

and personal responsibility. A fierce civil rights advocate who opposed segregation in the Old South, he aggressively challenged the color barrier by making his law firm a model of diversity.

Chesterfield always led by example, but also challenged others in his profession to get involved. He encouraged his colleagues to "be somebody" in their communities. His passion and commitment to bettering our society influenced an entire generation of attorneys.

Supreme Court Justice Ginsberg described him perfectly when she said of Chesterfield. "He has devoted his extraordinary talent and energy to the improvement of the legal profession, to making the profession more honorable, more responsive to the people law and lawyers serve. She went on, "He is, in sum, among the brightest, boldest, bravest, all-around most effective lawyers ever bred in Florida and the USA."

I send my condolences to his family and friends on this sad day. His death is a grievous loss to the entire country. He will be greatly missed.

I ask that an obituary chronicling Mr. Smith's life be printed in the RECORD.

The obituary follows.

CHESTERFIELD SMITH, INTERNATIONAL LAW FIRM FOUNDER AND OUTSPOKEN ABA PRESIDENT DURING NIXON-ERA, DIES AT 85

SMITH'S "NO MAN IS ABOVE THE LAW" WAS TURNING POINT IN PUBLIC CALL TO INVESTIGATE PRESIDENT NIXON

Chesterfield Smith, 85, of Miami, one of the country's most prominent figures in modern law and often called "the conscience of the legal profession," died today at Doctors Hospital in Coral Gables, Florida.

Smith was the founder and chairman emeritus of Holland & Knight LLP, the country's eighth largest law firm. During his 55 year career, Smith was a major force in American law and politics, humbling the mightiest and giving a voice to the common.

Smith served as president of the American Bar Association (ABA) from 1973-1974 and was best known as the daring leader who made the first public call to investigate

President Richard M. Nixon during the Watergate scandal. His simple and direct rationale: "No man is above the law" appeared on the front page of major American newspapers following the infamous Watergate "Saturday Night Massacre," October 20, 1973.

#### AMERICA'S LAWYER

In a country that is cynical and, at times, even disdainful of lawyers, Chesterfield Smith maintained a positive vision of what lawyers could be, using his own success as an example. He believed that lawyers must have an "unselfish involvement in essential public service" and encouraged his colleagues to "be somebody" in their communities.

The word restraint had no place in Smith's life. Known for his candid and sometimes brutally honest speeches, he loved nothing more than giving a rousing speech to stir up audiences.

"We are not a trade association. We are not a union," he once told a group of law students about the ABA. "We are out to improve justice and its administration of society. If you don't intend to work to improve the quality of justice, then I hope you flunk your exams."

Smith grew up in Arcadia, a small town in central Florida. He fought in World War II from 1940-1945, earning a Bronze star. He graduated from the University of Florida Law School in 1946.

After graduation, Smith returned to Arcadia and soon joined the firm of Treadwell and Treadwell. A year and a half later, he joined the firm of Holland, Bevis and McRae in nearby Bartow. He made partner in record time by capably representing Florida's booming phosphate industry. His law firm subsequently engineered a merger with the prominent Tampa firm, Knight, Jones, Whitaker and Germany in 1968. The new firm became Holland & Knight, named for founders of both firms, and became a dominant firm in Florida.

By 1965, Smith was fully immersed in the legal profession and state politics. He was elected president of the Florida Bar and chairman of the Florida Constitutional Revision Commission. In the late 1960's, his work on the Commission brought an end to the "Pork Chop Gang," a group of powerful rural Florida legislators who, for years, controlled the state government by malapportionment.

#### THE VOICE OF THE PEOPLE

Chesterfield Smith served as president of the ABA during one of the most turbulent and unsettling years in American politics, 1973-1974. In the midst of the Watergate scan-

dal, Nixon and his advisors were convinced that they could avoid handing over the Oval Office tapes and fire special prosecutor Archibald Cox without public backlash. It would take Smith's words, "No man is above the law", a large voice from a significant source, to alter public discourse towards impeachment.

