.'' Mr. Holmes' opponents believe these statements indicate he will not be fair to women appearing before him.

However, let me point out those statements are derived from the New Testament in Ephesians, the 5th chapter, verses 22 through 25, and represent the orthodox teachings of his religion. Although I do not have the same

version of the Bible, I believe it would read very much the same. But if you turn to Ephesians, the 5th chapter, it is interesting because starting with verse 21 it says—well, let's start with verse 20

Giving thanks always for all things unto God and the Father in the name of our Lord Jesus Christ;

Submitting yourselves one to another in the fear of God.

Husband and wife. Then it says:

Wives, submit yourselves unto your own husbands, as unto the Lord.

For the husband is the head of the wife, even as Christ is the head of the church: and he is the Saviour of the body.

Therefore as the church is subject unto Christ, so let the wives be to their own husbands in every thing.

But then Saint Paul goes on to say:

Husbands, love your wives, even as Christ also loved the church, and gave himself for it. . . .

I do not think anybody can read this without understanding that the husbands have tremendously positive and important obligations in order to have the respect of the wives.

I don't think you could read it without understanding that Paul is comparing the husband to the head of the family, even as Christ is head of the church, more on the priesthood level than anything else. And the article seems to say that.

It says:

Husbands love your wives, even as Christ also loved the church and gave himself for it;

That he might sanctify and cleanse it with the washing of water by the word;

That he might present it to himself, a glorious church, not having spot, or wrinkle, or any such thing; but that it should be holy and without blemish.

So ought men to love their wives as their own bodies. He that loveth his wife loveth himself.

It gets pretty bad around here when people misconstrue what somebody quotes in an article written for a church publication of the person's own faith, where the person and his wife quote St. Paul. You might disagree with St. Paul, but there are hundreds of millions of people who agree with St. Paul and who understand that he was trying to make the analogy between the church and Christ and between a husband and wife to show how important and sanctified the relationship of marriage is.

This article contains other statements, as I have said, supporting the equality of men and women such as:

All of us, male and female, are equally sons of God and, therefore, brothers of one another.

The distinction between male and female in ordination has nothing to do with the dignity or worth of male compared to female.

Men and women are equal in their dignity and value.

These are quotes within the article. The article, to me, was clearly trying to state why the men in the Catholic Church have the priesthood, but the women have the family. And you might have written it differently, but the fact is, they quoted St. Paul, and St. Paul deserves the dignity of respect by this great body whether you believe in the New Testament of the Bible or not. I firmly believe in the New Testament. What Leon Holmes and his wife were doing was writing about traditional Catholic values and beliefs with which I think millions of people will agree. It hardly places him outside the mainstream and certainly places him in the mainstream as a religious believer and as somebody who loves his faith and his church and his wife, by the way.

Mr. Holmes' wife wrote to the committee to explain that the article in question was specifically written for the readership of members of their faith, persons who would be familiar with the New Testament passages being referenced with regard to the relationship between husband and wife. It is just terrible to distort their writings as husband and wife. If you read the whole article, you can hardly think Mr. Holmes is anti-woman. Furthermore, Mr. Holmes' actions support the truth he fully believes that men and women are equals.

He has supported women in the legal profession and represented women as clients. Mr. Holmes' past and present female colleagues in Arkansas support his nomination to this position.

Jeanne Seewald wrote this letter to the committee:

Leon was a strong proponent of my election to the partnership and, subsequently, encouraged and supported my career advancement, as well as the advancement of other women within the firm. . . . As a colleague, Leon treated me in an equitable and respectful manner. I always have found him supportive of my career and believe he is very supportive of women in general. Leon and I have different political views; however, I know him to be a fair and just person and have complete trust in his ability to put aside any personal political views and apply the law in a thoughtful and equitable manner.

