

reputation of being tough but fair. Without a lot of fanfare, without calling daily press conferences, he has inspired his office with a low key sense of professionalism.”

Given his impressive abilities and his calm, thoughtful demeanor, it is also not surprising that the Senate has twice confirmed Judge Alito unanimously to important legal positions.

As the confirmation process goes forward, we will learn a lot more about Judge Alito, but it appears the President has made a truly outstanding choice. I am confident the Senate will proceed on a bipartisan basis and in a thoughtful, measured way. We had a fair and dignified process for Chief Justice Roberts, and I am confident we will similarly have a respectful process for Judge Alito.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in morning business.

NOMINATION OF SAMUEL ALITO

Mr. LEAHY. Mr. President, on Friday, the President formally withdrew from the Senate his nomination of Harriet Miers to be Associate Justice of the U.S. Supreme Court. Today, he announced his intention to nominate Judge Samuel Alito to that same position. To those who are keeping count, this will be the third nomination to fill the seat vacated by the future retirement of Justice Sandra Day O'Connor made by the President.

Justice O'Connor is still there. Three people have been nominated to fill her seat. I am concerned that the nomination may be a needlessly provocative nomination. Obviously, I will do as I have always done on nominees of both Republican and Democratic Presidents. I will make up my mind based on the hearings. But the President had before him a number of names of people who would have gotten probably 95 or 100 votes out of this Chamber, virtually every Republican and virtually every Democrat. Such a nomination would have united, not divided, the country. It appears that instead of uniting the country through his choice, the President chose to reward one small faction of the party and risked dividing the country. Instead of rewarding a small faction, which has put him under a great deal of pressure, I wish he would have rewarded the American people, all 280 million of us. There were many conservative Republican candidates who could have easily been confirmed.

Just last week, the President succumbed to partisan pressure from the extreme rightwing of the Republican Party to withdraw his nomination of Harriet Miers. The pressure did not come from the Democrats. Actually, the pressure did not come from the majority of Republicans. It came from one small, vocal wing of the Republican Party.

I believe the President abdicated his own role in the Constitution's process of selecting Supreme Court Justices and allowed his own choice to be vetoed by extremists within his party without hearings by the Judiciary Committee or a vote by the Senate.

Both the distinguished chairman of the committee, Senator SPECTER, and myself said, Why do we not have hearings and then make up our mind?

The Miers nomination became an eye-opening experience for the country, exposing for all to see what a vocal and virulent wing of the Republican Party really wants. These are not the mainstream Republicans I know in my own State of Vermont, the party that has done so much for our green mountain State. This wing did not want an independent Federal judiciary. They want a rightwing litmus test, not the selection of Justices and judges who will be fair and impartial in applying the law. They, in fact, demand judges who will guarantee the results they want.

With turmoil engulfing the White House, with no exit from the disastrous and deadly occupation of Iraq, with an escalating Federal debt, and with obscenely high profits that continue to pile up for the administration's oil company friends, catering to an extreme wing of one political party jeopardizes the vital checks and balances that protect ordinary Americans.

It is a pity that the President thought his position was so weak that he had to bend to a narrow but strident faction of his political base. The Supreme Court is the ultimate safeguard of our system to protect the fundamental rights of all Americans. I hope the White House is not using this announcement today to try to distract the public from the scandals and failures that are mounting by the day for this administration. Nor will the press be fooled into assuming this is the only issue before America.

With the announcement of Judge Samuel Alito to fill the position to be vacated by Justice O'Connor, the White House failed to follow through with its initial discussions and engage in meaningful consultation. I regret the President has not chosen a clear path of a consensus candidate to unite the American people and the Senate. Actually, the Nation and the Senate would have overwhelmingly welcomed his choice if he had.

Now, as I said, I am not forming a final judgment as to the merits of this nomination, just as I did with now Chief Justice Roberts when he was initially nominated to fill the Sandra Day

O'Connor seat, a seat not yet vacated. I said I would not make up my mind until after the hearing, and I will do that, but an initial review of Judge Alito's record suggests areas of significant concern for all of us. His opinions from the Federal bench demonstrate that he would go to great lengths to restrict the authority of Congress to enact protective legislation to protect people in the areas of civil rights, consumer protection, and the rights of workers, consumers, and women. Judge Alito has also set unreasonably high standards for ordinary Americans who are victims of discrimination to meet before being allowed to proceed with their cases.

