

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

AUTHORIZING USE OF CAPITOL GROUNDS FOR THE SIXTEENTH ANNUAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of House Concurrent Resolution 66, which is at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 66) authorizing the use of the Capitol Grounds for the sixteenth annual national peace officers' memorial service.

The Senate proceeded to consider the concurrent resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid on the table, and any statements relating to the resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The concurrent resolution, House Concurrent Resolution 66, was considered and agreed to.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Vermont is recognized to speak for up to 45 minutes.

JUDICIAL VACANCIES

Mr. LEAHY. Mr. President, I have spoken on the floor many times about the judicial vacancies in our Federal courts. It concerns me. In fact, I believe other than the subject of anti-personnel landmines, I have probably spoken on this subject more than any other. I am concerned that some in the Republican Party are engaging in a court-bashing situation that does not reflect the proud heritage of either the Republican Party or the Democratic Party.

I have spoken about the crisis that has been created by the almost 100 vacancies that are being perpetuated in the Federal courts around the country. We have recently seen a constitutional amendment proposed to remove the life tenure that has been the bedrock of judicial independence from the political branches since the ratification of our Constitution. It is just one of, I think, over 100 constitutional amendments proposed this year alone. It ignores the fact that our independent judiciary is the envy of the rest of the world. We

have heard calls for impeachment when a judge rendered a decision with which a Republican House Member disagreed. I have read the Constitution. It speaks of very specific grounds for impeachment. Among those grounds is not that a Republican House Member disagrees with a judge. We would probably have a very difficult time if every judge could be impeached because any Member of the House or Senate disagreed with him.

We have heard demands that the Congress act as a supercourt of appeals and legislatively review and approve or disapprove cases on a case-by-case basis. That is for the same Congress that has not yet even taken up a budget bill, even though the law requires us to do it by April 15.

We are seeing exemplary nominees unnecessarily delayed for months, and vacancies persist into judicial emergencies. We are seeing outstanding nominees nitpicked, probed, and delayed to the point where one wonders why any man or woman would subject themselves to such a process or even allow themselves to be nominated for a Federal judgeship.

Instead of reforming the confirmation process to make it more respectful of the privacy of the nominee, something that we all claim we want to do, the Republican majority in the Senate is moving decidedly in the other direction. They are approaching the imposition of political litmus tests, which some have openly advocated under the guise of opposing judicial activism, even though some of these same Members were the ones who said that nobody should impose a litmus test on judges.

Even conservatives like Bruce Fein, in his recent opinion column in the New York Times, reject this effort. Actually, so do the American people. We have not had a time when any President or any Senate should be asked to impose litmus tests on an independent judiciary.

I recommend my colleagues read the excellent commentary by Nat Hentoff on this new political correctness that appeared in the April 19, 1997, edition of the Washington Post. I have spoken in broad generalities, although each are backed up by dozens of cases. But let me be specific on one. The nomination of Margaret Morrow to be a Federal judge for the Central District of California is an example of the very shabby treatment accorded judicial nominees. The vacancy in this Federal court has existed for more than 15 months, and the people in central California—Republican, Democrat, Independent—are being denied a most needed, and in this case a most qualified, judge.

Ms. Morrow's nomination is stuck in the Senate Judiciary Committee again. I am appalled by the treatment that Margaret Morrow has received before the Judiciary Committee. Ms. Morrow first came before the Judiciary Committee for a hearing and she was favorably and unanimously reported by the

committee in June of 1996, almost exactly a year ago—a year ago less a couple of weeks. Then her nomination just got caught in last year's confirmation shutdown and she was not allowed to go through. So she has to start the process all over again this year.

Let me tell you about Margaret Morrow. She is an exceptionally well qualified nominee.

She was the first woman president of the California Bar Association, no small feat for anybody, man or woman. She is the past president of the Los Angeles County Bar Association. She is currently a partner at the well-known firm of Arnold & Porter, and she has practiced law for 23 years. She is supported by the Los Angeles Mayor Richard Riordan, who, incidentally, is Republican, and Robert Bonner the former head of the Drug Enforcement Administration under a Republican administration. Representative JAMES ROGAN from the House joined us during her second confirmation hearing and, of course, she is backed and endorsed by both Senators from California.

Margaret Morrow has devoted her career to the law, to getting women involved in the practice and to making lawyers more responsive and responsible as a profession. The Senate ought to be ashamed for holding up this outstanding nominee, and I question whether the Senate would give this kind of treatment to a man. It sure as heck has been doing it to a woman.

Despite her qualifications, she is being made an example, I am not quite sure of what, but this woman who has dared to come forward to be a Federal judge is being made an example before the Senate Judiciary Committee.

At her second hearing before the committee on March 18, even though she already has gone through a committee hearing and even though the committee last year unanimously voted to confirm her with every single Republican and every single Democrat supporting her, even though she had gone through it once before, she was made to sit and wait until all the other nominees were questioned, as though she were being punished. "We have these men who want to be heard, and even though you had to do this before, you, woman nominee, sit in the back and the corner." She was then subjected to round after round of repetitive questioning.

Then came a series of written questions from several members, and they were all Republican members of the committee. Then came the "when did you start beating your husband" type questions to Ms. Morrow, based on her previous questions. I objected when Ms. Morrow was asked about her private views on all voter initiatives on the ballots in California for the last decade. Basically, she was being asked how did she vote in a secret ballot in the privacy of a voting booth on 160 initiatives on the ballot in California over the last 10 years.

I defy any Member of the Senate, if they were given a list of 160 items in their local elections, State elections, that have been on the ballot over the last 10 years, to be able to honestly say how they voted on every single one of those. But even before they got to the question of could they say how they voted, I would stand up and say, "What has the Senate stooped to when we ask people how they voted in a secret ballot?"

Mr. President, we fought—successfully fought—a Revolutionary War, among other reasons, to maintain the sanctity of the ballot box. We fought a Civil War, among other reasons, to maintain the sanctity of the ballot box. We stood up to fascism, Nazism, World Wars because we were protecting our democracy and way of life. Some of the most remarkable and respected Republicans and Democrats of this country's history, and some of the most responsible and respected Republicans and Democrats in my lifetime, and some of the most responsible and respected Republicans and Democrats of my 22 years in the Senate have stood and fought to maintain the privacy of the ballot box. I, Mr. President, am not going to be a Senator on the Senate Judiciary Committee that allows that sanctity to be destroyed.

When I challenged the question, it was revised so as to demand only her private views on 10 voter initiatives on issues ranging from carjacking to drive-by shootings to medical use of marijuana and the retention election of Rose Bird as chief justice of the California Supreme Court.

Ms. Morrow previously stated she did not take public positions on these voter initiatives, so asking for her private views necessarily asked how she voted on them. We are, thus, quizzing nominees on how they voted in their home State ballot initiatives. Why we need this information, even if we were allowed to follow someone into the ballot box and see how they voted—something none of us would allow anybody to do to us—even if we are allowed, to say while we would not do it to any of us, we would do it to this woman.

Why do we need this information to determine if she is qualified? In fact, she explained to the committee that she is not anti-initiative, and in response to written questions, she discussed an article she wrote in 1988 and explained:

My goal was not to eliminate the need for initiatives. Rather, I was proposing ways to strengthen the initiative process by making it more efficient and less costly, so it could better serve the purpose for which it was originally intended. At the same time, I was suggesting measures to increase the Legislature's willingness to address issues of concern to ordinary citizens regardless of the views of special interests or campaign contributors. I don't believe these goals are inconsistent.

The initiative process was a reform championed by California Governor Hiram Johnson in 1911 to ensure that the electorate had a means of circumventing the Legislature when it could or would not pass legislation

desired by the people because of the influence of special interests. As envisioned by Governor Johnson and others, the initiative was designed to complement the legislative process, not to substitute for it. This is my understanding of the role of the initiative process, and this is what I had in mind when I wrote the 1988 article. The reasons that led Governor Johnson to create the initiative process in 1911 are still valid today, and it remains an important aspect of our democratic form of Government.

I ask, Mr. President, does that response sound like somebody who is antidemocratic? Yet, she has been forced to answer questions about how she views the initiative process in written questions and, again, in revised follow-up written questions over the period of the last month.

Again, I remind everybody, this is a woman who was voted out unanimously last year by the committee. No objective evaluation of the record can yield the conclusion that she is anti-initiative. No fair reading of her 1988 article even suggests that. I might add, parenthetically, and what should be the only really important question, there is nothing in her record that suggests she would not follow the precedents of the court of appeals for her district or the U.S. Supreme Court. There is nothing to suggest that she does not believe in stare decisis or that she would not follow it.

Recently, I received a letter from a distinguished California attorney, and a lifelong Republican, who wrote to protest the unfair treatment being accorded Margaret Morrow. He wrote that he was "ashamed of [his] party affiliation when [he sees] the people's elected representatives who are Republicans engaging in or condoning the kind of childish, punitive conduct to which Ms. Morrow is being subjected." He asks us to stop permitting the harassment of this nominee. I join with this distinguished Republican, and I ask the same thing: Stop harassing this nominee. I don't care if the harassment is because she is a woman, I don't care if the harassment is based on some philosophical difference, the fact of the matter is, she is one of the most qualified people I have seen before the committee in 22 years, Republican or Democrat, and she ought to be voted on and confirmed with pride—with pride—by the U.S. Senate.