Another co-worker, Kristine Baker, wrote the following:

Leon has trained me in the practice of law and now, as my partner, works with me on several matters. His office has been next to mine at the firm for approximately two years. During that time, I worked with Leon as an expectant mother and now work with him as a new mother. Leon's daughters babysit my eleven-month-old son. I value Leon's input, not only on work-related matters but also on personal matters. I have sought him out for advice on a number of issues. Although Leon and I do not always see eye-to-eye, I respect him and trust his judgment. Above all, he is fair. While working with Leon, I have observed him interact with various people. He treats all people, regardless of gender, station in life or circumstance, with the same respect and dignity. He has always been supportive of me in my law practice, as well as supportive of the other women in our firm. Gender has never been an issue in any decision in the firm.

Lastly, with regard to issues of race, Mr. Holmes has been criticized for defending and endorsing Booker T. Washington's view that slavery was a consequence of divine providence designed to teach white people how to be more Christ-like. Some have alleged—but I hope we don't hear this misinformed view repeated during this debate—that Holmes has said that ''the Almighty said that slavery was a good thing or that he believes slavery is a good institution.'' In fact, nowhere has Mr. Holmes said he endorses slavery or that he believes slavery was a good institution.

The article at issue, written for a Christian audience, was an expression of his belief, shared by Washington, that God could bring good out of evil. So while Washington certainly condemned slavery as evil, having experienced it first-hand, he held a belief that ultimate good could come out of it. Mr. Holmes's article similarly expressed the view that good can come out of evil and that we are called upon to love all men and women.

Mr. Holmes also wrote his doctoral dissertation on the political philosophies of three major African-American thinkers and activists, W.E.B. DuBois, Booker T. Washington, and Martin Luther King, Jr. He argued that King attempted a synthesis of militant nonviolence, ultimately unsuccessful, of DuBois's advocacy of political agitation and Washington's advocacy of a Christian persuasion as means to achieve equality for black Americans.

However, Mr. Holmes left no doubt that he admired Dr. King's achievements in helping to integrate buses, schools, parks, playgrounds, lunch counters, and marriages. He noted the progress made in terms of the expansion of rights and opportunities for all Americans, stating:

Considering both the extent of the privileged status of Southern whites that has been relinquished and the amount of hate and prejudice that confronted desegregation twenty-five years ago, the accomplishment [of social change] is incredible.

Although Dr. King's vision has not been completely realized, Holmes wrote, ''in light of the unexpected changes in the past ten years, who can say that King's dreams will not all come true and 'justice will roll down like waters and righteousness like a mighty stream?' '' Mr. Holmes concluded by urging the reader not to dismiss Dr. King's vision of a promised land, quoting the last words of King's final speech before he was assassinated.

Those who know Leon Holmes know he will be an outstanding jurist. The Arkansas Democrat-Gazette, Mr. Holmes' hometown paper that knows his record best, strongly supports his candidacy. The paper, writing while his candidacy was being considered, indicated that Holmes was a well qualified, mainstream nominee:

What distinguishes Mr. Holmes is the rare blend of qualities he brings to the law—intellect, scholarship, conviction, and detachment. A reverence not just for the law but for ideas, for the life of the mind. All of that would shine through the clutter of argument that awaits any judge. . . . He would not only bring distinction to the bench but promise. . . . In choosing Leon Holmes, [the President] could bequeath a promise of greatness.

That is a pretty good editorial from the local Democrat Gazette.

Considering the total record of Mr. Holmes, a record of distinction in academics, of excellence in practice, and of distinction in his community, it is not surprising that the American Bar Association gave Mr. Holmes their highest rating, a ''well-qualified'' rating. Almost everyone around here has called that the gold standard, but especially our colleagues on the other side of the Senate floor. If you get a ''well-qualified'' rating from the American Bar Association, you are qualified. Yet we have had some who have misconstrued his writings and have indicated they will vote against him.

I hope they will listen to what we have had to say and look at the real record. There is no way that anybody who really understands that record would vote against this man.

My colleagues should know—and most of them will agree—that Mr. Holmes is a well-qualified nominee and will make a fine jurist. I urge the Senate to join me, as well as both Democratic home State Senators, BLANCHE LINCOLN and MARK PRYOR, who strongly support Leon Holmes' nomination, to confirm this outstanding candidate for the Federal bench.

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

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

Mr. HATCH. How much time remains on both sides?

The PRESIDING OFFICER. The Senator's side has 152 minutes remaining. The other side has 144 minutes remaining.

