

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.

Of course, while the South was open and notorious about its segregation policies, research in recent years has shown that there were places all over this great land that secretly or overtly discriminated against those of African descent. But in the South, discrimination was not only openly acknowledged; it was the law of the land. The fact was that in Montgomery, AL, on December 1, 1955, it was the law of the city of Montgomery that “colored” persons on city buses must sit in the back. As one who loves and admires his home state and her people—I believe there are none finer—this is painful to acknowledge, but facing the painful truth is essential for reconciliation and progress.

So, on December 1, 1955, Rosa Parks, refused to go to the back of the bus—a city bus—in violation of city law. And it sparked, and sparked is the right word, a nationwide confrontation—a confrontation between our American ideals, and our religious concepts, and the grim reality of that day.

Southerners were angry, embarrassed, resistant, introspective, hostile, and pained. They watched, much like I did in Hybart, the drama unfold and they were forced to deal with an ugly reality they would rather have ignored.

Rosa Parks’ gumption resulted in a 382 day boycott of the city bus system led by a young 26-year-old preacher, new to town, at Dexter Avenue Baptist Church, a block from the Capitol—A Capitol building proudly known as the First Capital of the Confederacy. That young preacher, of course, was Dr. Martin Luther King, Jr. And, there was a young attorney, Mr. Fred Gray, who had come back to Alabama after receiving his degree from Case Western Reserve University determined to “become a lawyer, return to Alabama, and destroy everything segregated I could find.” He would become a legend in his own right, being a part of some of the most historic cases in civil rights and American history. The young Federal trial Judge, an Eisenhower appointee, Judge Frank M. Johnson, would become perhaps the most courageous, clear, and authoritative judicial voice for equal justice in America. And, the lawyer who argued the case for Rosa Parks in the U.S. Supreme Court—Thurgood Marshall—who would later sit on that very court.

The very words, “the back of the bus” went to the heart of the problem. Separate was not equal; it was not fair; it was discriminatory against a class of Americans solely because of the color of their skin. I knew Judge Frank Johnson. He was courageous and followed the law. He did not believe he was an activist. He did not believe he was amending the constitution. Judge Johnson believed he was simply being faithful to the plain words of the constitution—words that guaranteed everyone “equal protection of the laws.” Sending someone to the back of the bus because of the color of their skin violated that principle he ruled, and the Supreme Court agreed.

This simple act by a courageous woman, a seamstress, but one who was well aware of the danger she faced, at 42-years of age, sparked the civil rights movement and justly earned her the title “Mother of the Civil Rights Movement.”

Today, in Montgomery, AL, there exists a museum—part of Troy State University—that sits on the spot where she was arrested. It has a school bus, like the one she rode that day, which has interactive capabilities so that children can sit in it and get a better feel for the events of the day. It has more exhibits, and I commend this fine, historical museum to any who would want to learn more of Rosa Parks and the movement she sparked. I was pleased to sponsor legislation that this Congress passed to provide funds to help establish the museum.

While there are many problems between the races today, the de jure, the statutes and ordinances that enforced segregation are gone. And, I am proud that the people of Montgomery have come to see the positive benefits of ending discrimination and that they have chosen to honor Mrs. Parks in this way.

Everyone knows, virtually everyone, that as a result of the movement she sparked, today’s Montgomery is a different and better place. Today we also look with pride on the historic Dexter Avenue Baptist Church, that once heard the powerful sermons of a young Dr. Martin Luther King, Jr. And we look with respect on the Civil Rights Memorial—a striking monument of black granite and cascading water—which honors those who gave their lives in the pursuit of equal justice.

Thus, it is true: Ms. Parks’ efforts helped spark the dynamic social changes that have made it possible for positive and historical change for Montgomery, Alabama, and America. But, in fact, Ms. Parks’ contributions extend beyond even the borders of our Nation. In his book *Bus Ride to Justice*, Mr. Fred Gray, who gained fame while in his 20’s as Ms. Parks’ attorney, and as one of the early African-American attorneys in Alabama—he was a lead attorney in many of Alabama’s other famous civil rights cases—wrote—and I do not believe it is an exaggeration—these words:

Little did we know that we had set in motion a force that would ripple though Alabama, the South, and the Nation, and even the world. But from the vantage point of almost 40 years later, there is a direct correlation between what we started in Montgomery and what has subsequently happened in China, eastern Europe, South Africa and, even more recently, in Russia. While it is inaccurate to say that we all sat down and deliberately planned a movement that would echo and reverberate around the world, we did work around the clock, planning strategy and creating an atmosphere that gave strength, courage, faith and hope to people of all races, creeds, colors and religions around the world. And it all started on a bus in Montgomery, Alabama, with Rosa Parks on December 1, 1955.