We have heard nothing but praise for Ms. Morrow from those who know her and those who worked with her and litigated against her. In fact, the legal community in and around Los Angeles is, frankly, shocked that Margaret Morrow is being put through this ordeal and has yet to be confirmed. The Los Angeles Times has already published one editorial against the manner in which the Senate is proceeding with the Morrow nomination. I ask, to what undefined standard is she being held? What is this new standard—it is kind of hidden—which has never shown up before? It has not shown up for any male nominee that I know of.

In that regard, I ask unanimous consent that a letter signed by a number

of distinguished women in support of her nomination be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WOMEN LAWYERS ASSOCIATION OF
LOS ANGELES,

Los Angeles, CA, May 13, 1997.

Hon. PATRICK LEAHY,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: We write to you to protest the treatment which one of President Clinton's nominees for the Federal District Court is receiving. We refer to Margaret Morrow, who has been nominated for the United States District court in the Central District of California. As of today we have been waiting a full year for her confirmation.

Margaret Morrow has qualifications which set her apart as one uniquely qualified to be a federal judge. She is a magna cum laude graduate of Bryn Mawr College and a cum laude graduate of Harvard Law School. She has a 23-year career in private practice with an emphasis in complicated commercial and corporate litigation with extensive experience in federal courts. She has received a long list of awards and recognition as a top lawyer in her field, her community and her state.

Margaret Morrow is widely respected by attorneys, judges and community leaders of both parties. Many have written to you. Because of her outstanding qualifications and broad support, it is difficult to understand why she has not moved expeditiously through the confirmation process.

Margaret Morrow is a leader and role model among women lawyers in California. She was the second woman President of 25,000 member Los Angeles Bar Association and the first woman President of the largest mandatory bar association in the country, the 150,000 member State Bar of California.

Margaret Morrow is exactly the kind of person who should be appointed to such a position and held up as an example to young women across our country. Instead she is subjected to multiple hearings and seemingly endless rounds of questions, apparently without good reason.

We urge you to send a message that exceptionally well qualified women who are community leaders should apply to the U.S. Senate for federal judgeships. We urge you to move her nomination to the Senate floor and to act quickly to confirm it.

NANCY HOFFMEIER ZAMORA,
Esq.,

*President, Women
Lawyers Association
of Los Angeles.*

JUDITH LICHTMAN, Esq.,
*President, Women's
Legal Defense Fund.*

KAREN NOBUMOTO, Esq.,
*President, John M.
Langston Bar Association.*

STEVEN NISSEN, Esq.,
*Executive Director &
General Counsel,
Public Counsel*.*

SHELDON H. SLOAN, Esq.,
*President, Los Angeles
County Bar Association.*

ABBY LEIBMAN, Esq.,
*Executive Director,
California Women's
Law Center*.*

*Title and organization for identification purposes only.

JULIET GEE, Esq.,
President, National
Conference of Women's
Bar Associations.

(Mr. ROBERTS assumed the chair.)

Mr. LEAHY. Mr. President, that is from the Women's Lawyer Association of Los Angeles.

Last week, at a Judiciary Committee executive business session, I asked her name be added to the agenda and that the committee report her nomination to the Senate for confirmation. All questions have been answered. The Republican Senator who propounded the questions on initiatives said he would not filibuster her nomination and agreed not to hold her up any longer. I thank him publicly and appreciate his forthrightness.

But even though we looked around that room and said, "Does anybody have any objection to her," and I had gotten absolute confirmation from every single Democratic Senator that they were ready to vote positively for her and would vote for her on the floor immediately, her nomination was not called up. My requests that she be called up for a vote before the committee was rejected, and she remains in limbo almost 2 months after her second confirmation hearing and one full year after she was first nominated.

There is now what amounts to a secret hold on this nomination in the Judiciary Committee. Some Senator is holding her up. Some Senator doesn't have the courage to come on the floor of the U.S. Senate and say why this woman is objectionable to him. Some Senator will hold her up secretly because he doesn't want to vote on her publicly, even though I guarantee you, if we had a rollcall vote on her, it would be overwhelmingly positive. We should proceed with the nomination of Margaret Morrow without further delay.

Mrs. BOXER. Mr. President, will my friend yield for about 2 minutes?

Mr. LEAHY. Of course. I am happy to yield to the Senator from California.

Mrs. BOXER. I am appreciative of the Senator taking to the floor today to discuss this entire issue. We all learned growing up that justice delayed is justice denied.

We have these openings. Look, I was told very clearly by the chairman of the Judiciary Committee, "Senator, you have to come in with nominations that will pass by Republicans and Democrats. You need to bring forward nominees who are supported by Republicans and Democrats."

Mr. President, I have done just that. I think Senator LEAHY has outlined this magnificently—I have never seen a nominee with such bipartisan support as this woman. This is what is so extraordinary about the kind of treatment she is receiving: a secret hold that has been placed on her.

Mr. President, this is not the way to run the U.S. Senate. Let's allow this woman's name to be placed on the floor and then those who have any objection

can express their objections and vote no. But I am so confident that the vast majority of our colleagues will vote for Margaret Morrow.

I say that not only because of her extraordinary bipartisan support, but because of her incredible qualifications. I say to my friend from Vermont how much I appreciate his leadership on this. Sometimes we forget these nominees have private lives. This is a woman who is a law partner in a law firm making preparations for a new career. She is a 45-year-old wife and mother. She has a very loving family. They are very proud of her. They are completely mystified about these questions that keep coming. I have talked to several members of the Judiciary Committee, both Democrats and Republicans, and when I speak with them, I say to you, Mr. President, one on one, I am very confident that Margaret Morrow will get a vote and a fair vote.

I want to quote from one letter that is so important.

H. Walter Croskey, associate justice in the Court of Appeals for the State of California, Second Appellate District, describes himself, Mr. President, as a conservative Republican. He has written to Senator HATCH, and he wrote to Senator HATCH about an article he read that suggested that "concerns have been raised in the [Judiciary] Committee about judicial activism and noted that there were questions as to whether Margaret would be a judge who would follow the Constitution and the laws as they are written." He says, "Such concerns are not shared by anyone who knows Margaret." And he goes on to say, "Her well known and often expressed reverence for our system of government and justice and her great intellectual integrity provides full assurance that she would be the kind of judge who would follow and apply the laws as written * * *."

He goes on.

Mr. President, we have Republican after Republican from my State. This particular judge was appointed by George Deukmejian, Republican Governor of the State of California.

Mayor Richard Riordan, Sheriff Sherman Block, a Republican-elected sheriff, supports her nomination.

So it is so difficult, frankly, for this Senator to understand why we would play with the life of a woman like this and not give her her fair chance.

I understand that women's organizations have written to Senator LEAHY and Senator HATCH. They have been very patient. But when you see a panel of people, as Senator LEAHY has described, three men and one woman, and the three men get reported out of the committee—and I venture to say, I know they are all extremely qualified—I would put Margaret's qualifications right up against any of those.

So I am very pleased that my colleague, the ranking member on the Judiciary Committee, has raised this issue. I am hopeful, I say to my friend and the Presiding Officer today, that

because Senator GRASSLEY has lifted his objection to bringing the nomination to the floor and others on the committee have done the same, that they will prevail upon that secret hold, they will find who that particular Senator is who has put a hold here. If we start putting holds on each other's nominations and on each other's bills and on each other's amendments, I say to my friend, we are only going to deteriorate in this U.S. Senate. The people expect more.

To reiterate Mr. President, I come to the floor today to urge that Margaret M. Morrow be voted out of the Judiciary Committee and confirmed to sit on the U.S. District Court for the Central District of California.

Margaret Morrow is an outstanding candidate for the Federal bench, who enjoys broad bipartisan support. She has over a dozen support letters from prominent, widely respected Republicans, including judges, elected officials, and others. It has been my honor to recommend such a fine candidate to the President. Her name was submitted to me by my judicial advisory committee for the Central District of California. My committee enthusiastically found her to be a superior judicial candidate.

However, despite her strong bipartisan support and strong credentials, her nomination remains indefinitely stalled in committee. She has had two hearings, and has had several rounds of questions with no end in sight. No Member has come forward to explain why she should not be confirmed.

MARGARET MORROW'S HISTORY

Margaret Morrow was first nominated by the administration on May 9, 1996. She received the first of her nomination hearings before the Senate Judiciary Committee on June 25, 1996, and was reported out of committee just 2 days later without any opposition from the committee.

For several months, Margaret Morrow's nomination sat on the Executive Calendar waiting to be moved, and finally died on the floor of the Senate when we adjourned at the end of the session.

Margaret was then renominated on January 7 of this year because of her impeccable credentials. Her nomination languished for over 2 more months until further action on March 18, when she had yet another hearing.

Twice, now, the Judiciary Committee has reviewed stacks of information she provided to the committee, a full FBI background investigation, and her testimony before the committee. Yet, Margaret still sits in committee, facing repeated rounds of questions with no end in sight.