Mr. HATCH. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be divided equally.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. LINCOLN. Mr. President, as the senior Senator from Arkansas, I am proud to come to the floor and join my colleague Senator MARK PRYOR today to introduce Leon Holmes to my colleagues here in the Senate and express my support for his nomination.

Mr. Holmes is a native of Hazen, AR, in Prairie County, which is not too far from my hometown of Helena. He is the fourth of seven children and the first in his family to go to college. He has been married to his wife Susan Holmes for 32 years, and he is the proud father of five children and has seven grandchildren.

Most of us having been home not only working during the Fourth of July recess but hopefully spending some time with our families understand how important our families and our children and future generations are to all of us. I know Mr. Holmes has certainly expressed that to me.

After high school, Leon graduated with special distinction from Arkansas State University in 1973. He continued his education by earning a law degree from the University of Arkansas where he graduated first in his class.

Mr. Holmes later received a master's degree in political philosophy from Northern Illinois University and a doctorate in political science from Duke University where he was inducted into Phi Beta Kappa.

Leon's professional career is equally impressive. In addition to being named a partner in the law firm of Quattlebaum, Grooms, Tull, and Burrow in Little Rock, Mr. Holmes has held a variety of positions, including law clerk for Justice Frank Holt on the Arkansas Supreme Court, assistant professor at Augustana College in Rock Island, IL, and adjunct faculty member of the University of Arkansas at Little Rock School of Law.

As an attorney in private practice, Leon has had a wide-ranging legal practice, representing large corporations, small businesses, and individual litigants, and although I am not a part of the legal community in my home State of Arkansas as a lawyer like my colleague Senator PRYOR is, I have heard from a number of practicing lawyers, judges, and others throughout our State who have worked with Leon and have the utmost confidence in his ability to administer the rule of law.

But Leon has not spent his whole life in the library or at a law firm. As you well know, Mr. President, that certainly is something that is important to me. You may be interested to know that in his youth, Leon actually chopped and picked cotton over in our part of the State in eastern Arkansas. He worked as a farm laborer in the fields of Prairie County and served as a carpenter's helper. While pursuing his education, he worked as a door-to-door salesman and as a newspaper carrier to help make ends meet.

In short, during his academic and professional career, Leon has distinguished himself as a scholar and an accomplished lawyer. In the process, he has earned the trust, admiration, and respect of his friends and colleagues with whom he has lived and worked.

As a farmer's daughter from eastern Arkansas, I believe the fact that Mr. Holmes knows the value of an honest day's work both as a lawyer and a laborer is a good indication that he has the life experience required to administer the law in a very fair and impartial manner, regardless of who the litigants are before him.

If that were the only part of the record before us, the debate we are having today would be a very short one. As some of my colleagues have said or will say during the consideration of this nomination, Leon is also a devoutly religious man who has written articles and made statements that are a reflection of his faith, but they are also somewhat controversial. We all know that for many of us our faith is very important. It is important for us to have an opportunity to express our faith, to talk about it, to speak about it, to live it in a way that is very important to us and reflective of our own ministry.

There is no doubt I have been troubled by some of the statements attributed to Mr. Holmes, particularly one regarding the role of a woman in a marital relationship. As a mother and a wife, I can assure you, I consider myself equal in every way to my husband. Our marriage is based on mutual love and respect, which sustains our union as a man and a wife.

I think it is so important in this day and age as we talk about marriage and its importance to our family, to our children, to the stability of the fabric of this great country, that we understand marriage does not just happen; it has to be those two individuals who come together, a man and a woman, working equally as hard at making sure that union is strong and that it is working.

However, I fully respect the right of Mr. Holmes to practice and express his religious beliefs freely, even those with which I may not agree, just as I expect others to respect my right to do the same.

Mr. Holmes also made a comment 20-plus years ago about how women who were raped do not get pregnant, which I think most would agree was inappropriate and offensive. But Mr. Holmes has apologized for that comment. He has acknowledged it was wrong and said he regrets saying it. We have all said things we should not and wished we had not said in our lives and I, for one, accept his apology. I do believe it is very critical we understand the complications, the emotions, and everything else that are wrapped up in the circumstances when women find themselves in those circumstances of rape or incest or being abused. Again, I do accept Mr. Holmes' apology.