Amid the Controversy, Smith publicly urged Congress to re-establish the office of special prosecutor. Undaunted by wide criticism, he led the ABA in an effort to authorize an independent counsel to investigate President Nixon. Another former leader of the ABA, Leon Jaworski, was appointed. He vigorously prosecuted the case against Nixon, culminating in appeals to the Supreme Court. In the end, Nixon felt compelled to resign.

#### PROMOTING EQUAL JUSTICE FOR ALL

Chesterfield Smith exhibited amazing clarity in a complex era in the 1960's. With this clarity came the courage and ability to recognize and embrace societal change. Unconcerned about the contrary opinions of others, he often spoke out against racial discrimination. And, despite growing up in the segregationist South Smith was one of the first to recruit minorities. Under his leadership, Holland & Knight became a model of diversity.

Chesterfield Smith strongly believed in the responsibility of individuals to take action in the civic and charitable life of their communities. Today his firm is recognized for community service efforts and extensive pro-bono legal work.

In 2002, Supreme Court Justice Ruth Bader Ginsberg presented Smith with the Laurie D. Zelon Pro Bono Award in a formal ceremony conducted in the Great Hall of the United States Supreme Court.

During the ceremony Ginsburg, praised his life-long contributions to the legal profession and his leadership in creating a firm dedicated to public service.

"He has devoted his extraordinary talent and enormous energy to the improvement of the legal profession—to making the profession more honorable, more responsive to the people law and lawyers serve" Ginsberg said. "He is, in sum, among the brightest, boldest, bravest, all-around most effective lawyers ever bred in Florida and the USA."

He is survived by his wife of 16 years, Jacqueline Allee, and two children, Chesterfield Jr. and daughter Rhoda Smith Kibler, both of Tallahassee, Florida.●

## NOTICE

***Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.***

ORDERS FOR MONDAY, JULY 21,  
2003

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. Monday, July 21. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day and the Senate then begin a period of morning business until 1:30 p.m. with Senators

permitted to speak for up to 10 minutes each.

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

## PROGRAM

Mr. FRIST. For the information of all Senators, the Senate will reconvene on Monday. Under the order entered earlier, the Senate will begin consideration of the Homeland Security appropriations bill during Monday's session. Again, no rollcall votes will occur but it is hoped that Senators will be

present to debate and offer amendments.

Next week we will complete the Homeland Security appropriations and continue to work through other appropriations bills as available.

I, once again, commend Senator STEVENS for his tremendous efforts over the last 2 weeks. As mentioned earlier, with tonight's vote, we have now passed 3 of the 13 appropriations bills. We have a lot of work to do during the remaining 2 scheduled weeks prior to our August recess. I have announced on many previous occasions that the Senate will spend the last week prior to

the recess on the Energy bill. I encourage Members who intend to offer amendments to the bill to notify the chairman and the ranking member prior to that last week.

I mentioned this morning and want to mention again that I will continue to try to reach an agreement for the filing of those amendments. Members have had an adequate time to draft and file those amendments.

Again, we started this bill in the Senate on May 6. Therefore, I will continue to try to reach that consent agreement with the other side of the aisle, the agreement to have a filing deadline for the amendments.

I do wish all a restful weekend. I look forward to our continuation of the appropriations process next week.

ADJOURNMENT UNTIL 1 P.M.,  
MONDAY, JULY 21, 2003

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:30 p.m., adjourned until Monday, July 21, 2003, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate July 17, 2003:

NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION

GWENDOLYN BROWN, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE ARNOLD GREGORY HOLZ, RESIGNED.

DEPARTMENT OF THE TREASURY

SUSAN C. SCHWAB, OF MARYLAND, TO BE DEPUTY SECRETARY OF THE TREASURY, VICE KENNETH W. DAM, RESIGNED.

DEPARTMENT OF STATE

GEORGE H. WALKER, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HUNGARY.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate July 17, 2003:

THE JUDICIARY

ALLYSON K. DUNCAN, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

LOUISE W. FLANAGAN, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA.