

it did not with the nomination of Bork when we got the information, it did not with Rehnquist when we got the information, it did not with Easterbrook when we got the information, and Civiletti and others.

Mr. President, this is, as Senator HATCH would call it, a true filibuster. They do not happen very often. There have to be strong principles involved, and there are. As I said last night, my friend from Utah can state as many times and in as many different ways he wants that there is not a problem with this nominee, and all I can say is, there is a problem with this nominee.

We, on this side of the aisle, try to be very fair, as does the other side of the aisle. We have a wide-ranging political philosophy on our side of the aisle, and it is not really often—because Democrats are noted for their independence—that we unite in this manner.

We do so here because important principles are at stake, because our constitutional duty is at issue. We do so because a nominee to a life-time seat on the second highest court in the land should engage with us in a forthright manner as he asks for the honor to one day pass judgment on important freedoms enjoyed by the American people.

It is not very often we join together in a cause, but we have joined together in this cause because it is wrong for Miguel Estrada to go rushing on to the DC Court of Appeals with a blank slate, our not knowing what his judicial philosophy is, not knowing what his record is. We want to know what he wrote when he had the opportunity to write memos when he was Assistant Solicitor General, and we want him to answer questions. We are entitled to know that. These are not outlandish requests.

The legal memoranda are a blank sheet of paper. His legal philosophy is a blank sheet of paper. His answers to the Judiciary Committee's questions are a blank piece of paper. We deserve more than that. The Constitution demands more than that.

Let me again apologize to the Chair for taking a few minutes this morning, but I believed it would be a bit of laziness on my part to walk out tonight, after having heard 3 hours of debate by my friend from Utah giving one side of the story, because this has two sides. This debate has two sides. Of course, we believe strongly that on a matter of principle we are right. The Republicans believe they are right. That is what the Senate is all about.

We are doing nothing that is unusual or untoward. That is what the Senate is all about. That is why the Founding Fathers gave the Presiding Officer and me the opportunity to serve, to represent a State. There are two Senators from each State. The small State of New Hampshire, with two Senators, has as much opportunity, right, and power in this body as the two Senators from California with 35 million people in it. That is what the Senate is all about.

In the long term, this debate is going to be extremely important and helpful to the Senate because what it means is Presidents in the future, when they send nominees to go on courts, are going to have to answer a few questions. They cannot send blank slates to become judges.

I apologize to the Chair and to the very tired staff. They have worked long and hard. The Presiding Officer and I will be home asleep, and these folks will still be working to prepare the RECORD and take care of things.

So I apologize to everyone for keeping them late. I know how hard they work and how important each of them really is to the Senate and the institution. I hope we can wrap things up pretty quickly.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I think the Senator from Nevada spoke with his usual eloquence and none of us could tell he was up that early in the morning.

LEGISLATIVE SESSION

Mr. TALENT. Mr. President, I ask unanimous consent that the Senate proceed to legislative session.

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

MORNING BUSINESS

Mr. TALENT. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

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

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred November 24, 2001, in Cincinnati, OH. Theodore Jenkins, 43, was savagely beaten and stabbed. Jenkins told police that he was attacked by five men who beat him with a nightstick and stabbed him four times in the back. The attackers used racial slurs during the beating, and police investigated the incident as a hate crime.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing

current law, we can change hearts and minds as well.

JACKIE ROBINSON

Mrs. BOXER. Mr. President, I am proud to join Senators KERRY and McCAIN in co-sponsoring their bill to award Jackie Robinson the Congressional Gold Medal in recognition of his profound and lasting contributions to the cause of equality and civil rights in America.

Jackie Robinson has always been a hero of mine—initially because he was the greatest of all Brooklyn Dodgers when I was a young Dodger fan growing up six blocks from Ebbets Field, and later because I realized how he had changed America forever and for better.

Jackie Robinson was a peerless athlete who excelled in many sports and changed the way that baseball was played. He helped Brooklyn win five pennants and one unforgettable World Championship, when we no longer had to “wait till next year.”

Even more important, he was a courageous pioneer who overcame tremendous pressure and prejudice to break the color line in major league baseball. It is hard for us today to imagine the obstacles he faced back in 1947, when our nation's schools, military, and public facilities were all strictly segregated. Overcoming taunts, assaults, and death threats, Jackie Robinson played baseball—and played magnificently. His grace, dignity, determination, and tremendous ability made him a hero to millions of Americans of all races and backgrounds.

Jackie Robinson once said, “A life is not important except in the impact it has on other lives.” By this high standard, Jackie Robinson's life had monumental importance. As Senator KERRY pointed out when introducing this bill, Dr. Martin Luther King once said that he could not do what he was doing if Jackie Robinson had not done what he did. As our nation keeps struggling to realize Dr. King's great dream, we can salute Jackie Robinson as one of the fathers of that dream.

I urge all of my colleagues to honor this great American by co-sponsoring and passing this bill to award Jackie Robinson the Congressional Gold Medal.

AMERICAN HEART MONTH

Mr. TALENT. Mr. President, I rise today in recognition of February as American Heart Month. As a strong supporter of the American Heart Association, I want to make clear that prevention of heart disease should be a priority of health care funding. I have always believed that focusing resources on prevention will save lives as well as taxpayers dollars.

Heart disease is the leading cause of death in Missouri and in the United States. Almost 18,000 people in Missouri died of heart disease in 1999.