Mr. President, I ask unanimous consent that a letter from Leon Holmes to me apologizing for this remark and responding to the criticism of other statements be printed in the RECORD.

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

QUATTLEBAUM, GROOMS,
TULL & BURROW,
Little Rock, AR, April 11, 2003.

Hon. BLANCHE LINCOLN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LINCOLN: Certain issues have surfaced about my nomination since we met, and because they have arisen since we met, you and I have not had the opportunity to discuss them personally. Out of respect for you personally, and out of respect for the

important constitutional role of the Senate in the appointment process for federal judges, I wanted to write to you this letter to address some of these issues.

In the 1980's I wrote letters to the editor and newspaper columns regarding the abortion issue using strident and harsh rhetoric. I am a good bit older now and, I hope more mature than I was at that time. As the years passed, I came to realize that one cannot convey a message about the dignity of the human person, which is the message I intended to convey, using that kind of rhetoric in public discussion. While I cannot speak for those who raise these issues, my impression is that my statements about the abortion issue that they criticize are all more than fifteen years old.

As I stated in response to written questions from Senator Durbin, I am especially troubled by the sentence about rape victims in a 1980 letter to the editor regarding the proposed Human Life Amendment; and, as I said there, regardless of the merits of the issue, the articulation of that sentence reflects an insensitivity for which there is no excuse and for which I apologize. I do not propose to defend that sentence, and I would not expect you or anyone else to do so. My impression is that, in fulfilling your responsibilities in this matter, you have spoken with or heard from many Arkansans, male and female, who know me well. I hope, and I believe, that their comments have and will give your assurance that this 23 year old sentence is not indicative of how I have conducted myself in the past several years and not indicative of how I would conduct myself as a judge.

In 1987, when I was President of Arkansas Right to Life, that organization was attacked in a guest column in a newspaper on the ground that its members allegedly defined life too narrowly and were, as I read the column, hypocrites. That same column stated that abortion involves a taking of human life. In response, I wrote that, if the author believed that abortion takes a human life, he should start his own pro-life organization but should not use our defects as a reason not to act on his beliefs. In that context, I asked rhetorical question, what if someone had advanced such a basis as a reason not save lives during the holocaust? I did not intend to say that supporters of abortion rights should be equated with Nazis. I have never intended anything that I said to give that impression, and I do not think my comments, which now are criticized, were taken to mean that when they were written. From 1983 through 1988, when I was active in pro-life activity and was writing most of the columns that are now criticized, I was an associate at a large law firm, and I worked for and with many lawyers who are pro-choice. Since then, most of my partners have been pro-choice. I have had many cases with and against lawyers who are pro-choice. No one raised this concern at that time nor at any time prior to the past two weeks. I believe that no one raised this concern because everyone who knows me recognizes that I did not intend such a thing. The letters written on my behalf by pro-choice colleagues are strong testimony of their confidence in me.

While I expected that my past activities relating to the abortion issue would draw scrutiny, and properly so, I did not expect that my religious beliefs would draw similar scrutiny, but they have. I am aware that some concern has been expressed about a 1997 column co-authored by my wife and me for our local Catholic newspaper or historic teachings of the Catholic Church. The Catholic faith is pervaded with the view that the visible things symbolize aspects of the spiritual realm. This pervasive element of the faith is manifest in the teaching that the marital relationship symbolizes the relationship between Christ and the Church. My wife and I believe that this teaching ennobles and dignifies marriage and both partners in it. We do not believe that this teaching demeans either the husband or the wife but that it elevates both. It involves a mutual self-giving and self-forgetting, a reciprocal gift of self. This teaching is not inconsistent with the equality of all persons, male and female, and, in fact, in that column we say, ''[a]ll of us, male and female, are equally sons of God and therefore brothers of one another.'' This aspect of my faith—the teaching that male and female have equal dignity and are equal in the sight of God—has been manifest, I believe, in my dealings with my female colleagues in our firm and in the profession as a whole. While I am not at all ashamed of my faith, or any part of it, I do not believe that the historic Catholic teaching that the martial relationship symbolizes Christ and the Church is or has been relevant to my conduct in my professional life, nor would it affect my conduct as a judge, should I be fortunate enough to be confirmed.