The Democratic leader of the Senate and I wrote to the President last week. We urged him to pick one of the many qualified, mainstream women and minority candidates who could win widespread bipartisan support in the Senate. Even more importantly, they would get the same widespread public support in America.

We noted the unique circumstances that now attend this nomination and that make it essential that Justice O'Connor be replaced by a mainstream nominee, not by an activist who would bring an ideological agenda to the Court.

The Court that serves America should reflect all America, but although President Bush declared in reference to filling Justice O'Connor's seat on the Court that he is "mindful that diversity is one of the strengths of the country," with the nomination of Judge Alito, of course, he weakens that strength. Should Judge Alito ultimately be confirmed, the Court will lose some of that diversity.

There were a lot of highly qualified women, highly qualified African Americans, highly qualified Hispanics, and other individuals who could well have served as unifying nominees while adding to the diversity of the Supreme Court. I am one Senator who looks forward to the time when the membership of the U.S. Supreme Court is more reflective of the country it serves.

As the grandson of Italian and Irish immigrants, I know that Italian Americans, like all of my mother's family, and President Bush's guest, the Italian Prime Minister, will be feeling pride today, but this nomination does not add to the diversity of the Supreme Court any more than I add to the diversity of the Senate.

I imagine this announcement is a disappointment to many Hispanic Americans who had expected the President to seize this historic opportunity given to him for a third time by nominating the first Hispanic to the Court. I also imagine that all of the women in our Nation's Capital today to honor Rosa Parks, the first woman to lie in state in the Capitol Rotunda for her work in bringing racial justice to our Nation, are somewhat saddened that the seat of the first woman to serve on our Highest Court is not going to be filled by another woman.

I do not expect Democrats to engage in the kinds of personal attacks on this nominee that the rightwing used to force the President to withdraw his nomination of Ms. Miers, whom he described as the best qualified person in the country to replace Justice O'Connor. I do believe we need to take the time necessary to examine the record of the nominee in the Reagan Justice Department and on the bench before we proceed with full and thorough hearings.

The stakes for the American people could not be higher with this new nomination. Justice O'Connor brought an open mind to the cases she reviewed. She served especially as a moderating influence on the Court. The person who replaces her replaces a pivotal vote on our most powerful Court. That person has the potential to dramatically tilt the Court's balance. Maintaining the stability of the Court is crucial for the Nation, and that is going to be an important factor for me as I consider this nomination.

At this critical moment and in light of the circumstances that led to the withdrawal of the Miers nomination, all Senators should perform our constitutional advice and consent responsibility, but we should do it with heightened vigilance. The Supreme Court is the guarantor of the rights of all Americans.

I look forward to the hearings. I will, as I did before, work with Senator SPECTER, the chairman, to make sure they are open and fair as they were for Chief Justice Roberts. Those were open and fair hearings because we had the time to prepare for them. I urge the President and even the leadership of this august body to allow the Judiciary Committee to take the time to do it right. It is far more important to do it right than to do it fast.

The appointment must be made in the Nation's interest, not to serve the special interests of any partisan faction, even though today we have one that is claiming credit for destroying the chances of Harriet Miers but for also in effect telling the President of the United States who to appoint as his third nominee for this one seat.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have some remarks about Rosa Parks and the events of the day. I see the Senator from North Dakota. I do not know what his timeframe is, but I am to preside and relieve the chair at 3.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I ask unanimous consent to follow the Senator. I would like to speak as well in morning business. I would like to speak for 15 minutes. I ask unanimous consent to speak following the presentation by my colleague.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alabama.

ROSA PARKS

Mr. SESSIONS. Mr. President, I thank the Senator for his courtesy. I know we had the opportunity a few moments earlier to discuss Rosa Parks as we viewed her casket. It was indeed just a few hours ago, right down this hall, that Rosa Parks' body lay in honor in the Capitol Rotunda, the site where our Nation pays its highest respects to our most noteworthy citizens. She was the first woman ever to be so honored.