For her courage, for her role in changing Alabama, the South, the Na-

tion, and the world for the better, our Nation owes a great debt of thanks to Rosa Parks. Placing her body in our Capitol’s Rotunda, lying in honor, the first woman who has ever been so honored, is a fitting recognition of her towering achievement.

And, as I conclude, I think it is important to note the recent death of another Alabamian who played a key role in the early civil rights movement in America—Vivian Malone—who crossed the school house door into the University of Alabama.

We must also celebrate that very special event that occurred two weekends ago when another native Alabamian, the Secretary of State, Condoleezza Rice, returned to Alabama, visited her family’s church and unveiled the statue of the four little girls, one of whom she knew and played with, who were killed in a bomb attack at the 16th Street Baptist Church. It was also good, earlier today, to stand and discuss Rosa Parks’ life with Alabama native and U.S. Congressman John Lewis, who, inspired by Rosa Parks, began a lifetime of leadership in the civil rights movement culminating in his election to Congress. Alabama has the highest number of African-American elected officials of any State in the country. We are proud of that. Progress has certainly been made but we must work harder to ease divisions and tensions and promote progress. Let us so pledge on this historic day. Let us allow the steadfastness and peacefulness of Rosa Parks’ life, which started the civil rights movement on the basis of faith and morality, not violence, to be our guide in this century as we seek to further the gains she championed.

Mr. DORGAN. Mr. President, will Senator SESSIONS yield for a question?

Mr. SESSIONS. I will be pleased to yield.

Mr. DORGAN. Mr. President, earlier this morning I was in the Senate rotunda with Senator SESSIONS and Senator LEVIN from Michigan. As we stood in the Rotunda, in addition to paying honor to this great woman whose body lies in State in the Capitol Rotunda, we spoke just a bit about each of our recollections of what Rosa Parks meant to us and to our country.

I want to follow on the statement by Senator SESSIONS to say that as I was in the Rotunda this morning, I was thinking about what kind of courage it must have taken for this woman, a 42-year-old seamstress, getting on a bus at the end of the day, perhaps tired from working all day, understanding that there were then police dogs and fire hoses and clubs and beatings and a lot of trouble, a lot of trouble, I was thinking about the courage it would have had to take for that woman to have done what she did. Her actions of sitting in that seat on that bus and refusing to move to the back of the bus were simple, elegant, dignified but also enormously courageous. I think that is a lesson for all Americans.

I couldn’t have been more pleased when the Congress, the House and the

Senate, did something that was unusual in the history of America. We took action to have the remains of Rosa Parks lie in State in the Rotunda of the U.S. Capitol Building, the first woman to be so honored in the history of the United States of America. I was enormously moved this morning, standing with my colleagues, Senator SESSIONS and Senator LEVIN. I know most of our colleagues visited the Rotunda this morning as well. But I did want to follow on his comments about this extraordinary woman who will live forever in the history of this great country of ours.

Mr. SESSIONS Mr. President, I thank the Senator for his eloquent comments. It was, indeed, a pleasure to be with Senator LEVIN—she was his constituent when she moved to Michigan—and hear some of his insights and hear him say that Michigan had bought the actual bus in which she rode on that day and has restored it and made it a museum.

So her life, indeed, continues to reverberate all over the country and, as Fred Gray said, the impact of her actions have spread worldwide. I thank the Senator for his comments and yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from North Dakota is recognized.

#### ENERGY

Mr. DORGAN. Mr. President, there is much happening in Washington, DC, and in our country. Picking up the periodicals, Newsweek or Time magazine, or the morning paper for that matter, you see stories of scandal and stories of controversy and all kinds of interesting things with respect to politics and the economy and things that affect our daily lives. I wanted to talk for a moment, once again, about the issue of energy because, while we will deal with a lot of things—this week, for example, something called the reconciliation bill—most people will deal this week with the challenge of pulling up to the gas pump and putting perhaps 16 or 18 gallons of gas in their tank and trying to find \$50 to pay for it. As the chill is in the air these days in our country, people will begin thinking about how they will pay for the increased cost of natural gas to heat their homes, particularly in our part of the country where that will increase by 60 percent over a year ago. They will wonder about how they will find the money to pay for that cost because heating your home is not a luxury. Heating your home is a necessity.

