

Immigrants who come here,  
 hope for freedom from unfair rules,  
 hope to escape their fears,  
 hope to stop their endless tears,  
 America a land of hope

America a land of people,  
 many people,  
 some have similarities,  
 some have differences  
 some have both  
 America a land of people.

America a land of different languages  
 Spanish, English,  
 Portuguese, Scottish  
 Chinese, Japanese,  
 many languages,  
 America a land of different languages

America a land of all,  
 America a land of difference,  
 America a land of freedom,  
 America a land of family,  
 America a land of hope,  
 America a land of people,  
 America a land of different languages,  
 America a land for all.

#### WHY I AM GLAD AMERICA IS A NATION OF IMMIGRANTS

(By Eugene Yakubov, Chicago, Illinois)

My family came to the United States in 1996 because life in Ukraine was getting worse and was getting worse. There were no jobs, no food, and no money.

My friends' parents didn't have jobs for two years. In America his father got a job right away. Many people left their countries even though they had to change their professions.

In Ukraine my father was a tinsmith. Now he repairs air conditioners. My mom went to "Beauty School."

It is great that America is a nation of immigrants because when new immigrants arrive they meet people just like them. No one laughs at their English or their misery.

On my first day of school I was afraid I didn't know English. In class I saw children from all around the world. A Russian boy helped me a lot.

In America people have to work hard because life is not easy. This is the country that is built with hard labor.

New immigrants are like new-borns in the family. They bring happiness and joy.

I am grateful to America because my parents could find a job, and I may go to school where teachers don't faint because they are hungry.

Once President Kennedy addressed his fellow Americans. I address my fellow immigrants. Don't ask what America can do for you ask what you can do for America, a Promised Land for many of us.

#### EXECUTIVE CALENDAR

#### EXECUTIVE SESSION

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 271 and No. 274. Further, I ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, that any statements relating to the nominations be printed in the RECORD, the President be immediately

notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed as follows:

#### THE JUDICIARY

Ronald M. Gould, of Washington, to be United States Circuit Judge for the Ninth Circuit.

#### THE JUDICIARY

Barbara M. Lynn, of Texas, to be United States District Judge for the Northern District of Texas.

Mr. GORTON. Mr. President, I am pleased to support the confirmation of Ronald Gould to the Ninth Circuit Court of Appeals.

Since 1975, Ron has practiced law at the Seattle law firm of Perkins Coie, specializing in commercial litigation, and the numerous letters of support and recommendation that I have received throughout this long process attest to the high regard in which he is held by the legal community in Washington state.

Ron's admirable professional and academic record, however, while alone enough to qualify him for the federal bench, is only a small part of what will make him an asset to the Ninth Circuit. While distinguishing himself professionally, Ron has actively participated in volunteer legal, civic, and community organizations and projects too numerous to recite in full.

In addition to being a former President of the Washington State Bar Association, Ron Gould has served on the historical societies for the Supreme Court and the Ninth Circuit Court of Appeals, has co-chaired, with Washington state Attorney General Christine Gregoire, a project to develop mediation in high schools, and has been a member of Washington Women Lawyers, and the Washington Association of Lawyers with Disabilities.

Among the many non-legal, civic organizations in which Ron has been involved is the Boy Scouts of America, for which Ron has served on the Executive Board of the Chief Seattle Council since 1984.

Ron's legal and life experience has been extraordinary. So extraordinary that I am pleased to vote to confirm him to one of the positions of highest honor and responsibility in this country.

Mrs. MURRAY. Mr. President, I rise this evening in very strong support of my friend Ronald Gould's confirmation to the U.S. Court of Appeals for the Ninth Circuit. This has been a long hard-fought battle and I commend him for his patience, perseverance, and persistence. We made it, Ron. Congratulations!

Let me share with my colleagues some of the special things about Ronald Gould that make him a person I was proud to recommend to the Presi-

dent for a seat on the Federal bench. He has personally supported me in my political career and helped others to believe in me. Ron is an excellent lawyer, a strong advocate for the legal profession, a community booster, a dedicated family man, a Distinguished Eagle Scout, and a man who has overcome much in his personal life to continue to be all of these things. I am honored to have been a part of his journey to the Federal bench.