Another aspect of my faith is that God brings good out of evil. I wrote about this belief, as taught by Booker T. Washington, in the context of a 1981 article in a religious magazine. Washington taught that God could and would bring good out of evil. Washington, who was born in slavery, recognized it as evil, not only in theory but as part of his earliest experience. Yet, his faith was so great that he believed that God could bring good from that evil; and his love was so great that he hoped that those of his race would become a beacon of God's love to their oppressors. My article combines his view of providence—that God brings good out of evil—with his view that we all are called to love one another. This teaching can be criticized only if it is misunderstood.

Some of the criticisms directed at things I wrote years ago are just; some of them are not. I hope that my legal career as a whole, spanning the years 1982 through 2003, evidences that I am now ready to assume the responsibility of a United States District Court Judge. I certainly was not ready in 1980, nor for many years thereafter, and I do not claim that I was. My impression is that my colleagues in the Arkansas bar—those who know me well and who represent clients in federal court—believe that my legal career as a whole manifests a readiness to assume the responsibilities of a district court judge, and I hope that you believe so as well.

With best wishes and warmest regards, I am

Very truly yours,

J. LEON HOLMES.

Mrs. LINCOLN. In making my decision to support Mr. Holmes' nomination, I have considered many factors. There is no question he has the necessary legal skills and intellect to perform the duties of the position. More importantly, I have been impressed with the overwhelming support Leon has received from his friends, coworkers, and colleagues in Arkansas' legal community who have firsthand knowledge of his temperament, his character, and abilities as a lawyer. I have received countless letters, e-mails, and phone calls from all over the State expressing strong support for Leon's nomination. Many of these contacts are from people I know personally and several, if not most, are from very active, self-described, very strong Democrats.

Those from Arkansas who have contacted me and the Judiciary Committee in support of this nomination include a past president of the American Bar Association, a former president of the Arkansas Trial Lawyers Association, a founder of the Arkansas affiliate of the ACLU, sitting Federal judges who are familiar with Leon's work, female attorneys who have argued cases with and against Leon, and many others.

One letter from a self-described liberal Democrat who is also decidedly pro-choice summed up how Mr. Holmes is viewed in Arkansas' legal community when he wrote that after litigating ''with and against Leon for a number of years'' he had so much faith and trust in him that he would ''shoot dice with him over the telephone.'' Now that might not sound too common to folks up here, but in Arkansas it is a pretty good saying, and it certainly indicates a great deal of trust on that gentleman's part of the gentleman with whom he was dealing, and that was Mr. Leon Holmes.

In conclusion, I do not determine my support or opposition to a nominee based solely on whether we share the same philosophy, ideology, or beliefs. Fundamentally, I am interested in knowing a judicial nominee can fulfill his or her responsibility under the Constitution to apply the law fairly without political favor or personal bias.

I am satisfied Mr. Leon Holmes has met that standard based on the strong support he has received from those who know him the best and his assurances to me when we met personally. He assured me personally he is willing and able to set aside his personal beliefs to fulfill his duties as a Federal district court judge.

Senator PRYOR and I are here to support Leon Holmes. He has done a good job in Arkansas.

He is a good man, a good friend, and a well-trusted lawyer among his colleagues. We encourage our colleagues in the Senate to look at the evidence we have presented and certainly judge this man on the basis of all of these incredible character witnesses, as well as his own testimony, in being sure that we can all have the confidence that Mr. Holmes will, without a doubt, implement the law, the rule of law, according to the rule of law, and not based on his own personal views.

I thank my colleagues for their attention, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, let me first congratulate both Senators from Arkansas for their eloquent statements and their strong defense of Mr. Holmes. It speaks volumes of the qualifications and credibility of this nominee that these two Senators would step forward and speak as straightforwardly as they have and to reflect the values of the people in Arkansas who know him best. This is a man who has strong support from across the ideological spectrum in Arkansas, again, from the people who know him.