JUDICIAL VACANCIES

Margaret Morrow's confirmation should not be held hostage for political reasons, Mr. President. According to the U.S. Constitution, the President nominates, and the Senate shall provide advice and consent. It is not the role of the Senate to obstruct the process and prevent numbers of highly

qualified nominees from even being given the opportunity for a vote on the Senate floor.

Today, we have 26 nominations from the President to consider. Every one of these nominations should be voted out of committee and placed on the calendar for consideration on the Senate floor.

MARGARET MORROW'S LIFE IS ON HOLD

The vacancy Ms. Morrow would be filling has been vacant since January 24, 1996. In 2 short months, this vacancy will become a judicial emergency. That will make three judicial emergencies in the ninth circuit courts, and four judicial emergencies in the California district courts. Two of those judicial emergencies will be in the Central District of California. I don't think I need to remind this body that the Central District of California in Los Angeles is one of the busiest courts in the Nation.

To provide some historical context, in 1992, every one of the 66 nominees approved by the Senate Judiciary Committee were approved by the full Senate. Every single person nominated, Mr. President, was under a Republican administration and a Democratic-controlled Senate. Included in those 66 judges were 11 circuit court nominees. In 1992, the Democratic Senate confirmed the highest number of judges of any year of President Bush's term. And the confirmations did not slow as the election approached. During the 4-month period between June and September, the Senate Judiciary Committee favorably reported 32 nominees, including 7 appeals court nominees.

Former Majority Leader Bob Dole spoke of this process himself. In June of last year, he said "We should not be holding people up. If we need a vote, vote them down or vote them up * * * because [the nominees] probably have plans to make and there are families involved." Even then-Majority Leader Dole recognized the necessity to provide resolution for nominees out of fairness to these individuals and their families.

Before I speak about Ms. Morrow's credentials or historical precedent for judicial confirmations, I wanted to make the point that there is also a personal side to the judicial confirmation process. For nominees who are awaiting confirmation, their personal and professional lives hang in the balance.

Margaret Morrow—a 45-year-old mother and law partner—has put her life and her professional practice on hold while she waits for the Senate to approve her nomination. The Senate's delay has affected her ability to assume certain responsibilities at her law practice. Her whole family—particularly her husband and young son—have waited patiently for her confirmation to proceed. Many of us here in the Senate have no idea what kind of strain and stress awaiting confirmation means for these nominees. We owe to her prompt Senate consideration.

Mr. President, I am unaware of any substantive reason why Ms. Morrow's

nomination has not been before the full Senate long before today. If another Member of this body has a reason for opposing her confirmation, I want the opportunity to discuss those objections, as does Ms. Morrow, and to move on to Senate consideration.

THREE POINTS

There are three aspects of Margaret Morrow's qualifications, in particular, I want to emphasize:

First, Ms. Morrow's long history and background in the legal profession. Her credentials are impeccable.

Second, Ms. Morrow has the confidence of a broad spectrum of supporters.

Third, Ms. Morrow's qualifications and the broad support she enjoys would make her an exceptionally distinguished addition to the Federal bench.

MS. MORROW'S LONG HISTORY AND BACKGROUND IN THE LEGAL PROFESSION, HER CREDENTIALS ARE IMPECCABLE

Ms. Morrow graduated magna cum laude from Bryn Mawr College, and received her law degree from Harvard University, graduating cum laude. Ms. Morrow has enjoyed 23 years in private practice in commercial and civil litigation, and is now a partner at the prestigious law firm of Arnold & Porter. She is married to Judge Paul Boland of the Los Angeles Superior Court and they have a son, Patrick Morrow Boland.

From 1988 to 1989, Ms. Morrow served as president of the 25,000-member Los Angeles County Bar Association, the second largest voluntary bar association in the country, and created an innovative program in California called Pro Bono Council which calls on members of the association to do pro bono work for the poor. From 1993, she served a 1-year term as president of the largest mandatory bar association in the country, the 150,000-member State Bar of California. Ms. Morrow was the first woman to ever hold this office in that organization.

Ms. Morrow has been recognized several times during her tenure in the legal profession. A few of these include a listing in 1994 as one of the top twenty lawyers in Los Angeles by California Law Business, a weekly publication of the Los Angeles Daily Journal. In 1995 and again in 1996, Ms. Morrow was included in the Los Angeles Business Journal's "Law Who's Who," a list of 100 outstanding Los Angeles business lawyers.

Just this February, Ms. Morrow received the Shattuck-Price Award, the highest honor given by the Los Angeles County Bar Association for individuals with outstanding dedication to the high principles of the legal profession, the administration of justice and the progress of the county bar. Others who have received such distinction include Warren Christopher and Shirley Hufstедler, former U.S. circuit court judge and U.S. Secretary of Education.

MS. MORROW HAS THE CONFIDENCE OF A BROAD SPECTRUM OF SUPPORTERS

I'm not the only one who believes Ms. Morrow has an excellent legal mind

and is a credit to the legal profession. Ms. Morrow enjoys the broad support of accomplished persons. Many of California's prominent and conservative Republican lawmakers and elected officials support her confirmation:

H. Walter Croskey, associate justice in the Court of Appeals for the State of California, Second Appellate District, and self-described conservative Republican writes to Senator HATCH about an article he read that:

... suggested that concerns have been raised in the [Judiciary] Committee about judicial activism and noted that there were questions as to whether Margaret would be a judge who would follow the Constitution and the laws as they are written. Such concerns are not shared by anyone who knows Margaret. Her well known and often expressed reverence for our system of government and justice and her great intellectual integrity provides full assurance that she would be the kind of judge who would follow and apply the laws as written with her only agenda to make that system work better and more efficiently. ... The reservations expressed about her are simply without foundation and should not deter the Judiciary Committee from taking prompt and favorable action on what we here in California regard as a truly inspired choice.

The district attorney of Orange County, Mike Capizzi, writes to Senator LOTT:

I have absolutely no hesitation in commending her nomination to you as being among the very best ever likely to come before you. * * * Of particular interest to crime victims, law enforcement and public prosecutors are her initiatives and achievement in the fields of juvenile justice and domestic violence, where her efforts have helped focus national attention.

He ends his letter by stating:

The record of scholarship, citizenship, and dedication to improving the legal system that Margaret will bring with her to the federal bench reveals great promise for a truly exceptional jurist of whom we will all be proud. I sincerely, wholeheartedly and enthusiastically entreat you to confirm Margaret's nomination for appointment to the district court, without delay. We need her.

Los Angeles Mayor Richard Riordan writes in strong support of Ms. Morrow's nomination. He adds that Morrow, "would be an excellent addition to the Federal bench. She is dedicated to following the law, and applying it in a rational and objective fashion."

Representative JAMES ROGAN, former Republican assembly leader in the California Legislature, now Member of Congress, who gave a supporting introduction for Margaret Morrow at her second hearing, wrote to Senator TRENT LOTT urging his support of Ms. Morrow's nomination because he believes she would be "conscientious in applying the law."

Republican Los Angeles County Sheriff Sherman Block also supports Ms. Morrow's nomination, stating she is an extremely hard worker with impeccable character and integrity.

Republican Robert Bonner, appointed by President Reagan as U.S. attorney for the Central District, later appointed to the U.S. District Court in

the Central District, and former head of the Drug Enforcement Administration under President Bush has also lent his support, stating she is a "brilliant person with a first-rate legal mind * * * nominated based upon merit, not political affiliation."

Lod Cook, chairman emeritus of ARCO, and a prominent Republican in the State of California wrote of Ms. Morrow:

I am convinced she is the type of person who would serve us well on the federal bench. I believe she will bring no personal or political agenda to her work as a judicial officer. Rather, her commitment will be to ensuring fairness and openness in the judicial process and to deciding cases on the facts and the law as they present themselves.

Mr. President, I ask unanimous consent that these and additional letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF CALIFORNIA,
COURT OF APPEAL,
Los Angeles, CA, April 17, 1997.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S.
Senate, Russell Senate Office Building,
Washington, DC.

Re Nomination of Margaret Mary Morrow.

DEAR SENATOR HATCH: I am pleased to write in support of the nomination of Margaret Morrow to the United States District Court for the Central District of California. I have known Margaret for over 15 years, both professionally and socially. During that period, I have worked with her on many local and state bar activities and committees; I have had repeated opportunities to discuss legal issues with her; and she has appeared before me in both the trial and appellate courts on a number of occasions. Finally, I am very familiar with her reputation in the legal community, both in Southern California and statewide. Based on all of that, I believe that she is the most outstanding candidate for appointment to the federal trial court who has been put forward in my memory.

Yesterday, I read an article in our local legal newspaper about Margaret's second hearing before the Judiciary Committee on March 18, 1997. That article suggested that concerns have been raised in the Committee about judicial activism and noted that there were questions as to whether Margaret would be a judge who would follow the Constitution and the laws as they are written. Such concerns are not shared by anyone who knows Margaret. Her well known and often expressed reverence for our system of government and justice and her great intellectual integrity provides full assurance that she would be the kind of judge who would follow and apply the laws as written with her only agenda to make that system work better and more efficiently. She will be a judge of whom all Americans, Republican or Democrat, can be very proud.

