

away from rights of privacy, away from equal rights and toward government establishment of religion and government orthodoxy over free expression. One or two votes could make it much harder to protect the environment or pass meaningful campaign finance reform.

This last year by a five-to-four majority the Supreme Court held that a rape victim can bring no claim in federal court and that Congress was wrong to provide that remedy in the Violence Against Women Act. By five-to-four majorities the Supreme Court held that state employees have no rights to be paid for overtime work and have no protection from age discrimination, in spite of the laws passed by Congress. What will this mean for other laws prohibiting discrimination in the workplace, regulating wages and hours and health and providing safety standards for working Americans? And by a mere five-to-four vote, the Supreme Court decided that a Nebraska law imposed an undue burden on a woman's right to choose when it sought to prohibit medical procedures by vague language and without regard to the health of the woman.

I am confident that AL GORE and JOE LIEBERMAN will nominate women and men who understand the proper role of judges as protectors of our rights and the proper limits on judicial power. On Tuesday evening the President of the United States spoke about the importance of the election to the Supreme Court, to the federal courts generally, to our rights and to the distribution of power in our country. The President noted that "the American people will make a decision in this election which will shape the Supreme Court and the other federal courts, and the range of liberty and privacy, and the range of acceptable national action for years to come" and that "whether we have a new form of ultra-conservative judicial activism that rejects the government's authority to protect the rights of our citizens and interests of our citizens" is at stake in the November election. As the President explained:

Now we're just a vote or two away from reversing *Roe v. Wade* in the United States Supreme Court, and I think it's inevitable that the next President will have two appointments to the Supreme Court, could be more. Beyond that, as I intimated in my opening remarks, there has already been a majority in this Court for restricting the ability of Congress, even a bipartisan majority in Congress, to get the states to help implement public interest legislation that protects people.

There is much at stake in the next election and in the appointment of our Supreme Court Justices and other federal judges. In June, the People for the American Way Foundation published an extensive report called "Courting Disaster: How a Scalia-Thomas Supreme Court Would Endanger Our Rights and Freedoms" that considered the future makeup of the Supreme Court and its likely effects on our fundamental rights. In his message accom-

panying that report, Ralph Neas observed:

The United States Supreme Court is just one or two new Justices away from curtailing or abolishing fundamental rights that millions of Americans take for granted.

The Washington Times lead editorial on Thursday noted pointedly:

Before the Supreme Court could overturn *Roe vs. Wade*, it would take the appointment of two pro-life justices to replace two pro-choice jurists—and their successful confirmation in what would undoubtedly be among the most explosive battles in U.S. Senate history.

Mr. Bauer made much the same point in a recent appearance on NBC's Today Show, in which he said: "I think if Governor Bush gets to put a couple of justices on the court, we will be more likely to protect our unborn children under the Constitution."

The Republican party platform talks of ideological litmus tests for judges and the end of a woman's right to choose. The Republican candidate for President says that his models for judicial nominees are the most conservative current Justices, Antonin Scalia and Clarence Thomas. If they formed the majority in the years ahead, our rights would be greatly diminished, protections approved by Congress would be routinely invalidated and our Constitution would be harshly reinterpreted.

While the other party's platform is filled with calls for rewriting the Constitution, we Democrats seek to preserve the Constitution and protect our fundamental rights as the guaranties of our freedoms. While the Republican Senate has delayed and dissembled over judicial nominations during the last six years—to the point that the Chief Justice of the United States chastised them for refusing to vote up or down—Vice President GORE, Senator DASCHLE and I have pressed for action on outstanding judicial nominees, including historic levels of women and minorities.

While Republican Senators all voted lockstep against the confirmation of the first African-American Justice on the Missouri Supreme Court to become a federal judge, Democrats voted for Ronnie White of Missouri, for Richard Paez and Marsha Berzon of California, for Sonia Sotomayor of New York, for Julio Fuentes of New Jersey, and for Barbara Lynn and Hilda Tagle of Texas.

While the Republican leadership of the Congress sought to intimidate federal judges, Vice President GORE and Democrats have been working for fair up or down votes on the nominations of qualified women and minorities such as Enrique Moreno of Texas, Judge James Wynn of North Carolina, Roger Gregory of Virginia, Judge Helene White and Kathleen McCree Lewis of Michigan, Judge Legrome Davis of Philadelphia, Dolly Gee of California, and Rhonda Fields of the District of Columbia.