How is it possible that a seamstress born in Tuskegee, AL, who had never held elective office or any high political or military position, be so highly recognized? Just 6 years ago, she was awarded the Congressional Gold Medal, which I was pleased to be a sponsor of in this Senate. She was also awarded the Presidential Medal of Freedom.

It is a story I would suggest that only divine providence could write. The theological concept is well known: His power and authority being made manifest by lifting persons of apparent low estate to great heights.

Certainly, the life of Rosa Parks produced an advancement of freedom, equality, and progress. These accomplishments rose from her steadfast courage and strength that she found from above. As a result, she fulfilled her calling, and she met her challenge on that afternoon when she came home weary from work, with dignity and integrity.

I was not yet 10 years old when these events happened in Montgomery, AL, 85 miles north of my home in rural Alabama. We did not even have a television set that year. We got one a few years later. I have a recollection of the events, the boycott of 382 days, and some understanding and recollection of the momentous court decisions that resulted.

Make no mistake, the races in the South in the 1950s were, for the most part, openly and legally separate. That is the way it was. Although the mantra was "separate but equal," the reality was separate and unequal.

Mr. PRYOR. Mr. President, I join Arkansans in mourning the loss of Rosa Parks, known throughout the Nation as the "Mother of the Freedom Movement."

As people line up to pay their respects to Mrs. Parks in the Capitol Rotunda today, I cannot help but remember the incredible impact she had on our Nation. Rosa Parks is the first woman to lie in the Capitol Rotunda, which is a testament that her actions are just as significant today as they were in 1955.

Mrs. Parks once remarked that her show of defiance to move to the back of the bus was simply because she was tired of being humiliated, tired of following archaic rules forbidding her from sitting in the front of a public bus or entering public buildings through

the front door. But, history will remember Rosa Parks for shaking America's conscience and changing the course of our Nation for the better.

Mrs. Parks' courage to sit down for equal rights ignited others to stand up for theirs.

Reverend Martin Luther King, Jr., stood up to call for equality and justice for all Americans, inspiring and organizing thousands of activists to stand up with him. Four students in Greensboro, NC, sat in at a Woolworth's lunch counter, standing up for their right to be served.

And, Daisy Bates led the Little Rock Nine to stand up for their right to an equal education. The Little Rock Nine taught America that "separate" was not "equal." Nine Black students—Ernest Green, Elizabeth Eckford, Gloria Ray Karlmark, Carlotta Walls LaNier, Minnijean Brown Trickey, Terrence Roberts, Jefferson Thomas, Thelma Mothershed Wair and Melba Pattillo Beals—defied hatred and threats to attend the all-White Central High School for a better education.

Of Rosa Parks' battle for equality, Minnijean Brown Trickey said:

I don't think until the bus boycott we had a sense of our power. . . . The general feeling was if she could do it, we could do it. She was really a heroine to us. She was an ordinary woman and we were ordinary kids and it seems we had a relationship.

As a former student of Central High, I can attest to the influence Rosa Parks and the Little Rock Nine continue to have in the hallways today.

We know that Rosa Parks' inspiring story lives on in the pages of every history textbook across America. Her legacy also endures at the Rosa and Raymond Parks Institute for Self Development, which she founded in Detroit. The center offers career training and encourages teens to stay in school and take advantage of the opportunities available to them.

I am just one of millions of Americans who admired Rosa Parks' tenacity and life's work. She earned countless accolades and awards for her efforts in the civil rights movement, including the Congressional Gold Medal Award—the Nation's highest civilian honor. In honoring Mrs. Parks with the Medal of Freedom, President Clinton reminded us that:

Freedom's work is never done. There are still people who are discriminated against. There are still people that because of their human condition are looked down on, derided, degraded, demeaned, and we should all remember the powerful example of this one citizen. And those of us with greater authority and power should attempt every day, in every way, to follow her lead.

Although Rosa Parks served as a catalyst to get the wheels turning in the civil rights movement, our journey is not completed. We can honor her memory by continuing her work to stand up for equality and justice for all Americans.

Still, this was the reality of more than 100 years of history. Change was not favored. It had been and would be resisted.