Every now and then we have the opportunity to bring into government service a truly outstanding person, a person whose knowledge, intelligence, integrity and industry are such as to command universal respect and admiration. We have that opportunity with Margaret's nomination. As the second woman to head the Los Angeles County Bar Association, (the second largest voluntary bar association, after the ABA, in the nation), the first woman to be elected president of the California State Bar Association, an attorney who has won every award and

accolade which can be bestowed by the California legal community and a practicing lawyer with superlative skills and reputation, she can truly be characterized as an exceptional choice for appointment to the District Court. Indeed, as I mentioned, I can recall none better in my professional experience. The reservations expressed about her are simply without foundation and should not deter the Judiciary Committee from taking prompt and favorable action on what we here in California regard as a truly inspired choice.

As a lifelong conservative Republican, I would be very disappointed to see members of the Committee, whose views I share and admire on so many issues, fail to embrace this exceptionally well qualified nominee. Margaret's nomination should be promptly approved and sent to the Senate floor with a favorable recommendation.

My best to you and your staff. Keep up the good work.

Yours truly,

H. WALTER CROSKY.

P.S. As a matter of information and convenience, I am enclosing a copy of my resume. My appointment to California's general trial court and subsequent elevation to the Court of Appeal were made by Republican Governor George Deukmejian.

OFFICE OF THE DISTRICT ATTORNEY,
Orange County, CA, August 15, 1996.

Hon. TRENT LOTT
Office of the Majority Leader,
U.S. Capitol, Washington, DC.

DEAR SENATOR LOTT: I am writing to urge you not to lose the opportunity to add someone of Margaret Morrow's stature to the district court bench in Los Angeles.

As the district attorney of one of the nation's most populous counties, I know how important it is that the very best nominees possible be confirmed for judicial office. And knowing Margaret as I do, both on the basis of our professional relationship and association, and by virtue of her outstanding reputation within California's legal community, I have absolutely no hesitation in commending her nomination to you as being among the very best ever likely to come before you. Margaret's impressive credentials, from *cum laude* graduate of Harvard Law School to President of the State Bar of California, speak for themselves, of course. Of particular interest to crime victims, law enforcement and public prosecutors are her initiatives and achievements in the fields of juvenile justice and domestic violence, where her efforts have helped focus national attention.

The record of scholarship, citizenship, and dedication to improving the legal system that Margaret will bring with her to the federal bench reveals great promise for a truly exceptional jurist of whom we will all be proud. I sincerely, wholeheartedly and enthusiastically entreat you to confirm Margaret's nomination for appointment to the district court, without delay. We need her.

Sincerely,

MICHAEL R. CAPIZZI,
District Attorney.

OFFICE OF THE MAYOR,
Los Angeles, CA, June 17, 1996.

Re Margaret M. Morrow.

Hon. ORRIN G. HATCH,
Chairman, Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: I write to strongly support the nomination of Margaret M. Morrow for a judgeship on the United States District Court for the Central District of California.

Ms. Morrow has been a particularly active and contributing member of the Los Angeles

Legal community for most of the twenty-two years she has practiced in our city. She has worked tirelessly to improve the quality, efficiency and accessibility of the courts proposing and advocating such measures as the consolidation of our two-tier trial court in California, working on efforts to improve our jury system, and promoting greater use of alternative dispute resolution by both the courts and the public.

She has also worked actively to improve life in our community, addressing such problems as domestic violence, child abuse, and juvenile delinquency with specific programs designed to increase public awareness and improve both private sector and governmental responses to these problems.

As the first woman President of the State Bar of California in its 67-year history, Ms. Morrow commissioned a comprehensive review of the attorney discipline systems in California. The study was designed to investigate criticisms from legal consumers that the system unfairly favored lawyers, and criticisms from lawyers that attorneys in certain practice areas were being targeted for selective prosecution. Finally, the study was to evaluate the structure and efficiency of the discipline operation, which at that time cost between \$15 and \$20 million each year.

The final report found that the system operated fairly for both clients and lawyers. Nonetheless, it recommended important changes to increase responsiveness—streamlined reorganization of the prosecutorial office, stiffer penalties for serious violations, greater public access to information concerning pending complaints, and reduced staffing and better personnel utilization by the State Bar Court. These improvements significantly strengthened what is generally considered to be the best lawyer discipline system in the country. To complement this effort, Ms. Morrow spearheaded the creation of a lawyer-client mediation program to provide a remedy for client complaints outside the scope of the discipline system.

In her earlier tenure as President of the Los Angeles County Bar Association, Ms. Morrow was responsible for the Association's promulgation of a Pro Bono Policy which established an annual goal for pro bono legal service by its members, and ultimately generated an additional 150,000 hours of pro bono time. Her efforts in this regard were designed to ensure that low-income people could access the courts to resolve problems and secure needed services, and thus feel less need to take matters into their own hands. During this period also, Ms. Morrow served as a member of the six-person Commission to Draft an Ethics Code for Los Angeles City Government. It was this body that proposed our city's current ethics law, and helped to increase public trust in our government.

As a lawyer, Ms. Morrow has had extensive federal and state litigation experience at both the trial and appellate levels. She is recognized within the profession as someone who can analyze complex legal problems thoroughly and litigate successfully. Ms. Morrow is perhaps best described as a "lawyer's lawyer"—someone to whom other practitioners turn for advice and assistance at both the trial and appellate level. Because of her frequent appearances in court, she is also well respected by the state and federal judiciary, who value her intelligence and integrity as well as the quality of her written and oral advocacy.

I believe Ms. Morrow would be an excellent addition to the federal bench. She is dedicated to following the law, and applying it in

a rational and objective fashion. The residents of our community would be extraordinarily well served by her appointment as a Central District Judge.

Sincerely,

RICHARD J. RIORDAN,
Mayor.

—
ASSEMBLY MAJORITY LEADER,
CALIFORNIA LEGISLATURE,
Sacramento, CA, August 30, 1996.

Hon. TRENT LOTT,
Senate Majority Leader, U.S. Capitol,
Washington, DC.

DEAR SENATOR LOTT: I am writing to urge your support of Margaret Morrow's nomination for a United States District Court judgeship in Los Angeles.

Margaret is a former president of the Los Angeles County Bar Association and the State Bar of California. In 1994, we worked together to secure passage of the trial court consolidation measure, and I found her to be tough, thoughtful and fair. She currently is a civil litigation partner with the Los Angeles law firm of Quinn, Kully and Morrow.

A judicial evaluation conducted by the American Bar Association's Judiciary Committee last year gave Margaret its highest rating, "very well qualified." I have every confidence that, as a judge, Margaret would be conscientious in applying the law.

Please give the matter of her nomination every due consideration.

Sincerely,

JAMES E. ROGAN,
Assembly Majority Leader.

—
COUNTY OF LOS ANGELES,
SHERIFF'S DEPARTMENT HEADQUARTERS,
Monterey Park, CA, June 12, 1996.

Hon. ORRIN G. HATCH,
Chairman, Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: I would like to take this opportunity to endorse Margaret Morrow, who has been nominated by President Clinton to a United States District Court Judge position in Los Angeles.

Ms. Morrow is currently a partner in the law firm of Quinn, Kully & Morrow. She has established herself as a highly skilled attorney and has served as past president for the State Bar of California, the Los Angeles Bar Association and the Barristers' Section of the Los Angeles County Bar Association. As a Barristers' Committee Chair, she worked closely with the juvenile delinquency and dependency court system, helping administrators at a local detention facility improve the educational program and she published a handbook to help lawyers and the public to better understand the two systems.

She also established the Domestic Violence Counseling Program and held training sessions for lawyers. She involved law enforcement officials in planning and teaching the sessions to ensure focus on the law enforcement perspective on this type of case. Ms. Morrow's extensive professional activities indicates her willingness to be a positive aspect in the jurisprudence field.

Margaret Morrow is an extremely hard working individual of impeccable character and integrity. Her list of credits, both professionally and within the community is extensive.

I would like to recommend that you favorably consider her appointment. I have no doubt that she would be a distinguished addition to the United States District Court.

Sincerely,

SHERMAN BLOCK,
Sheriff.

STATE OF CALIFORNIA,
COURT OF APPEAL,
Los Angeles, CA, June 11, 1996.
Re Judicial Candidacy of Margaret M. Morrow.

Hon. ORRIN G. HATCH,
Chairman, Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: I write to endorse President Clinton's nomination of Margaret Morrow for the United States District Court in Los Angeles. I also recommend that you give priority to her confirmation.

I am a lifelong Republican, some would call me a conservative one. I was born in Utah, am an active member of the LDS Church, and have sent my children to Provo, Utah, for their post-high school education. The Los Angeles Chapter of the J. Reuben Clark Law Society recently named me as "Outstanding Lawyer 1996." As a California Deputy Attorney General in 1981-1984, I successfully prosecuted Angelo Buono for the 1977-78 "Hillside Strangler" serial murders in Los Angeles. Since then, Governor George Deukmejian has appointed me to successive judicial positions (municipal and superior courts, and California Court of Appeal). In 1993 Governor Pete Wilson appointed me to my present position as Presiding Justice of my division of the California Court of Appeal. I provide you this background information to give some perspective to my recommendation.

I have known Margaret Morrow for over ten years. I am convinced that she will be a most dedicated and competent United States District Court judge. She presently enjoys the greatest respect from a very broad spectrum of the California judiciary and bar. Her service as President of the California Bar Association was widely applauded, and her professional work as an attorney is considered of the highest caliber. She is representative of the mainstream of California legal and judicial culture.