I have had the privilege of standing before the Senate in the last 3 years to speak on behalf of 20 nominees from Pennsylvania who we have moved through here and into confirmation. I have seen many of these men and women come under assault through this judicial process. It has become increasingly contentious, personal, and is reaching a point where we almost have a situation where people are now unwilling to step forward and enter into this arena of judicial nominations because of this attitude that has crept up in the Senate over the last few years.

I have seen really good people, who obviously otherwise would not be nominated for the Federal bench, come under assault for things they have said years and years ago, things they may have done years and years ago. I have pored through FBI records, as many members of the Judiciary Committee have, and seen blemishes, indiscretions of youth that have disqualified people from this office that heretofore would never have disqualified some of them.

This is a pretty tough place to put your name in nomination these days. One person who has gone through probably as much as anyone over the past year has been Leon Holmes. His nomination has been out there for well over a year. He is someone who has had a lot of challenges made about things he has said and positions he has held. He has stood firm in defense of statements that were defensible and apologized for those that were not. That sounds to me like a pretty balanced way of approaching things. When you believe you were right in saying what you were saying, you stand by the feelings you articulated, and when you believe you made a mistake and were in error, you have the courage to stand up and say you were wrong. I don't think we could ask for any more out of someone.

In the case of Leon Holmes, specifically where he said he was wrong, as referred to by the Senator from Arkansas a minute ago, was his comments about rape and pregnancy. He was in error. He made a mistake. I would argue that he has paid dearly over the past year for that statement. However, that is not what he believes and he has not believed that for quite a long time. The statement was made over 20 years ago.

Again, I remind the Senate how we need to look at the whole person, not a statement made 20-plus years ago for which the person has subsequently apologized, not just to this body but has said over the years that that was a statement in error. We want to look at the whole person, as the Senators from Arkansas, Senator HATCH, our leader, has described, the whole person, with whom I had a chance to meet a few months ago, someone who is a very impressive man, a man who is obviously very gifted as a lawyer, a man who is a strong family person, believes in the centrality of the family, the importance of his role as a husband and father.

He understands his role in the community. He is someone who gives to the community and is an active person in the community as well as in the bar, in his profession, and has earned the respect of people throughout his community for the tremendous effort he gives and the equanimity with which he deals with difficult situations.

The one thing that struck me when meeting him was—everyone has visions of when you meet someone what they are going to look like and what they will sound like. He was just a very gentle, kind, knowledgeable, professional lawyer, someone with whom I would have felt comfortable representing me because I don't share necessarily all those qualities. He would be a nice complement to someone representing me in the courtroom. This was someone I thought: If I had to appear before a judge, I sort of would like to appear with someone who had these kinds of qualities and temperament. So he fits in very nicely with what has been described by the Senators from Arkansas, at least from my personal meeting.

So what is the problem? You have the two home State Senators of the opposite party in support of him. You have the Arkansas Bar and all of his colleagues who have come out and been supportive. People who are liberal Democrats have said some of the most flattering things I have ever heard about people on the floor of the Senate. So what is the problem? Is it a statement he made 20-plus years ago? Do you think that could cause the defeat of a man who has a record and a distinguished career and service to his community and faithfulness to his family and a good father? Does that one statement 24 years ago disqualify him from being a judge?

I don't think that is it. What else is out there? There are only two issues I have heard of that are out there. The second was an article he wrote, an article he wrote with his wife for his diocese, for his church, the Roman Catholic Church in Arkansas. It was an article about a particular passage in one of Paul's letters discussing marriage and the role of husbands and wives. He simply went through with his wife and described what you would see described in reading any text describing and explaining those verses from the Bible. You would see it described in any Vatican text, any text that is in line with the teaching of the Catholic Church that would use the same arguments and say the same things that Leon Holmes and his wife said in this article. What he gave was the orthodox Catholic interpretation of those sections of the Bible.

