The motion was agreed to. 

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. CRAG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 136, WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that the Amendment No. 136 be withdrawn.

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

MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

(The remarks of Mrs. COLLINS pertaining to the submission of S. Res. 167 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. SESSIONS addressed the Chair. The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent to proceed as in morning business for 15 minutes.

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

JUDGE FRANK M. JOHNSON, JR.

Mr. SESSIONS. Mr. President, I would like to make a few comments at this time upon the death of Judge Frank M. Johnson, Jr., a native Alabamian born in Haleyville, AL, who was appointed to the Federal bench in 1953 by President Eisenhower and who was buried today in his native Winston County, aged 89.

That Frank M. Johnson, Jr., was a great judge, there can be no doubt. It is appropriate and fitting that this body, which reviews and confirms all members of the judiciary, pause and consider his outstanding life. His death has attracted national attention. While I knew him and considered him a friend, I am certainly unable to effectively articulate in any adequate way what his long tenure has meant to America and to Alabama, but the impact of his life on law in America is so important, I am compelled to try. I just hope I shall be forgiven for my inadequacies.

Many will say that his greatness was to be found in his commitment to civil rights and his profound belief in the ideal of American freedom, which was deep and abiding. These were, indeed, powerful strengths. Others will say that his greatness is the result of his wise handling of a series of pivotal cases that changed the very nature of American society. These cases were held at the forefront of the legal system’s action to eliminate inequality before the law. Indeed, it is stunning to recall just how many important cases Judge Johnson was called upon to decide and how many of these are widely recognized today as pivotal cases in the history of American law.

How did it happen? How did so much of the Supreme Court’s wisdom fall to him, and how did he, in such a way, handle them with such firm confidence?

I tend to believe those cases and his achievements at the root arose out of his extraordinary commitment to law, to the sanctity of the courtroom, and to his passion, his commitment to truth. That was the key to his greatness. Judge Johnson always sought the truth. He demanded it even if it were not popular. He wanted it unvarnished.

Once the true facts in a case were ascertained, he applied those facts to the law. That was his definition of justice. Make no mistake, he was very hard working; very demanding of his outstanding clerks; and, very smart. He finished first in his class at the University of Alabama Law School in 1943. This combination of idealism, courage, industry, and intelligence when applied to his search for truth along with his brilliant legal mind was the source, I think, of his greatness. This explains how when he found himself in the middle of a revolution, he was ready, capable and possessed of the gifts and grades necessary for the challenge.

The historic cases he handled are almost too numerous to mention. There was the bus boycott case in which Rosa Parks, the mother of the civil rights movement, was arrested for failing to move to the back of the bus. There, he struck down Alabama’s segregation law on public transportation. That was the beginning. Later, there was his order in allowing the Selma to Montgomery march, Judge Johnson concluded, in words quoted, in a fine obituary by J. Y. Smith in the Washington Post Sunday, that the events at the Pettus Bridge in Selma.

Involved nothing more than a peaceful effort on the part of Negro citizens to exercise Constitutional right: that is, the right to assemble peaceably and to petition one’s government for the redress of grievances.

It seems basic to our Constitutional principles that the extent of the right to assemble, demonstrate, and march peacefully along the way of thinking. The years in which he presided were tumultuous, the times very tense. I remember the times. Few who were alive in those days do not. Rosa Parks and Frank Johnson were there. They were present and participatory in the complex of the revolution and the creation of a new social order in America—a better society in which we undertook as a nation to expand equality to all people. True equality has not been fully achieved, but it is indisputable that when the hammer of Rosa Parks hit the anvil of Frank Johnson, the sound of freedom rang out loud and clear and to this day that sound has not been silenced. His actions and decisions and judicial pronouncements have caused the anvil of freedom to ring again and again, and that sound changed, not just the South and America but the entire world.

Though I never tried a jury case before Judge Johnson, I did have appellate cases before him when he was a member of the U.S. Court of Appeals for the Eleventh Circuit, to which he was appointed by President Carter in the late 1970’s. I was honored to meet him occasionally when I was a United States Attorney and when I was a private attorney. I considered him a friend. He had himself been a United States Attorney and he had great respect for the office. In several ways, there were various comments that affirmed me and my service. It made me feel good. Of this I am certain. If the law in a case before Judge Johnson, and facts were on my client’s side my client would win, if not, my client would lose. This was his reputation throughout the Bar and it was one of his highest accomplishments. He was respected by all members of the bar.