I have also known her husband, Los Angeles superior court judge Paul Boland, for many years as a colleague and friend. He and Margaret are among the most decent people I know. They are energetic, yet kind and considerate to everyone with whom they come in contact. I also believe they embrace high moral principles and values. This is the one nomination recommended by our California senators that you should readily promote. I am confident that prompt and full consideration of Margaret Morrow's nomination will convince you that any President or Senate would do well to select her as a federal judge. Please feel free to call on me should you desire further information.

Very truly yours,

ROGER W. BOREN,
Presiding Justice.

—
U.S. COURT OF APPEALS,
Pasadena, CA, June 4, 1996.

Hon. ORRIN G. HATCH,
Chair, Senate Judiciary Committee,
Washington, DC

DEAR SENATOR HATCH: At the risk of being an "official intermeddler," I thought I should formally let you know that I have known Margaret M. Morrow, one of the President's nominees for the Central District of California, for twenty years or so and believe that she will be an outstanding United States District Judge.

Apart from serving the bar in ways too numerous to mention, she is among the ablest advocates in the country. As former Chief Judge Wallace and I remarked after hearing her argue a difficult matter before our panel a few years ago, hers was one of the finest, most thoroughly professional, arguments we had heard.

Ms. Morrow is an intelligent, extremely competent lawyer who has specialized in complex litigation and has the kind of experience and judgment necessary to manage the complicated case load of the federal trial court. I have no doubt that my view of her potential for bringing distinction to the court is shared by my colleagues on the Central District and the Ninth Circuit, as well as by the bar in Los Angeles.

If there is anything further I can add to your Committee's consideration of Ms. Morrow's nomination, I would be happy to talk to any member of your staff.

With best regards,

PAMELA RYMER.

—
U.S. COURT OF APPEALS,
Boise, ID, August 13, 1996.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

Re Margaret Morrow, Judicial Candidate—
District Court, Central District of California.

DEAR SENATOR LOTT: Although I am aware of the difficult dynamics of Senate confirmation of judicial nominees during an election year, nevertheless I would hope you would act favorably on the candidacy of Margaret Morrow who is currently on the floor waiting for a vote. She is without a question a superior candidate with bipartisan support whose confirmation would be received favorably by everyone in my old district. We need her in the Circuit to attend to the heavy case load generated in large measure by important legislation enacted by Congress.

Thank you for your consideration.

Sincerely,

STEPHEN S. TROTT,
Circuit Judge.

JUNE 7, 1996.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: I understand that President Clinton has nominated Margaret M. Morrow to serve on the United States District Court for the Central District of California.

I have known Ms. Morrow as a lawyer of great distinction in the Los Angeles Bar. In fact, it is more unusual to find a lawyer who is held in such high esteem by his or her peers as to have been, as has been Margaret, elected President of both the Los Angeles County Bar Association (the largest voluntary bar in the United States) and the State Bar of California.

As a former Judge, and President-Elect of the Los Angeles County Bar Association, I have been in a position to observe Ms. Morrow's ability and demeanor over an extended period of time. As former Chairman of Senators (now Governor) Wilson's and Seymour's Committee on Selection of Federal Judges, U.S. Attorneys, and Marshals for the Central District of California, I certainly believe I have gained an appreciation for what kind of a combination of character, work ethic, demeanor and intelligence is required to fulfill the demanding position of a United States District Court Judge.

As an individual who has had the privilege of helping select so many District Court Judges, I can say without fear of contradiction that to a man and women, I believe the entire Court of this District would welcome her with open arms. She will be a great credit to the bench, and deserve your serious consideration and acceptance.

I recommend Margaret Morrow without reservation.

Sincerely,

SHELDON H. SLOAN.

Mrs. BOXER. Ms. Morrow's qualifications and the broad support she enjoys

would make her an exceptionally distinguished addition to the Federal bench.

Finally, her qualifications and the broad support she enjoys makes her an exceptionally distinguished addition to the Federal bench. Mr. President, the Judiciary Committee has already reviewed Ms. Morrow's background, which is outstanding. To echo the recent words of Republican Judge Pamela Rymer, appointed in 1989 to the Ninth Circuit Court of Appeals by President Bush, I too am looking forward to the day Margaret Morrow sits on the bench of the U.S. Federal District Court in the Central District of California. I am in agreement with Judge Rymer that Ms. Morrow will bring distinction to the district court.

In sum, Mr. President, I continue to strongly support Ms. Morrow's renomination by President Clinton.

I am fully confident that the Members of the Senate when fully informed will agree with me that Margaret Morrow's qualifications are outstanding and she is deserving of expeditious Senate confirmation. Her exceptional experience as an attorney, her professional service, and her deep commitment to justice qualify her to serve our Nation and the people of California with great distinction. And as evidenced by the letters I have read from, she has strong bipartisan support from some of the most prominent and conservative Republicans in my State.

Again, my deep thanks to my friend for yielding.

Mr. LEAHY. I might say to my friend from California, we talk about the secret hold. I mean, if there is a Senator who has some objection to her, let him vote against her.

Mrs. BOXER. Right.

Mr. LEAHY. Let us bring the nomination up.

The irony is, you know and I know, with her qualifications, anybody would be embarrassed to vote against her because there would be no way they could explain back home how a woman, one of the most qualified nominees to come before the Senate for a Federal court nominated by any President, Republican or Democrat, is held up.

I say to my friend from California, who has worked so hard and so diligently, one-on-one with Members to get this moving, it is, unfortunately, part of a picture. I have this chart which shows now we have 99 vacancies. We will have more. The number of judges who have been confirmed in the 105th Congress—when we first put this chart together, we wanted to show the vacancies on this side.

I see my friend from Maryland, too. I will show him, too.

We wanted to show the vacancies confirmed on the other side. We could not see the number that have been confirmed, so we put in this magnifying glass. I feel like Sherlock Holmes with my little magnifying glass going down.

There are 99 vacancies, and down here, two being confirmed. We have had

more vacancies this year than we have had judicial confirmations in the U.S. Senate. Maybe we can shave a day off each one of these recesses and confirm some judges during that time. We have not had time to do much else. We ought to at least confirm those.

In fact—and I will share one of these with my friend from Maryland. The distinguished senior Senator from Maryland is on the floor. I thought he might be interested in noting where we stand on this.

You might want to take a look at that, I say to my good friend from Maryland. We came at the beginning of the year with actually 78 vacancies. And then, as often happens, people realize that they have grown older or they're taking senior status, whatever, they start retiring. We go from 78 to 89, to 92, to 94, to 96, to 99.

We go in January, zero confirmed; in February, zero confirmed; in March, two confirmed; and those are the same two listed here. We have not gone above two. So while this list goes up, that stays even. People are used to talking about zero population growth. This is zero population growth in the judiciary.

I understand that Speaker GINGRICH and others felt there was some political gain to shutting down the Federal Government about a year and a half ago. The American people did not think there was, but for some reason they did. It appears to me what they are trying to do is shut down the Federal courts. This is an unprecedented, unprecedented situation.

In the 102d Congress we had a Republican President and a Democratic-controlled Senate. We confirmed 124 judges.

In the 103d Congress we confirmed 129.

Even in the last Congress 75.

Now we confirmed 2 with 99 vacancies.

Chief Justice Rehnquist says:

The number of judicial vacancies can have a profound impact on a court's ability to manage its caseload effectively.

He says:

It's hoped that the administration and Congress will continue to recognize that filling judicial vacancies is crucial to the fair and effective administration of justice.

That is what it comes to.

The American taxpayers, Republicans and Democrats alike, pay taxes to have their courts run. The courts do not run if the vacancies are there. You do not have criminal cases handled the way they should. People are forced to plea bargain because they cannot get through. You do not have civil cases that you may want to hear if you are a litigant; you have a case you want heard, you cannot have it heard. This is wrong.

I was in another State the other day, Monday, and somebody was telling me how they have to go out and hire private judges to hear their cases. Now, these are people who are already paying the taxes. They are already paying

for courts that are sitting there. But there are no judges to hear the cases. The vacancies cannot be filled so they go out and hire private judges.

I mean, this is sort of like saying I will pay my taxes to have a police officer and a police department, and I paid for it. The money is there. We pay the money for the police department and the police officers, but some person in the community says, "Well, we're not going to hire any police officers. We're not going to have anybody there. So even though you paid your taxes for that, if you want your property protected, you have got to go out and hire a private police officer." Well, we are doing the same thing with the judges.

Mr. President, I think this is an outrageous situation. Let us see what we have here.

In 1980, we did nine appeals courts—these were Presidential election years during the second Senate session, Presidential election years, and we did 9 appeals court judges and 55 district court judges. All the way down through here you can see many times with Republican Presidents and a Democratic Congress we cooperated.

Nothing has happened here.

Mr. SARBANES. Would the Senator yield on that point?

Mr. LEAHY. Of course I will.

Mr. SARBANES. I think the chart the Senator has just put up is a very dramatic chart in demonstrating what has happened here. As I understand it, this chart shows the number of judges confirmed during a second Senate session in Presidential election years. We all know that what happens in a Presidential election year is that there is a slowdown because the party that does not have the White House thinks it may get the White House and then it will be able to effect the appointment of judges.

I ask the Senator from Vermont, as I understand his chart, this shows that in 1996, last year, with a Democratic President and a Republican-controlled Senate, there was this incredible slowdown in the number of judges confirmed, which has continued into 1997.

But in 1996, no court of appeals judges were confirmed and only 17 district judges. Is that correct?

Mr. LEAHY. The Senator is not only correct, but I would ask him to contrast that with the last year of the Bush administration with a Democratic-controlled Senate and the difference in the cooperation of the Democrats with a Republican President than they show the Republicans with a Democratic President.

Mr. SARBANES. The able Senator from Vermont is very perceptive because he anticipated the next point I want to go to, which is to contrast what happened last year with what happened in the last year of the Bush Presidency, 1992, an election year.

The Senate majority was then in Democratic hands, and yet we confirmed 11 judges for the court of appeals nominated—nominated—by

President Bush and 55 judges for the district court nominated by President Bush, for a total of 66 judges.

Last year, a comparable situation, except it was reversed. We had a Democratic President making the nominations; the Republicans controlled the Senate; 17 judges, a total of 17 judges. No court of appeals judges, 17 district judges compared with 66 judges in the last year of President Bush's term.

In fact, the last year of President Reagan's term, again with a Democratic Senate, we confirmed 7 court of appeals judges and 35 district court judges.

Mr. LEAHY. We actually did better with district court judges with the Democrats in charge than President Reagan did at the end of his first term with the Republicans in charge.

Mr. SARBANES. In 1984, The Senator is absolutely correct.

Mr. President, this is an extraordinary slowdown in the confirmation of judges. Then, of course, what happens is none—only two have been confirmed this year thus far.

So in the last virtually year and a half, 19 judges.

I just submit to you this game ought to stop. We ought not to be playing with the Federal courts in this way. If people have a legitimate objection to a particular nominee, they ought to voice that objection and vote against them and try to persuade their colleagues to vote against them. But this is crippling the courts. The Chief Justice of the United States has been driven to the unusual posture of registering his complaint about it.

I am frank to say to you, I think that Members of this body, Democrats and Republicans alike, have a responsibility to ensure that the Federal court system can work in a reasonable fashion. It is not going to work in a reasonable fashion if you slow up the confirmation of judges to this extent.

It has not been done before. I mean, this breaks with all previous patterns and previous precedents. I just submit that we are not going to maintain public confidence in the judicial system, and we ought not to politicize the judicial process the way it is being done.

So I want to commend strongly the senior Senator from Vermont, the ranking member of the Judiciary Committee, for bringing this issue once again to our attention. It is beginning to cripple the Federal courts. There is no question about it.

As my colleague from California pointed out, it is terribly unfair to some very able and dedicated people who have been nominated and then their life simply placed on hold in terms of their normal activities. It is a marked departure from any sense of comity that has heretofore prevailed in this body and a marked departure from the respect that has traditionally been shown to the Federal court system.

I very much hope that we can begin to address this situation, begin to hold hearings, report the people out, con-

firm them when they come before the Senate. I thank the Senator from Vermont for his forceful leadership on this issue.

Mr. LEAHY. I thank my friend and colleague from Maryland and my friend and colleague from California for their statements.

I ask the Chair how much time remains.

The PRESIDING OFFICER. The Senator from Vermont has approximately 9 minutes and 50 seconds remaining.

Mrs. FEINSTEIN. Mr. President, I rise to join my colleagues in decrying the stranglehold that has been placed on Federal judicial nominations by the Senate, including the Judiciary Committee, of which I am a member.

The numbers bear repeating, because they are simply appalling. Last year, the Republican Senate confirmed an abysmally low number of judges—only 17. And none of these was for the courts of appeals.

Compare this to when the roles were reversed in 1992, the year a Republican President was running for reelection and the Democrats controlled the Senate. That year, the Democratic Senate confirmed 66 Federal judges, including 11 court of appeals judges.

It was thought that, after the election was over, the Senate would return to the normal course of fulfilling its constitutionally-mandated role in the judicial nomination process.

Unfortunately, however, that has not proven to be the case. It is now mid-way through May, and the Senate has confirmed just two Federal judges. The Judiciary Committee has only held two nominations hearings.

California has been especially hard-hit by this slowdown on Federal judges. More than one-fourth of the judges whose nominations are languishing in the Senate are from California—7 out of 26.

Five of these seven judges were nominated in the last Congress. Let me tell you a little bit about each of them, to put some faces on the nominees whose lives have been disrupted by the Senate's extended failure to act on their nominations:

Richard Paez is already a respected Federal judge on the district court in Los Angeles. He was nominated by the President to the Ninth Circuit Court of Appeals on January 25, 1996. The Judiciary Committee gave him a hearing on July 31, 1996. However, the committee has never taken any further action on his nomination.

Tomorrow, Christina Snyder will have been before the Committee for 1 full year, as she was first nominated by the President to Federal district court in Los Angeles on May 15, 1996. Ms. Snyder is a graduate of one of the top law schools in the country, Stanford Law School, for which she has since gone on to serve on the board of visitors. She is a member of the prestigious American Law Institute, and her nomination has received bipartisan support, including endorsements from

the Republican mayor of Los Angeles, Richard Riordan, and the Republican Sheriff of Los Angeles County, Sherman Block. I am not aware of one whit of substantive opposition to her nomination.

And yet, Ms. Snyder has been unable to get even a hearing before the Judiciary Committee. Already this year, the committee has held hearings on the nominations of four men who were nominated after Ms. Snyder, including one who was only nominated for the first time this year, in 1997. I am optimistic that the chairman of the Judiciary Committee will agree to place Ms. Snyder on the agenda for the committee's next nomination hearing, and again urge him to do so.

Margaret Morrow actually was favorably reported by the committee last year, unanimously, but her nomination died on the floor. She was nominated over a year ago, on May 9, 1996. Morrow is a graduate of Harvard Law School, was the first woman president of the State Bar of California, and has received numerous awards for her work as a lawyer and her commitment to public service.

The committee held a second hearing on her nomination this year. But while the three men who were heard along with her have all been favorably reported out of the committee, she has not even been brought up for a vote. Her nomination has been slowed while members of the committee from the other side of the aisle pose round after round of follow-up questions to her, including asking for her view on some of the most controversial issues that have been considered by Californians on the ballot over the last 10 years. This level of scrutiny previously has been reserved for Supreme Court nominees, who shape constitutional interpretation, rather than merely following precedent a district court judge does. In my time on the committee, I have never seen this level of scrutiny applied to a male district court nominee.

Jeffrey Miller is a superior court judge in San Diego, who was appointed to that post by Republican Governor Deukmejian. An accomplished jurist and a veteran of the State attorney general's office, he has been complimented by numerous fellow judges. First nominated last July, his nomination is now on the floor of the Senate. I hope that the majority leader will call up his nomination for action by the Senate.

William Fletcher's nomination to the Ninth Circuit Court of Appeals has been languishing for more than 2 years, having first been made on April 25, 1995. Fletcher is a professor at the Boalt Hall School of Law at the University of California at Berkeley, where he has won the Distinguished Teacher Award. He is a magna cum laude graduate of Harvard; he earned his law degree from Yale Law School; he is a Navy veteran, a Rhodes Scholar, and a former clerk on the U.S. Supreme Court. He was favorably reported by the committee almost a year

ago, on May 16, 1996. However, the committee has taken no action on his nomination this year.

This outstanding group of holdover nominees from the last Congress has been joined this year by two more nominees, Anthony Ishii and Lynn Lasry, who have been nominated to the Federal district courts for the Eastern District and Southern District of California, respectively.

Mr. President, the time has come to act on these nominations. I'm not asking for a rubber stamp; let's hold hearings on those nominees who haven't had them, and vote on all of them, up or down, yes or no.

California needs these judges. The chief judge of the ninth circuit, Procter Hug, Jr., has said,

our federal courts here in the 9th Circuit, and particularly our court of appeals, are facing a vacancy crisis of serious proportions. We simply do not have enough active district and appellate judges to hear and decide cases in a prompt and timely manner.

While filings in the Ninth Circuit Court of Appeals have increased by over 60 percent since 1985, the court currently has 8 vacancies, more than any other circuit in the Nation.

In the last 5 years, case filings in the Eastern District of California have skyrocketed by 49.7 percent.

In the Southern District of California, case filings have increased by 94.7 percent since 1991—a pace that more than triples the national rate of increase of 27.5 percent.

In an editorial last month, the Los Angeles Times put it well:

[The Margaret Morrow] case is only one of many in a deplorable situation that has gone on far too long. Justice is not served by an empty bench. Nor is society. Whichever party holds the Congress and the White House, gamesmanship over judicial appointments produces no winners. It only leaves a void...

[The Senate's] record of delay, attempts to kill funding for some appellate seats and its harassment of Morrow and other qualified nominees reveals a deeply troubling partisanship.

Last we looked, the U.S. Constitution grants the President the power to nominate and directs the Senate to "advise and consent," not stonewall. The 26 nominations now pending would be a good place to start.