I have spoken previously about a woman named Sarah Swifthawk. She was a grandmother. She died in the United States of America—she froze to death. She was a member of the Pine Ridge Reservation in South Dakota. This grandmother laid down to go to sleep on a cot in a home that had plastic where windows should have been. At, I believe, 30 or 35 degrees below

zero that evening, others huddled together for body warmth in that family, but this grandmother was laying on a cot, and the next morning she was dead; frozen to death—in the United States of America, not a Third World country, in the United States of America.

I point that out only to say this issue of the cost of shelter, the cost of energy, the requirement that we find ways to keep people warm during cold temperatures can mean the difference between life and death. It did for Sarah Swifthawk.

Now the question is, in this month, October, and then November of the year 2005, what do we do about the prices and the cost of energy now for this winter? Perhaps it is not such a big problem for people who serve in this Chamber or in the House of Representatives. Perhaps they can easily pay the monthly heating bill. But there are many in this country who cannot. The question is, What do we do for them?

The oil companies will say: This is about the free market system and the price of oil, and therefore the price of gasoline and natural gas and home heating fuel, it is just a function of the free market system.

The price of oil is to the free market system like mud wrestling is to the performance arts. It has no relationship at all—none. Let me describe why. There are three things that happen with respect to the price of oil. No. 1, we have this planet in which a substantial portion of the oil reserves are under the sand halfway around the world.

So oil ministries from those countries get together around the table and decide how much they are going to produce and how much that production should impact prices.

Second, the largest oil companies—much larger and bigger and stronger because of blockbuster mergers—decide how they are going to use more raw muscle in the marketplace. And believe me, they have plenty, given the blockbuster mergers.

Third, the futures markets which are supposed to provide liquidity for trading of commodities—in this case, oil—have become orgies of speculation.

So you have these three issues that together tell us now that a barrel of oil is worth \$60 or \$65.

Let me tell you the results of all of that. The oil companies are filling up their treasuries, and the American consumers are emptying their bank accounts.

Let me give you some examples.

ExxonMobil last week said their profits were up 75 percent for the third quarter—\$9.9 billion. Conoco-Phillips—by the way, ExxonMobil used to be two companies, Exxon and Mobil. Then they fell in love. That is economic talk, I guess, about mergers and acquisitions. And they get married. Now it is ExxonMobil.

Conoco-Phillips used to be Conoco and Phillips, two companies. Now it is

one company. They too had some sort of financial romance and got married, Conoco-Phillips, profits up 89 percent, third quarter to third quarter.

Last year—I am not talking about this year's prices—the world's 10 biggest oil companies earned more than \$100 billion on sales of over \$1 trillion. This year, of course, it is going to be much higher than that. ExxonMobil last year had \$25 billion net profit and spent almost \$10 billion of it to buy back their stock.

BusinessWeek asked this question. This is not some liberal journal, this is BusinessWeek. They asked:

Why isn't big oil drilling more? Rather than developing new fields, oil giants have preferred to buy rivals, drilling for oil on Wall Street. While that makes financial sense, it is not a substitute for new oil.

Again, this is BusinessWeek. This isn't some politician, it is not some liberal publication someplace.

Oil has been over \$20 a barrel almost continuously since mid-1990's. That should have been ample incentive for oil companies to open new fields, since projects are designed to be profitable with prices in the low- or mid-teens. Nevertheless, drilling has lagged. Far from raising money to pursue opportunities, oil companies are paying down debt, buying back shares, and hoarding cash—

And drilling for oil on Wall Street.

Sixty-six million homes in this country are heated mainly with natural gas and home heating oil. Their heating bills this winter are going up on average 48 percent. It is going to be up over 60 percent for those in my region of the country who are heating with natural gas.

What have I proposed with respect to that? I proposed that if the oil companies are not using this additional cash—unprecedented amounts of cash in the history of corporate America—to explore for more oil or build more refineries—and oh, by the way, they are the ones that have been closing refineries. I know it is fashionable during political discussions to talk about, it is the environmentalists' fault or Calvin Coolidge's fault or somebody else's fault that we don't have enough refinery capacity. It is the energy companies that have themselves shut down refineries. When they have mergers, they shut down refineries.

If they are not using these unprecedented gains in corporate America to explore for more oil or build additional refineries, then I believe they ought to be recaptured with a windfall profits tax, the proceeds of which should be sent back to the American consumers in the form of a rebate.

I noticed last Friday that my colleague from New Hampshire, Senator JUDD GREGG, indicated that he would support—he called it an excess profits tax. He would use the proceeds, at least from the press reports, of an excess profits tax for the purpose of providing additional low-income home heating fuel assistance, among other things. I believe we should provide additional low-income energy help for low-income citizens in this country. We are going