It is what I have heard in many a Sunday sermon. When that section of the Bible has been read and the priest would get up and talk about it, he would give almost chapter and verse the explanation that Leon Holmes and his wife gave in that dissertation. So was Leon Holmes expressing his opinion? Yes. In some respects he was. But as a believing Catholic, he was expressing the opinion of the church. As a believing Catholic, he was merely reflecting the teachings that he has been taught over the years from the church.

Now, if this were a writing by an individual who took this passage of Scripture and took it off in a different direction—something alien to the church—then you might be able to say you can criticize him for not being a faithful Catholic. You could say, look, this is a man who has his own ideas; he wants to reinterpret Scripture to mean something that is potentially degrading to men, or women, or both. But that is not what he did. What he did—and I didn't ask him this, but I suspect that he did what I would have done, which is, as a Catholic, if I am going to look at interpreting Scripture, I am going to look at what the church says about these writings in the Bible, because the Catholic Church has a very rich history of interpreting the Bible. So what I would do is go back and look and see what the church has said about this and how it interprets these passages and then reflect that in what I was going to write, because to me that is what the role of a Catholic is.

Again, that is what the Catholic Church teaches; that is what I believe. That is what the Catholic Church teaches; that is what Leon Holmes believes.

Now, what he is being criticized for is for holding these beliefs—beliefs shared by a billion people. You can say that may be out of the mainstream. I don't know. But it is shared by a billion people. It is an interpretation that has been around for a couple thousand years. If you say, because you hold these beliefs that are central to the faith, that you are disqualified for writing an article for your church—not writing a political article, not writing a judicial opinion, not writing in a secular magazine, but writing an article about Scriptural interpretation for your church, that if you do that and it is not politically correct, it is not seen as being within the mainstream of political dialog today, you cannot be a Federal judge. I find that to be rather chilling.

There was an article in the Washington Times. I have the quote:

> I will tell you, as a person with a Catholic background, that these are troubling statements for him to make.

This is regarding the statements I talked about on the role of women and men in marriage.

> Mr. Holmes' statements reflect a narrow view of Catholic theology and do not embody contemporary standards that would be followed by any Federal judge in any State.

Think about that. Because of his Catholic faith, because he holds these beliefs that the Catholic Church teaches, he cannot be a Federal judge. Is that what freedom of religion means in our Constitution? Is that what the term ''free exercise of religion'' means in our Constitution—that we are going

to eliminate anybody who is nominated for a Federal judgeship who actually exercises their religious beliefs and states them for his own church, and that now disqualifies them? Let's start to take sandpaper out and scratch out ''in God we trust'' over there; let's start sanitizing this place of any faith that is not politically correct or of contemporary standards. Isn't that what faith is about, contemporary standards? It changes. If your faith doesn't change, you are out. If your faith doesn't adapt to the contemporary mores of today in America, you are disqualified.

Mr. President, that is what is being said here today. If you hold a traditional religion and stand by it, live it, practice it, espouse it, you need not apply, because your religion hasn't adapted to contemporary standards and, therefore, you cannot be a judge.

Imagine what our Founders would be doing right now. Imagine. Free exercise of religion. What does ''exercise'' mean? Does it mean sitting here like this? Is that exercise? How about going to church on Sunday, sitting in the pew, or staying at home and reading your Bible; is that exercise? We all know what exercise means. It means to get out and do it. They used an active word here. What was Leon Holmes doing? He was simply exercising his fundamental constitutional right to express his beliefs—not as a member of the legal community, not as a citizen of the State of Arkansas, but as a faithful Catholic to other Catholics in his Catholic community. And for that we say he cannot be a judge?

Some in this body today will vote against this man because he had the audacity to practice his faith. So we now understand the religious litmus test. If you belong to a religion that has not ''adapted,'' has not stayed with the times, if you are one of these old-fashioned religions who believes the truth was actually laid out and the truth doesn't change, and we actually have people who believe—incredibly, to some in this body—that God laid out certain truths, communicated them, and they have not changed because God has not changed. But if you feel that way, you are out. You are out because the narrow views that do not embody contemporary standards—God's ''narrow view''—at least some believe that, and I argue they have the right to believe in these ''narrow views'' that have been around for a couple thousand years, but they are narrow views. That is right, the path is narrow. Maybe now it is too narrow to get you through the Senate. Imagine. Imagine that here in a country that professes, as one of its highest ideals, the freedom of religion, in a country that, as we try to build a republic and a democracy in Iraq, that we had letters signed by people on both sides of the aisle in large numbers encouraging religious pluralism in Iraq, that we now say religious pluralism doesn't necessarily apply here anymore in the Senate.