I urge my colleagues, let's end the gridlock on judges. Let's not hold the third branch of government hostage to partisan politics.

Mr. KENNEDY. Mr. President, the Federal courts today suffer from far too many unfilled judgeships. There are at least 99 vacancies for judges in the appeals courts and district courts. Twenty-four of these vacancies—in the appellate courts and in the trial courts—are judicial emergencies according to the definition of the Judicial Conference of the United States. That is, the positions have been vacant for at least 18 months.

As a result, caseloads are backlogged throughout the country, and the victims of this situation are the American

people. Justice delayed is justice denied. Thousands of Americans with legitimate grievances cannot get their day in court, because there are few Federal judges to hear their cases. Citizens must wait excessive lengths of time to resolve disputes, answer constitutional questions, and obtain justice.

We need strong courts to combat crime, to put criminals behind bars and make sure they serve their time. We need strong courts to protect families, jobs, and businesses. Where else can Americans go when they are treated unfairly on the job or when their small businesses are run over by larger corporations?

Just this week, I received a letter from a lawyer in San Diego who is concerned that the Federal court serving the city has had two vacancies unfilled for over 2 years.

He writes,

Our federal court in San Diego is at the breaking point. For more than two years, the Court has valiantly struggled with a burgeoning case load and managed barely to keep its head above water by dedicated and innovative work on the part of our senior and active judges and our magistrate judges. But the system has been stretched as far as it can go. It desperately needs its two judges.

In fact, President Clinton has submitted two qualified nominees to fill these vacancies, but the Senate has yet to take action on them. Jeffrey Miller was nominated last July. In March, he finally had a hearing and was approved unanimously by the Judiciary Committee in April. But his nomination has been languishing ever since, waiting for the Senate to act. The Republican leadership won't let the nomination come up for a vote.

The problems in San Diego are being repeated in communities throughout the United States, and a major cause is the intentional stall by Congress in processing new judges.

So far this year, the Republican-controlled Senate has approved only two judicial nominees. Three more have been approved by the Judiciary Committee, but the Republican leadership has made no effort to put them before the Senate for confirmation.

Last year, in the Republican-controlled Senate, only 17 district court judges were approved, and no appeals court judges were approved—none—zero.

Since 1980, the Senate confirmed an average of 51 judges per year. When measured against this standard of performance, today's Republican Senate gets a failing grade.

Republicans shut down the Federal Government in 1995 and were rightly criticized for that unwise action. They say they will never do it again, and are even trying to pass a law that would put the Government on automatic pilot if a budget agreement is not reached. But at the same time, behind the scenes, there is a Republican scheme to shut down our Nation's courts.

The issue is far more than a numbers game. What we are witnessing today is

a direct assault on the President's constitutional power to nominate and appoint judges.

Our Republican friends claim they want to move ahead on nominees. They say the current stall on judicial nominations is not an effort to force President Clinton to apply Republican litmus tests to nominees. We hear that the unwise plans proposed by Senator GRAMM of Texas and Senator GORTON of Washington were defeated in the Republican caucus 2 weeks ago.

But the facts speak for themselves. Republicans have shut down the courts and the American people are suffering the consequences.

Republicans say they want to make sure that no activist judges are appointed to the courts. They've also begun to attack sitting judges. Judge Martha Daughtry of Tennessee is a case in point. She was nominated by President Clinton to the Sixth Circuit Court of Appeals and confirmed by the Senate in 1993 with broad bipartisan support.

Later, a prominent State judge in her circuit was convicted of Federal civil rights offenses involving sexual assaults on court employees, job applicants, and female attorneys. A three-judge panel of the sixth circuit affirmed the conviction. But the en banc court, dominated by Reagan and Bush appointees overturned it. They ruled that the U.S. Constitution does not give Congress the power to protect women from sexual assaults by State officials.

Judge Daughtry dissented. She said that the right of citizens to be free from physical harm by public officials who abuse their authority has been recognized "since the sealing of the Magna Carta."

But Presidential candidate Bob Dole attacked Judge Daughtry and placed her in his "Hall of Shame." He cited her as an example of the liberal activist judges that President Clinton appointed to the bench.

Judge Daughtry had the last laugh. Two months ago, the Justices of the U.S. Supreme Court not only reversed the sixth circuit decision, they reversed it unanimously, and cited Judge Daughtry's dissent in their opinion.

Another case in point is Margaret Morrow, whose nomination is pending in the Judiciary Committee. There should be no doubt about her competence and judicial temperament. Her nomination received the American Bar Association's highest rating. She has numerous endorsements from her peers in California—both Democrats and Republicans. She is a corporate lawyer, hardly an activist by anyone's definition. She was the first woman president of the State Bar of California. She is a past president of the Los Angeles County Bar Association. She has received numerous awards from the Los Angeles Bar Association, the California Judicial Council, and other legal associations. In 1994, she was listed as one of the top 20 lawyers in Los Angeles in

California Law Business. The Los Angeles Business Journal named her one of the top 100 business lawyers in Los Angeles in 1995 and 1996.

Probably the greatest test of her temperament for the job is the manner in which she has responded to the Senate Judiciary Committee. Despite the fact that she was held over for a second hearing in the committee and the many questions addressed to her, she has responded thoroughly, professionally, efficiently, and appropriately to each one. That is exactly what we want in a Federal judge.

An extremely well-qualified woman is being held up arbitrarily. There is no justification whatsoever for this unfair delay.

I hope that our Republican friends will reconsider their stall on judicial nominations. The rule of law in America depends on a healthy judiciary.

And if the Republican majority in the Senate does not move ahead to respond to the crisis in the courts, I hope that President Clinton will consider the only alternative he has left. In their wisdom, the Founding Fathers gave the President a useful additional power, the power of recess appointments. If the log jam doesn't break soon—very soon, the President should start using that power. The Memorial Day recess offers the next opportunity to make recess appointments, and the President should not hesitate to use it.

Mr. LEAHY. Mr. President, I ask unanimous consent a letter from the National Women's Law Center be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL WOMEN'S LAW CENTER,
Washington, DC, May 14, 1997.

Hon. ORRIN G. HATCH,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR HATCH: We are writing to express our grave concerns regarding the process being followed with respect to the nomination of Margaret Morrow to the district court in the Central District of California. Her original nomination was made one year ago. Yet, her nomination has not been moved through the process.

Ample information has been presented regarding her qualifications. She is a magna cum laude graduate of Bryn Mawr College and a cum laude graduate of Harvard Law School. She has a 23-year career in private practice with an emphasis in complicated commercial and corporate litigation with extensive experience in federal courts. She has received a long list of awards and recognition as a top lawyer in her field, her community and her state. She is a leader and path blazer among women lawyers, as the second woman President of 25,000 member Los Angeles Bar Association and the first woman President of the largest mandatory bar association in the country, the 150,000 member State Bar of California. She has consistently been a voice within the legal community for women and for the disadvantaged. She has received broad support from attorneys, judges and community leaders.

You questioned four nominees on March 18, 1997. The other three, all men, have moved forward toward a Senate vote. Margaret Morrow has not.

No explanation has been provided which in any way justifies this extraordinary and harmful delay. Superb women lawyers should not be given the message that we fear is being sent by the handling of Margaret Morrow's nomination—that no woman need apply unless she is prepared to be singled out for particularly harsh treatment.

We urge you to send her nomination to the Senate floor immediately.

Sincerely,

NANCY DUFF CAMPBELL,
Co-President.
MARCIA D. GREENBERGER,
Co-President.

Mr. LEAHY. Mr. President, I note that over the past 2 weeks I have twice corrected a misstatement with respect to the three nominations pending on the Senate executive calendar. Twice, Republicans have said that some unknown Democrat had a hold on these judicial nominations. This is not so. Every single Democrat in the Senate is ready to vote, and vote today, on all the judicial nominees, the three judicial nominees is all it is, that have been voted out of committee so far. Every Democrat on the Senate Judiciary Committee is prepared to vote at the next Judiciary Committee meeting on all the nominees that are pending there. There is no, no Democrat with a hold on any judicial nominee—I want that very, very clear—neither in the committee nor in the Senate. If we have to have rollcall votes, we are glad to do that. But we should have these people come up.

We received Jeffrey Miller's nomination in July 1996, last Congress. The President renominated him on the first day of this Congress for the same vacancy, a vacancy that has existed since December 1994. We are in 1997 now. This is one of the judicial emergency vacancies we should have filled. He has the support of both Senators. He finally had a confirmation hearing 2½ years, almost, after the vacancy occurred. His nomination was considered. It has been reported to the Senate. We should vote on it.

We first received Donald Middlebrooks' nomination in September of 1996, last year. He was not accorded a hearing last Congress. This is for a vacancy that has been there since 1992, 5 years ago. That is a judicial emergency vacancy, and he has the support of both Senators from his State, one a Democrat, senior Senator, Senator GRAHAM, one a Republican, Senator MACK. This was reported by the Judiciary Committee to the Senate April 17.

Now, here is a vacancy that has existed for 5 years. We have a judge who has gone through the Senate Judiciary Committee, reported to the Senate, supported by the two Senators from his State, one a Democrat, one a Republican. For God's sake, if we cannot vote on it, what in Heaven's name can we vote on? This should be about as non-controversial as voting to commend the Fourth of July.

We first received Robert Pratt's nomination in August of 1996. We did not

get a hearing last Congress. The President renominated him on the first day of this Congress for the same vacancy in the district court for the southern district of Iowa. He had a confirmation hearing on March 18. He was supported by the two Senators from Iowa, Senator HARKIN and Senator GRASSLEY, and was reported to the Senate by the Judiciary Committee on April 17.

Well, why can we not go forward with him? You look at what we have, a distinguished woman who is being shunted aside by somebody who does not have the guts to come forth on the Senate floor and say why that Senator is holding her up. We have distinguished other judges that have gone through the confirmation process, supported by the two Senators, a Republican and a Democrat from their State, they cannot come forward.

I take our advise-and-consent function very seriously, especially when it comes to confirmation of Federal judges who have a lifetime appointment. Our system of government with coordinate branches and separation of powers, that is our responsibility. I voted to confirm some judges who ended up rendering decisions which I strongly disagreed. I voted for some judges to move from one Federal court to another, even though they had also had decisions with which I disagreed. I voted against some who turned out to be better than I predicted. But we voted on them.

If a judge decides a case incorrectly, well, then you have appeal. I remember when I used to prosecute cases, I remember somebody saying, as the juror went out to defense counsel, "Well, let justice be done," and they said, "Well, if that happens, we will appeal." If you lose a case, appeal it. If you think you have bad law, have a legislative change. In fact, the reason the founders included the protection of lifetime appointments for Federal judges was to insulate them from politics and political influence.

Merrick Garland had an 18-month wait for confirmation—a judge virtually everybody in the country that ruled on this, from the right to the left, on the judicial selection, said he was one of the most qualified persons ever to be up for the U.S. Court of Appeals for the District of Columbia. Mr. President, 23 Members of this body, all on the other side of the aisle, voted against Merrick Garland for that judgeship. Not one of them spoke against the nominee. Not one of them spoke against his impeccable credentials. In fact, some who voted against him praised his qualifications. They say they voted against filling an unneeded seat on the court of appeals, in the face of a letter from Chief Judge Silberman, who said they did need the seat, and a statement from Senator HATCH, who said it was needed.

In his concluding remarks, Senator HATCH said, "Playing politics with judges is unfair, and I am sick of it." I agree with the distinguished chairman

of the Senate Judiciary Committee. Let the Senate quit playing partisan politics with judicial nominations. Let us do our constitutionally mandated job and proceed to confirm the judges we need for the Federal system.

EXHIBIT 1

In 1987 I heard from Tom Jipping, a student at the University of Buffalo Law School. The faculty had imposed a speech code that was more contemptuous of the First Amendment than even most of the politically correct gag rules proliferating on campuses around the country.

"Remarks," said the code, "directed at another's race, sex, religion, national origin, sexual preference" et al. would be severely punished. There was no further definition of "remarks." Also prohibited were "other remarks"—not defined—"based on prejudice and group stereotype." Any prejudice?

Unique to this law school code—unanimously passed by the administration and faculty—was a provision that the administration would provide the rap sheets of any guilty student to the character and fitness committees of any bar association to which the pariah might apply.

Tom Jipping, though vilified by a prominent faculty member and other speech police, fought the code, sending news of it to the outside world. (I wrote about it in *The Post*, and William Bennett spoke about it.) Eventually, after Jipping was graduated, this embarrassment to the law school faded away.

Jipping is now in Washington, where he directs the Judicial Selection Monitoring Project, an offspring of the Free Congress Foundation.

In his official role, Jipping sent a letter to all 100 senators, demanding they act to purge those "activist" federal judges who do not agree with Jipping's interpretations of the Constitution. On Feb. 4 a follow-up letter went to Sen Partick Leahy (D-Vt.).

In the letter, Jipping reminded Leahy that the senator had previously received "a letter from the largest coalition in history to oppose judicial activism. . . . Please find enclosed an opportunity to express your position on this critical issue."

He then quoted a resounding call for purges by Orrin Hatch, chairman of the Senate Judiciary Committee: "Those nominees who are or would be judicial activists should not be nominated by the President or confirmed by the Senate, and I will do my best to see to it that they are not."

Jipping went on to warn Sen. Leahy that if he did not sign the "Hatch Pledge"—which Sen. Hatch will not sign because he doesn't sign pledges—the forces of judicial correctness will be unleashed. They will let Leahy's perfidy be known "to the more than 260 national and state organizations and dozens of talk show hosts in our growing coalition." The talk show hosts can surely be depended on the assess Leahy's character and fitness.

Leahy must have enjoyed writing his answer to Jipping: "I do not take pledges demanded by special interest groups on either the right or the left. Nor do I appreciate your thinly veiled threat that you will employ talk show hosts and national organizations to pressure me into making such a pledge."

"These tactics to force others to adopt your narrow view of political correctness are wrong, and reminiscent of a dark period from our history."

The ever-vigilant Judicial Selection Monitoring Project should alert the dozens of talk show hosts that a relentless judicial activist, Chief Justice William Rehnquist, insists that "the idea of an independent judi-

cary, with authority to finally interpret a written constitution . . . is one of the crown jewels of our system of government." Then there was a Founder, Alexander Hamilton, who wrote in the *Federalist Papers* that "the complete independence of the courts of justice is peculiarly essential" because the duty of the courts "must be to declare void all acts contrary to the manifest tenor of the Constitution. Without this, all the reservations of particular rights or privileges would amount to nothing."

Copies of the *Federalist Papers* might well be distributed to members of the Senate, particularly those hunting "judicial activists" and demanding their impeachment.

When Gerald Ford (R-Mich.) was in the House, he anticipated the current jihad with a rousing speech calling for the impeachment of Justice William O. Douglas. Ford, not a noted constitutional scholar, said that "an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history."

That was spoken like the stunningly overbroad University of Buffalo Law School speech code. Majority Whip Rep. Tom DeLay (R-Tex.), a leader of the judge-baiters, recently quoted Ford's definition of impeachment approvingly in a letter to the *New York Times*.

It is a wonder that the Constitution, however battered from time to time, survives the U.S. Congress.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I ask unanimous consent I be able to speak for 10 minutes as in morning business.

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

Mrs. HUTCHISON. Mr. President, I rise today to talk about Amtrak. I realize we have gone now from judges and we are going into other types of debate, but I want to introduce the Amtrak reauthorization and reform bill.

(The remarks of Mrs. Hutchison pertaining to the introduction of S. 738 are located in today's *RECORD* under "Statements on Introduced Bills and Joint Resolutions.")

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 13, 1997, the Federal debt stood at \$5,337,494,540,137.51. (Five trillion, three hundred thirty-seven billion, four hundred ninety-four million, five hundred forty thousand, one hundred thirty-seven dollars and fifty-one cents)

One year ago, May 13, 1996, the Federal debt stood at \$5,094,151,000,000. (Five trillion, ninety-four billion, one hundred fifty-one million)

Five years ago, May 13, 1992, the Federal debt stood at \$3,889,146,000,000. (Three trillion, eight hundred eighty-nine billion, one hundred forty-six million)

Ten years ago, May 13, 1987, the Federal debt stood at \$2,272,432,000,000. (Two trillion, two hundred seventy-two billion, four hundred thirty-two million)

Fifteen years ago, May 13, 1982, the Federal debt stood at \$1,061,721,000,000 (One trillion, sixty-one billion, seven

hundred twenty-one million) which reflects a debt increase of more than \$4 trillion—\$4,275,773,540,137.51 (Four trillion, two hundred seventy-five billion, seven hundred seventy-three million, five hundred forty thousand, one hundred thirty-seven dollars and fifty-one cents) during the past 15 years.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Utah is recognized.

EXTENSION OF MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that the time for morning business be extended by 10 minutes.

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

Mr. BENNETT. Mr. President, I ask that I be allowed to speak for up to 10 minutes as if in morning business.

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

NOMINATION OF LT. GEN. GEORGE T. BABBITT, JR.

Mr. BENNETT. Mr. President, I rise today to discuss the nomination that is before the Senate of Lt. Gen. George T. Babbitt, Jr. to be promoted and receive an additional star to become general in the U.S. Air Force.

When this nomination came to the Senate at an earlier time several months ago, I notified the majority leader that I would like to be informed prior to its coming to a vote. In Senate parlance, that is called putting a hold on this nomination. It was never my intention to hold up General Babbitt from receiving his additional star. But it was my intention to focus seriously on the policy of the Air Force which General Babbitt will be called upon to implement. Accordingly, I told the majority leader that I do not want this nomination to go forward until we have had an opportunity to discuss that policy in some length. The majority leader responded appropriately to my request, and we have had a series of events that I think satisfy my requirement for full discussion. I would like to outline those for the Senate today before I make it clear that I will have no further objection to proceeding with the nomination of General Babbitt. I speak entirely for myself. There are a number of other Senators who have also put holds on this nomination. What they will do with their holds is something that they will, of course, speak to on their own. I am speaking entirely, as I say, for myself on this matter.

I have been criticized by some Members of this body for putting a hold on a nomination for a member of the uniformed services, and was told, "No. This should apply only to civilian personnel in the Department of Defense. You are using the uniformed services for a political purpose."