I would like to highlight some of Mr. Gould's personal history. He married his wife Suzanne more than 30 years ago, and they have two children. Their 23-year-old son Daniel, who is also an Eagle Scout, is a jazz saxophone performer and technology student who recently graduated from Stanford University and founded his own Internet startup business. Their 20-year-old daughter Rebecca is a sophomore at Hampshire College in Amherst, MA. Rebecca was selected for the Seattle "High School Hall of Fame" for her courage in conquering challenges following an auto accident in which she was seriously injured.

Mr. Gould also has been supported in this and all other endeavors of his life by his mother, Sylvia Gould. She is an active 81-year old walker and swimmer who justifiably takes some credit for her son's accomplishments since she encouraged him to do well in school and succeed as a Boy Scout.

Mr. Gould graduated the Wharton School of Business and Commerce at the University of Pennsylvania with a B.S. in economics. He received his J.D. degree in May 1973, graduating magna cum laude from the University of Michigan Law School where he won academic awards and served as editor-in-chief of the Michigan Law Review. During law school he received the Abram Sempliner Memorial Award for legal excellence, the Henry Bates Memorial Scholarship, and the Order of the Coif.

After law school, Mr. Gould served as a law clerk for Judge Wade McCree on the U.S. Court of Appeals for the Sixth Circuit. He next served as a law clerk for Justice Potter Stewart at the U.S. Supreme Court during the 1974 term.

Since December 1975, Mr. Gould has practiced law as an associate and then as a partner with Seattle's largest firm, Perkins Coie. He has had a varied civil litigation practice, including litigation in antitrust, banking, director and officer liability, and trade secrets. Mr. Gould is highly respected in his field and has worked for many of our region's most influential companies and constituencies.

Mr. Gould's fellow lawyers in the King County Bar Association honored him with the 1987 Award for Distinguished Service to the Legal Profession and Public. He was elected to the Board of Governors of the Washington State Bar Association for 1988-91 and

served as President of the Washington State Bar Association for its 1994-95 term. Also, as President-Elect and as President of the Washington State Bar Association, Ron co-founded with Washington State Attorney General Christine Gregoire a project to implement mediation in Washington State high schools to prevent youth violence. This program teaches young people how to avoid the kind of tragedies our nation has seen too much of in recent years.

Mr. Gould shares my commitment to public education. He has served Bellevue Community College as a trustee from 1993 to the present and was elected chair of the Board of Trustees in 1996.

In addition, Mr. Gould has served as a member of several legal delegations under the People to People Citizen Ambassador Program, founded by President Eisenhower and supported by Presidents since as a means of enhancing international personal diplomacy and goodwill. He has participated in legal delegations to eastern Asia, Tokyo, and Eastern Europe.

Mr. Gould's long and consistent leadership service to the Boy Scouts has been well-recognized. He became an Eagle Scout in 1962. He serves on the executive board of the Chief Seattle Council of Boy Scouts of America, which serves over 40,000 youth and participating adult leaders. Mr. Gould has served as vice president for Programs, vice president for Exploring, vice president for Special Events and chair of the Jamboree Committee. In 1995, he received the Silver Beaver Award for Chief Seattle Council, the highest award given to volunteer leaders. In 1998, he received from Boy Scouts of America the Distinguished Eagle Scout Award, reflecting decades of service to scouting and his profession.

Mr. President, I commend my colleagues for their decision to support Mr. Gould's confirmation unanimously. Again, I am proud of Ron and look forward to seeing him serve justice as a circuit court judge. I have no doubt he will carry his commitment to the profession and to the larger community to the federal bench and be one of our outstanding Ninth Circuit judges.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Mr. SESSIONS. Mr. President, the two nominees who have been confirmed, Ronald Gould for the Ninth Circuit Court of Appeals, and Barbara Lynn, U.S. district judge for the Northern District of Texas, have indeed received august, important lifetime appointments. Federal judgeships are great offices. The persons who receive them are committed to a lifetime of dedication to law. They must conduct

themselves with the highest degree of professionalism and integrity. We believe both of those nominees will meet that standard. I am pleased this could be concluded tonight.