This is a dangerous moment for us in the Senate. It is a dangerous moment, where a man may not become a judge simply because he holds religious tenets that have not kept up with contemporary mores.

Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. There are 109½ minutes on the majority side, and 110 minutes on the minority side, with time expiring for the noon recess.

Mr. SANTORUM. I thank the Chair.

Mr. President, I conclude by saying this is an important vote. This is not just a vote to confirm a district judge in Arkansas. I know that does not sound like a big deal to people who are hearing my voice. It is a district court, a small court, Arkansas. It is not Washington, DC, or New York City. It is not a glamourous place to serve, just like western Pennsylvania and central Pennsylvania are not glamourous places to serve. But we do justice in these communities because we get good people who are from the community, who are good, decent, moral people, who live their faith as they are allowed to do by our Constitution.

If we send a message out today that living your faith, espousing your faith, exercising your religion is now cause for defeat on the floor of the Senate, if we send the word out today that unless your religious beliefs are contemporary or have been contemporized, unless you have adapted the popular culture into your faith, you are no longer suitable to hold that office, then I think we make a dangerous statement, not just to people in this country, but to the world.

This is a big vote. Anybody who thinks this is not a big vote, let me assure them, I will remind people here for quite some time how big a vote this was. This is a vote about religious freedom. This is a vote about the free exercise of religion, and this is a vote about tolerance.

We hear so much from the other side about tolerance—tolerance, tolerance, tolerance. Where is the tolerance of people who want to believe what has been taught for 2,000 years as truth. You have a right to disagree with that teaching. You have a right to adapt your contemporary mores to that teaching. But where is the tolerance of people who choose to keep that faith?

We will have a vote on Judge Leon Holmes, but it will be a bigger vote than just on that judge. It will be a vote on the soul of the free exercise of religion clause and of tolerance to religion.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m. today.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. SMITH).

NOMINATION OF J. LEON HOLMES, TO BE UNITED STATES DISTRICT JUDGE—Continued

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are under controlled time. The Senator from Vermont controls 110 minutes, and the Senator from Utah has 106 minutes remaining.

Mr. LEAHY. I thank the Chair.

Mr. President, the Senator from California, Mrs. BOXER, wishes to speak on a matter of personal concern to her State. I believe she mentioned this to the Senator from Utah. I ask unanimous consent that she be yielded 8 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California is recognized.

(The remarks of Mrs. BOXER are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield myself such time as I may need.

I welcome the distinguished Presiding Officer back from his break, and I hope he enjoyed his as much as I did, being in Vermont. In fact, I must say I hated to leave Vermont today; it was so nice.

But as the Senate resumes our deliberations for this session, I would like to make note of some matters that occurred on this floor as we were adjourning for the recess. The Senate confirmed six more judicial nominees. That brings to 197 the total confirmations since President Bush took office.

The distinguished Presiding Officer and others may recall, we only had one roll call vote on a judicial nominations that week. At the request of the distinguished majority leader, I agreed to have five judicial confirmation votes done by a voice vote. As often happens when we consider the judges by voice vote, I think the public, many Senators, and the press have little opportunity to take note of our actions or, as in this case, the extraordinary achievement. I say extraordinary because, when the Republicans controlled the Senate in the 1996 session, the last year of President Clinton's first term, they allowed only 17 judges to be confirmed that whole session and they refused to allow any circuit court nominees to be confirmed that entire time. If one Republican Senator objected, it was in effect a filibuster of the whole Republican caucus. They would not allow any circuit court nominees to go through during the 1996 session, not one. I mention that because that was the most recent year, besides this year, in which a President was seeking reelection.

Of course, this year alone, by the end of June, we far exceeded the number of judicial nominees confirmed, including circuit judges, for this President. We