

States Supreme Court opinion to rewrite Texas law was simply wrong.

As she did in answer to questions about a couple of other cases at her hearing, Justice Owen tried to explain away this problem with an after the fact justification. She told Senator CANTWELL that the reference to religion was not to be found in *Casey* after all, but in another U.S. Supreme Court case, *H.L. v. Matheson*. She explained that in, "Matheson they talk about that for some people it raises profound moral and religious concerns, and they're talking about the desirability or the State's interest in these kinds of considerations in making an informed decision." Transcript at 172. But again, on reading *Matheson*, one sees that the only mention of religion comes in a quotation meant to explain why the parents of the minor are due notification, not about the contours of what the government may require someone to prove to show she was fully well informed. Her reliance on *Matheson* for her proposed rewrite of the law is just as faulty as her reliance on *Casey*. Neither one supports her reading of the law. She simply tries a little bit of legal smoke and mirrors to make it appear as if they did. This is the sort of ends-oriented decision making that destroys the belief of a citizen in a fair legal system. And most troubling of all was her indicating to Senator FEINSTEIN that she still views her dissents in the *Doe* cases as the proper reading and construction of the Texas statute.

Last May, President Bush said that his standard for judging judicial nominees would be that they "share a commitment to follow and apply the law, not to make law from the bench." Priscilla Owen's record, as I have described it today, does not qualify her under that standard for a lifetime appointment to the Federal bench.

The President has often spoken of judicial activism without acknowledging that ends-oriented decision making can come easily to ideological conservative nominees. In the case of Priscilla Owen, we see a perfect example of such an approach to the law, and I cannot support it.

As I said earlier, when the President sends us a nominee who raises concerns over qualifications or integrity or who has a misunderstanding of the appropriate role of a federal judge, I will make my concerns known. This is one of those times. In his selection of Priscilla Owen for the Fifth Circuit, the President and his advisors are trying to do to the Fifth Circuit what they did to the Texas Supreme Court. Plucked from a law firm by political consultant Karl Rove, Justice Owen ran as a conservative, pro-business candidate for the Texas Supreme Court, and she received ample support from the business community. She fulfilled her promise, becoming the most conservative judge on a conservative court, standing out for her ends-oriented, extremist decision making. Now, on a bigger stage, the President and Mr. Rove want a re-

peat performance: sending Justice Owen to a court one step below the Supreme Court of the United States, attempting to skew its decisions out of step with the mainstream.

Before and after he took office, President Bush said he wanted to be a uniter and not a divider, yet he has sent the Senate several nominees who divide the Senate and the American people. Over the last 14 months, the Judiciary Committee has exceeded the pace of recent years in approving more than six dozen of the President's judicial nominees—most of them, conservative Republicans. The Senate by now has confirmed 73 of them. This committee and the Senate have made the judgment that those nominees will fulfill their duties to act fairly and impartially. I urge the President to choose nominees who fit that profile, not the profile of Justice Owen.

The oath taken by Federal judges affirms their commitment to "administer justice without respect to persons, and do equal right to the poor and to the rich." No one who enters a federal courtroom should have to wonder whether he or she will be fairly heard by the judge. Justice Priscilla Owen's record shows me that she has not fulfilled that commitment on the Supreme Court of Texas, and I cannot vote to confirm her for this appointment to one of the highest courts in the land.

#### IMPROVING THE GENETIC NEWBORN SCREENING PROGRAM

Mr. DEWINE. Mr. President, on August 1, along with my colleague from Connecticut, Senator DODD, introduced a bill designed to improve the Nation's current genetic newborn screening program. Our legislation would provide education grants for physicians and parents, as well as grants to States to improve follow-up and tracking of those children who receive a heelstick screening and receive a positive result for metabolic, genetic, infectious, and other congenital conditions that threaten their health and life.

Each year, newborn screening identifies an estimated 3,000 babies with conditions that would otherwise have had dire consequences. But despite their clear importance, our newborn screening systems are fragmented. Quite simply, all children do not have access to the same genetic tests. Where a child is born and what tests are offered in that State is what determines the tests a newborn receives. In my home State of Ohio, we test for 12 disorders, while right across the border in Kentucky, they test for only four disorders and in Pennsylvania, they test for five. In Massachusetts, however, newborns are tested for 29 disorders.

Furthermore, parents often are not sufficiently informed of the number of tests available in their state and what those tests can help accomplish. Physicians may not know to educate parents, or physicians may talk to parents

too late in the birthing process for it to make a difference. Also, State health departments may not follow-up adequately with the parents of a child who receives a positive test result, and health departments may not have the capacity to effectively record or track a large number of positive results.

The bill we are introducing today would go a long way toward streamlining the current newborn screening system by offering states grants to accomplish the following: build and expand existing procedures and systems to report test results to individuals and families, and primary care physicians and subspecialties; coordinate ongoing follow-up treatment with individuals, families, and primary care physicians after a newborn receives an indication of the presence of a disorder on a screening test; ensure seamless integration of confirmatory testing, tertiary care, genetic services, including counseling, and access to developing therapies by participation in approved clinical trials involving the primary health care of the infant; and analyze collected data to identify populations at high risk, examine and respond to health concerns, recognize and address relevant environmental, behavioral, socioeconomic, demographic, and other factors.

This bill is a good start toward ensuring that all newborns receive equal access to genetic tests and that their follow-up care, if needed, is available and coordinated. The importance of these screenings cannot be overstated. It can mean the difference between life and death for a newborn. And that, is something we must address.

I ask my colleagues for their support.

#### ADDITIONAL STATEMENTS

##### FIESTA 2002 CELEBRATION

• Mr. LUGAR. Mr. President, as a lifelong supporter of cultural heritage events and friend of the Indianapolis Hispanic-Latino Community, I rise today to share with my colleagues my interest in, and strong support for, an important cultural event that will take place in Indianapolis on September 21.

For the 22nd year, Fiesta will be held on the American Legion Mall in downtown Indianapolis to celebrate Hispanic culture and heritage. This is the premier Hispanic cultural event for the State of Indiana.

Fiesta 2002 will highlight the music, food, and traditions of Hispanic culture and provide an educational opportunity for everyone to learn more about Hispanic traditions and understand the contributions Hispanics in Indiana have made to enrich and strengthen our community.

Attendees for this public event will have the opportunity to enjoy a wide range of activities that showcase the Hispanic traditions in music, history, art, and food, among many others. Information booths, contests, and speakers will be set up to encourage

attendees and their families to experience and enjoy the many educational, social, and culinary offerings that will be available.

Fiesta is organized and coordinated by Fiesta Indianapolis Inc., a non-profit volunteer organization. Fiesta's mission is to promote and preserve Hispanic culture in central Indiana. Executive Director Carmen DeRusha has done outstanding work to coordinate Fiesta 2002, and I am thankful to her for her leadership in organizing the many individuals, groups, and businesses that are a part of this event.

I am so pleased to join in this celebration, and I welcome the opportunity to be a part of Fiesta 2002. The success and longevity of the Fiesta event is attributable to the growth and strength of the Hispanic presence in Indiana, and to the dedication and commitment of everyone involved planning Fiesta 2002.

Fiesta 2002 is important for the Hoosier State and I want to share with my colleagues in the Senate my support for this great event. The Hispanic community is strong in Indiana and growing stronger every day. Fiesta 2002 is a wonderful opportunity to learn more about Hispanic heritage and to celebrate their rich and vibrant traditions that broaden and strengthen the fabric of our community in Indiana.●

#### NORMA EUDORA CRONK

● Mr. BAUCUS. Mr. President, I would like to take the opportunity to congratulate Norma Eudora Cronk Dickson. On October 16th, 2002 she will celebrate her 100th birthday. Norma is a resident of Chinook, MT.

Norma Dickson was born October 16, 1902. She was the eldest of four children born to John Colburn Cronk and Anna Rogers Cronk. John and Anna Cronk moved to Montana in 1898, and settled in the Milk River Valley in Coburg, MT. Her parents were ranchers and prominent members of the community. Her father John was elected state representative in Montana in 1923. Her parents raised cattle and prize winning Percheron horses. The livestock pavilion at the Blaine County Fairgrounds was dedicated to her father's memory.

Norma attended college and taught for a few years prior to her marriage in 1928 to Dr. Joseph Robert Dickson, another Montana native who practiced dentistry in Chinook, Montana.

Norma and Dr. Dickson had four children; Joseph Robert Dickson Jr., Marilyn Dickson Gregg, James Cronk Dickson, and George William Hunt Dickson. They also have thirteen grandchildren and ten great-grandchildren.

In addition to Norma's dedication to her family, she has been very active in her community of Chinook, MT. Her involvements include the Eastern Star, Chinook Presbyterian Church, and High School Girl's State. She has also worked at the Chinook Senior Center as a volunteer from its inception until

she was 97 years old. Finally, she was named Senior of the Year in Chinook. She is a treasure to her community, her State, and of course, to her family.●

#### CONGRATULATIONS TO D.C. MURPHY

● Mr. CRAIG. Mr. President, I would like to take this opportunity to congratulate D.C. Murphy of Nampa, ID on his recent achievement of driving two million miles without a preventable accident. Put into perspective, that is equivalent to driving around the world eighty times, or driving 275 miles every day for the last twenty years. As I am sure you can imagine, this is an incredible feat. Over the twenty years he has been employed by Yellow Transportation, the roads have become increasingly crowded. To travel as many miles as he has without an avoidable accident is an achievement of which he should be very proud.

Over the last twenty years there has been a 39 percent increase in the number of registered large trucks, and at the same time also a 90 percent increase in the number of miles these trucks traveled. It is a credit to the trucking industry, D.C. Murphy, and other truckers with similar responsible driving habits that even though there are more trucks than ever before on the road, the number of accidents has continued to decrease.

Again, let me commend D.C. Murphy on this accomplishment. I would like to wish him continued safety for as long as he is on the road.●

#### IN MEMORY OF SAM SIMMONS, SHERIFF OF GREENVILLE, SC

● Mr. HOLLINGS. Mr. President, I received sad news from my home State last week. Sam Simmons, the sheriff of Greenville, SC, was tragically taken from us. Sheriff Simmons was a tremendous public servant and long-time friend to law enforcement. He began his law enforcement career at the age of 20 and served his community and state for nearly 29 years in this field.

During his career, this tenacious, yet soft-spoken man worked his way up through the ranks in the Greenville County Sheriff's Office from dispatcher to the top law enforcement officer for Greenville County. I had the opportunity to work with Sheriff Simmons and his staff over the years and knew him to be an extraordinary example of how law enforcement officials should conduct both themselves and their departments.

Last week, several police officers in Sheriff Simmons' department called him a "lawman's lawman." I echo these sentiments and offer my heartfelt condolences to his wife, Mona, and their family.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 12:46 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4797. An act to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Nat King Cole Post Office".

H.R. 5157. An act to amend section 5307 of title 49, United States Code, to allow transit systems in urbanized areas that, for the first time, exceeded 200,000 in population according to the 2000 census to retain flexibility in the use of Federal transit formula grants in fiscal year 2003, and for other purposes.

H.R. 5336. An act to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the "Peter J. Ganci, Jr. Post Office Building".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 442. Concurrent resolution recognizing the American Road and Transportation Builders Association for reaching its 100th Anniversary and for the many vital contributions of its members in the transportation construction industry to the American economy and quality of life through the multi-modal transportation infrastructure network its members have designed, built, and managed over the past century.

H. Con. Res. 401. Concurrent resolution recognizing the heroism and courage displayed by airline flight attendants each day.

The message further announced that pursuant to section 503(b)(3) of the National Skill Standards Act of 1994 (20 U.S.C. 5933), and upon the recommendation of the Minority Leader, the Speaker reappoints the following member on the part of the House of Representatives to the National Skill Standards Board for a 4-year term: Mr. William E. Weisgerber of Iona, Michigan.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4797. An act to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Nat King Cole Post Office"; to the Committee on Governmental Affairs.