With regard to Mr. Gould, I want to share these thoughts. He is a most capable man who has overcome personal adversity to reach the position to which he has been confirmed this evening. He has achieved a reputation as an excellent lawyer and as a person who is respected throughout his area of the country, for both his legal skills, and for his commitment to voluntarism within his community, as evidenced by his continuing service with the Boy Scouts of America. I am proud for him tonight. However, I have supported his nomination with some concern, not because of anything he has done, but because of my concern about the Ninth Circuit Court of Appeals.

Over the past 20 years, the Ninth Circuit has established a reputation as an extremely activist circuit. It is a large and important circuit, covering over 20 percent of the American population, and I believe that it is a circuit that we have a responsibility in this body to do something about. A couple of years ago, 28 cases from this Circuit were reviewed by the Supreme Court; 27 were reversed. Over the last several years, the Ninth Circuit has had by far the highest reversal rate of any circuit in the country. They have been an extremely liberal, activist circuit that has consistently gone too far in protecting the rights of criminals, and is far too quick to find that legislative acts or referendums have violated the Constitution. That is a fact without dispute by many legal scholars in this country. Indeed, the New York Times recently wrote that a majority of the U.S. Supreme Court considers the Ninth Circuit to be a rogue circuit.

My sole concern about Mr. Gould's nomination is that I don't believe his appointment and confirmation, by itself, will cause any significant movement of that circuit back to the mainstream of American law. We want to confirm the nominees the President gives the Senate when they are men and women of demonstrated integrity and ability, and when their records and backgrounds indicate that they have the ability to adhere to the law, to follow Supreme Court rulings, to follow the Constitution, to follow laws passed by the people through their elected representatives, and to recognize that it is not their function as judges to make law.

I have concluded that Mr. Gould's confirmation should go forward today because I think he has demonstrated that he recognizes his proper role as a federal judge, and I have not held up his nomination, as any Senator would have a right to do. However, there are other nominees pending for this circuit who I believe have a record of activism

that, in my view, does not warrant their confirmation, particularly to a circuit that is already known to be an activist circuit.

I wanted to share those remarks because I wanted to state for the record that this Senate has been very cooperative with the President's desire to get his nominations confirmed, as evidenced by the fact that there have been over 325 Federal judges nominated to this body and confirmed. Only one judge has been rejected, and very few have been held up for any length of time. Those that have been held up are the judges with whom many Senators have some serious concerns. Most judges, however, are moving along in a prompt and efficient manner.

Comments and complaints to the contrary notwithstanding, this Senate has a constitutional duty to advise and consent with the President on any nomination to the Federal courts, and we have a duty and a responsibility to make sure that each and every circuit judge in this country understands what the supreme law of the land is, and that circuit judges should respect the prerogatives of the people through their elected representatives to pass laws which the judges are required to enforce, whether the judges personally like them or not. We need to make sure our circuits, and every Federal judge we see, are consistent with that view and follow that script.

Mr. Gould is a capable attorney, an Eagle Scout, and a man of great personal integrity, it appears. He will soon assume a position on the U.S. Circuit Court for the Ninth Circuit. It is a great honor, and I congratulate him for it.

#### ORDERS FOR THURSDAY, NOVEMBER 18, 1999

Mr. SESSIONS. On behalf of the majority leader, I ask unanimous consent when the Senate completes its business today, it adjourn until the hour of 11 a.m. on Thursday, November 18. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for 1 hour, with Senators speaking for up to 5 minutes each, with the following exceptions: Senator VOINOVICH or his designee, 11 to 11:30; Senator DURBIN or his designee, 11:30 to 12 noon.

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

#### PROGRAM

Mr. SESSIONS. For the information of all Senators, at 11 a.m. on Thursday, the Senate will begin a period of morning business until 12 noon. Following