While the Republican candidate for President made a fine statement in

which he called for votes on judicial nominations within 60 days, he has not prevailed upon the Senate Republican majority to treat nominees fairly now. Instead of 60 days, we see Judge Helene White's nomination to the Sixth Circuit pending more than 1400 days; Elena Kagan, U.S. Court of Appeals for the District of Columbia, pending 500 days; Judge James Wynn, U.S. Court of Appeals for the Fourth Circuit, pending more than 440 days; Kathleen McCree Lewis, U.S. Court of Appeals for the Sixth Circuit, pending more than 400 days; Enrique Moreno, U.S. Court of Appeals for the Fifth Circuit, pending more than 400 days; Bonnie Campbell, U.S. Court of Appeals for the Eighth Circuit, pending more than 240 days; Roger Gregory, U.S. Court of Appeals for the Fourth Circuit, pending more than 115 days; Lynette Norton, U.S. District Court for the Western District of Pennsylvania, pending more than 1300 days; Judge Legrome Davis, U.S. District Court for the Eastern District of Pennsylvania, pending more than 800 days; Patricia Coan, U.S. District Court for the District of Colorado, pending more than 500 days; Dolly Gee, U.S. District Court for the Central District of California, pending more than 500 days; Rhonda Fields, U.S. District Court for the District of Columbia, pending more than 350 days; Linda Rieggle, U.S. District Court for the District of Nevada, pending more than 180 days; Ricardo Morado, U.S. District Court for the Southern District of Texas, pending more than 165 days. The Senate is adjourning leaving 33 judicial nominees whose nominations have been pending without Senate action for more than 60 days.

And while the Republican majority in the Senate refused for over three years to vote up or down on the confirmation of Bill Lann Lee to head the Civil Rights Division, this outstanding American continued to do his job on behalf of all Americans. With Vice President Gore's support, this Senate slight has finally been made right by the recess appointment of the first Asian-Pacific American to lead the Civil Rights Division.

The election next month presents a clear choice. The choice the American people make will determine what kind of judges sit on the Supreme Court and on federal courts all across the country. Those elected by the American people in November will select the judicial guardians of our liberties and the enforcers of our constitutional protections next year and in the decades to come. The future for our children and grandchildren hangs in the balance. I am proud that to support AL GORE and JOE LIEBERMAN. They will nominate judges who understand the Constitution and the Bill of Rights.

#### MESSAGES FROM THE HOUSE

At 11:04 a.m., a message from the House of Representatives, delivered by Ms. Kelaher, one of its reading clerks,

announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 118. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

ENROLLED BILLS SIGNED

At 11:25 a.m., a message from the House of Representatives, delivered by Mr. Sullivan, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 614. An act to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

S. 835. An act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1586. An act to reduce the fractionated ownership of Indian Lands, and for other purposes.

S. 2719. An act to provide for business development and trade promotion for Native Americans, and for other purposes.

S. 2950. An act to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado.

H.R. 2780. An act to authorize the Attorney General to provide grants for organizations to find missing adults.

H.R. 2884. An act to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

H.R. 4404. An act to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes.

H.R. 4957. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

H.R. 5083. An act to extend the authority of the Los Angeles Unified School District to use certain park lands in the city of South

Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes.

H.R. 5157. An act to amend title 44, United States Code, to ensure preservation of the records of the Freedmen's Bureau.

H.R. 5314. An act to amend title 10, United States Code, to facilitate the adoption of retired military dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

H.R. 5331. An act to authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

H.J. Res. 118. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

ORDERS FOR SUNDAY, OCTOBER  
29, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 4 p.m. on Sunday, October 29. I further ask unanimous consent that on Sunday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period for morning business until 6:45 p.m., with Senators speaking for up to 10 minutes each, with the time equally divided in the usual form.

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

ORDERS FOR MONDAY, OCTOBER  
30, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business on Sunday, it stand in recess until 5 p.m. on Monday, October 30; that following the routine convening requests, there be 2 hours for debate on the continuing resolution to be equally divided in the usual form.

I further ask unanimous consent that a vote occur on the passage of the continuing resolution, if the resolution contains funding for 1 day, if received from the House, at 7 p.m. on Monday, and that paragraph 4 of rule XII be waived. Finally, I ask unanimous consent that the vote scheduled to occur at 7 p.m. on Sunday now begin at 6:45 p.m., assuming the papers have been received from the House of Representatives.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

I have no objection.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, we will convene at 4 p.m. on Sunday with up to 2 hours 45 minutes equally divided for morning business. Under the previous order, there will be a vote occurring on the continuing resolution at 6:45 p.m., assuming the papers have been received from the House, and earlier, if possible, or a little later, if it is necessary. But I believe around 6:45 we will be able to vote.

On Monday, the Senate will convene at 5 p.m. with 2 hours for debate on the continuing resolution. A vote on the continuing resolution will occur at approximately 7 p.m. on Monday, again assuming the papers have been received from the House.

RECESS UNTIL 4 P.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 11:34 a.m., recessed until Sunday, October 29, 2000, at 4 p.m.