

No fewer than 15 presidents of the State bar of Texas, Democrats and Republicans, strongly endorse her nomination. Yet these opponents call her an extremist.

She has been praised by groups such as the Texas Association of Defense Counsel and Legal Aid of Central Texas. Yet her opponents call her an extremist.

The American Bar Association, often referred to by our friends on the other side as the "gold standard" to determine whether a person can sit on the bench, unanimously gave Justice Owen its highest rating of "well qualified." This means she has outstanding legal ability and breadth of experience, the highest reputation for integrity, and such qualities as compassion, open-mindedness, freedom from bias, and commitment to equal justice under law. Yet some of the very Democrats who once said the ABA rating was the gold standard for evaluating judicial nominees now call Justice Owen an extremist.

Another nominee branded an extremist is California Supreme Court Justice Janice Rogers Brown, nominated to the U.S. Court of Appeals for the DC Circuit. She is the daughter of Alabama sharecroppers. She attended segregated schools before receiving her law degree from the University of California at Los Angeles—in other words, UCLA. She has spent a quarter century in public service, serving in all three branches of State government.

Off the bench, she has given speeches in which she expressed certain ideas through vivid images, strong rhetoric, and provocative argument. Yet it is what she does on the bench that matters most, and there she has been an evenhanded, judicious, and impartial justice on the California Supreme Court.

George Washington University law professor Jonathan Turley knows the difference and recently wrote in the Los Angeles Times:

But however inflammatory her remarks outside the courtroom, Brown's legal opinions show a willingness to vote against conservative views, particularly in criminal cases, when justice demands it.

In recent terms, Justice Brown has written more majority opinions than any of her colleagues on the California Supreme Court. Yet some in this body brand her an extremist. How can that be? Again, Humpty Dumpty would be proud of this type of misuse of words.

A group of California law professors, including Democrats, Republicans, and Independents, wrote to our Judiciary Committee to say that Justice Brown's strongest credential is her open-mindedness and thorough appraisal of legal argumentation "even when her personal views conflict with those arguments." Yet some leftwing extremist groups call her an extremist.

A diverse group of her current and former judicial colleagues wrote us that Justice Brown is "a jurist who applies the law without favor, without

bias, and with an even hand." It is no wonder that 76 percent of her fellow Californians voted to retain her in her State's highest court. Yet her opponents call her an extremist.

If words mean anything, if we in the Senate really want to have a meaningful and responsible debate about such important things, then we should stop playing games with words such as "filibuster" or "extremist." There is no precedent whatsoever for these partisan, organized filibusters intended to defeat majority supported judicial nominations and, I might add, bipartisan majority supported judicial nominations.

If Senators believe such highly qualified nominees, who know the difference between personal and judicial opinions and are widely praised for their integrity and impartiality, are extremists, then they should vote against them. But these people should be given an opportunity by having an up-and-down vote. Let's have a full and fair debate. Perhaps the critics will win the day against one or more of these nominees. I doubt it. But we must vote. That is what advise and consent means.

Mr. President, as I close, let me return to the 1881 Matthews nomination for a moment, the one they have had to stretch to try to claim was a filibuster.

In the 47th Congress, a Senate equally divided between Republicans and Democrats confirmed Justice Matthews by a single vote. No doubt, some opponents called him many things, perhaps even an extremist. Well, I doubt that because that has not happened until President Bush became President, as far as I can see in the way it has happened here. But we settled the controversy surrounding the Matthews nomination the old-fashioned way—not by filibustering but by debating and voting up and down. There is no question we should return to that standard.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1268, which the clerk will report.

The journal clerk read as follows:

A bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year

ending September 30, 2005, to establish and rapidly implement regulations for State driver's licenses and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

Pending:

Feinstein amendment No. 395, to express the sense of the Senate that the text of the REAL ID Act of 2005 should not be included in the conference report.

Bayh amendment No. 406, to protect the financial condition of members of the reserve components of the Armed Forces who are ordered to long-term active duty in support of a contingency operation.

Salazar amendment No. 351, to express the sense of the Senate that the earned income tax credit provides critical support to many military and civilian families.

Reid amendment No. 445, to achieve an acceleration and expansion of efforts to reconstruct and rehabilitate Iraq and to reduce the future risks to United States Armed Forces personnel and future costs to United States taxpayers, by ensuring that the people of Iraq and other nations do their fair share to secure and rebuild Iraq.

Frist (for Chambliss/Kyl) amendment No. 432, to simplify the process for admitting temporary alien agricultural workers under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act, to increase access to such workers.

Frist (for Craig/Kennedy) modified amendment No. 375, to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers.

DeWine amendment No. 340, to increase the period of continued TRICARE coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days.

DeWine amendment No. 342, to appropriate \$10,000,000 to provide assistance to Haiti using Child Survival and Health Programs funds, \$21,000,000 to provide assistance to Haiti using Economic Support Fund funds, and \$10,000,000 to provide assistance to Haiti using International Narcotics Control and Law Enforcement funds, to be designated as an emergency requirement.

Schumer amendment No. 451, to lower the burden of gasoline prices on the economy of the United States and circumvent the efforts of OPEC to reap windfall oil profits.

Reid (for Reed/Chafee) amendment No. 452, to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

Chambliss further modified amendment No. 418, to prohibit the termination of the existing joint-service multiyear procurement contract for C/KC-130J aircraft.

Bingaman amendment No. 483, to increase the appropriation to Federal courts by \$5,000,000 to cover increased immigration-related filings in the southwestern United States.

Bingaman (for Grassley) amendment No. 417, to provide emergency funding to the Office of the United States Trade Representative.

Isakson amendment No. 429, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists