As a testament to his ability and promise, the Judiciary Committee unanimously voted to move Mr. Holmes's nomination to this floor for confirmation. Jerome Holmes enjoys bipartisan support not only here in Washington, but, perhaps more telling, he enjoys bipartisan support back home in Oklahoma—where people know best this accomplished man and his good work.

In fact, Oklahoma's Democrat Governor, Brad Henry, said of Mr. Holmes: ''Jerome is a highly qualified candidate, a superb lawyer with a reputation for fairness, ethics, and integrity . . . In short, I do not think you could have a candidate more highly qualified and regarded than Jerome Holmes.'' Again, Mr. President, that high praise comes from Oklahoma's Democrat Governor. Other prominent Democrats in Oklahoma praise Jerome Holmes as ''a person of unwavering integrity,'' a ''principled leader,'' and someone with a ''willingness to listen and respect differing views.'' In short, the people who know this man best—Oklahomans of competing political stripes and policy views—think Jerome Holmes will make a great judge.

Those who know Jerome Holmes best know that he served with distinction as a Federal prosecutor for over a decade. They know that as an Assistant U.S. Attorney he vigorously—but fairly—prosecuted public corruption and civil rights violations—and that he served as his office's antiterrorism coordinator. In fact, Jerome Holmes worked on the prosecution team that built a case against the perpetrators of the Oklahoma City bombing.

I recall vividly that dark day in 1995, the day the Alfred P. Murrah Federal Building was bombed, the day that the people of Oklahoma City were terrorized. The Tenth Circuit's Chief Judge Deanell Reece Tacha pointed out that ''[i]n some ways,'' her circuit and the people of Oklahoma ''knew ahead of the rest of the nation of the horrors of terrorism.''

Those who know Jerome Holmes best know that, he—like so many others in his office—took on this difficult assignment with fairness and care and dedication to see justice done.

President Bush nominated this fine man to the appellate bench for his strong qualifications but also for his demonstrated understanding of the proper, limited role of the Federal judiciary under the U.S. Constitution.

Jerome Holmes himself said it best:

> I recognize very clearly the distinction between the role of a writer on social policy issues in their personal capacity and the role of a judge in adjudicating the rights and liberties of individual litigants.

And Mr. Holmes pointed out that as a judge ''it is inappropriate for me to import my personal views on policy issues into the decision making process.''

I would submit that this statement by Mr. Holmes is exactly correct. Judges should not be seen as politicians in robes. Unfortunately, too many people still view the Federal courts as a vehicle for enacting policy choices that are too extreme to prevail at the ballot box. And, as a corollary, these same people view activist judges as a means to their policy ends.

I am confident that Jerome Holmes understands the proper, limited role that this Nation's Founders assigned to the Federal judiciary. I say that because I am confident that this President understands the judicial role and continues to nominate like-minded men and women to the bench.

The court to which Mr. Holmes is nominated—the Tenth Circuit Court of Appeals—covers a large part of the middle and western United States. The territorial jurisdiction of the Tenth Circuit includes six States: Oklahoma, Kansas, New Mexico, Colorado, Wyoming, and Utah. And the circuit also has jurisdiction over those parts of Yellowstone National Park extending into Montana and Idaho.

Last week, the Senate confirmed another outstanding nominee to the Tenth Circuit, Neil Gorsuch. And when the Senate votes to confirm Jerome Holmes, as I am confident it will, he will join Judge Gorsuch and four other fine Bush nominees on the Tenth Circuit.

So, in closing, I commend President Bush for submitting another fine nominee to the Senate for confirmation, and congratulate my friends from Oklahoma, their constituents, and the entire Tenth Circuit. I believe Jerome Holmes will make a fine appellate judge and will serve this Nation with honor and distinction.

I yield the floor.

Mr. COBURN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

## MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

## PRESIDENTIAL SIGNING STATEMENTS

Mr. SPECTER. Mr. President, the American Bar Association issued a release today summarizing a report by a blue ribbon task force which concluded that President Bush's signing statements are in violation of and undermine the important doctrine of separation of powers. As it has been widely recorded, President Bush has undertaken a practice of issuing a signing statement at the time he signs congressional action into law. The task force said its recommendations ''are intended to underscore the importance of the doctrine of separation of powers and, therefore, represent a call to the President and to all his successors to fully respect the rule of law and our constitutional system of separation of powers and checks and balances.''

Noting that the Constitution is silent about Presidential signing statements, the task force found that while several Presidents have used them, the frequency of signing statements that challenge laws has escalated substantially, and their purpose has changed dramatically, during the administration of President Bush. According to a press release issued today by the ABA, the task force report notes:

> From the inception of the Republic until 2000, Presidents produced fewer than 600 signing statements taking issue with the bills they signed. According to the most recent update, in his one-and-a-half terms so far, President George Walker Bush . . . has produced more than 800.

The report found that President Bush's signing statements are ''ritualistic, mechanical, and generally carry no citation of authority or detailed explanation.'' Even when ''[a] frustrated Congress finally enacted a law requiring the Attorney General to submit to Congress a report of any instance in which that official or any officer of the Department of Justice established or pursued a policy of refraining from enforcing any provision of any federal statute, . . . this, too, was subjected to a ritual signing statement, insisting on the President's authority to withhold information whenever he deemed necessary.''

This request raises serious concerns on the proceedings for separation of powers. The ABA states that its report goes on to say:

> If left unchecked, the president's practice does grave harm to the separation of powers doctrine and the system of checks and balances that have sustained our democracy for more than two centuries.

The Senate Judiciary Committee held a hearing on this subject and found that this practice does threaten the separation of powers doctrine. The hearing showed that the Constitution is clear, that when both Houses of Congress pass legislation and submit that legislation to the President, the Constitution calls either for the President to sign the legislation, to engage in what could be called a pocket veto, or to veto the legislation and send it back to Congress. If there is a constitutional issue and the President concludes that portions of the statute are unconstitutional, he has an oath to uphold the