

to the rights of those asserting civil rights or employment discrimination claims. And, on many occasions, she has been the lone dissenter on an already conservative court. She dissented from a case which upheld a prohibition on an employee's use of hateful racial invective in the workplace; from a decision that held that a city rent control ordinance did not constitute an unconstitutional taking of private property; from allowing workers over age 40 to bring age discrimination claims; and from a case which found that sexual intercourse after a woman told her assailant to stop constituted rape. Her frequent dissents are compelling evidence regarding how her personal views affect her judicial decisionmaking.

In light of this record, it is not surprising—but nonetheless telling—that both of Justice Brown's home state Senators oppose her confirmation, a virtually unprecedented situation for an appellate court nominee.

An appeals court judge's solemn duty and paramount obligation is to do justice fairly, impartially, and without favor. An appeals court judge must be judicious—that is, she must be open minded, must be willing to set his personal preferences aside, and judge without predisposition. And, of course, she must follow controlling precedent faithfully, and be able to disregard completely any views she holds to the contrary. In the case of Justice Brown, we are presented with a nominee who has a well-documented record, in numerous writings and speeches, of views that are so extreme, and so far outside the mainstream, that she fails this basic test.

For these reasons, I must continue my opposition to her confirmation to this crucial judgeship.

Ms. LANDRIEU. Mr. President, Socrates said, "Four things belong to a judge: to hear courteously, to answer wisely, to consider soberly, and to decide impartially." To date, the Senate has confirmed 209 of President Bush's judicial nominees. The vast majority of them received overwhelming support from this body. We looked at their records and decided that they had the qualities that Socrates described. Janice Rogers Brown, however, lacks these qualities and falls far short of this ideal. I sincerely regret that the President has asked this body to confirm her to a lifetime appointment to the District of Columbia Circuit Court of Appeals.

This is no reflection on her individual accomplishments. She comes from a very humble background, a sharecropper's daughter, and has taken full advantage of all that this country has to offer to become a Supreme Court judge. She has gained some wisdom from this experience, I am sure, and I have no doubt that she will take her job as a judge seriously, soberly.

My greatest concern lies with her impartiality. Some of her statements and her decisions on the California Su-

preme Court lead me to believe that she will let her personal bias dictate her consideration of issues of law. I cannot trust the impartiality of someone who may be considering issues involving Medicare or Social Security who says that senior citizens "blithely cannibalize their grandchildren because they have the right to get as much 'free' stuff from the political system." Nor can I accept that she will be impartial when she says that age discrimination "does not mark its victim with a stigma of inferiority." Tell that to the 50 year old waitress who loses a job because she doesn't look "pretty" anymore, and ends up getting replaced by a younger, less experienced person.

Janice Rogers Brown has been nominated to the Court of Appeals for the District of Columbia Circuit, the court that closely oversees the actions of Federal agencies—more than any other Circuit Court. It is widely recognized in the legal community as the second most important court in the country. Citizens come to the D.C. Circuit to enforce fair labor practice decisions made by the National Labor Relations Board, worker safety protection regulations of the Occupational Safety and Health Administration, regulatory decisions made by the Federal Communications Commission and the Environmental Protection Agency, and much, much more.

But Janice Rogers Brown has said that "where government moves in community retreats, civil society disintegrates. . . . The result is: families under siege; war in the streets; unapologetic expropriation of property; the . . . decline of the rule of law . . . a debased, debauched culture which finds moral depravity entertaining. . . ." She also called the New Deal, which gave us Social Security and the Tennessee Valley Authority, programs that exist today, "the triumph of our own socialist revolution." With sentiments such as these I can only wonder what she thinks of Medicare, Medicaid, child nutrition programs, agricultural subsidies, No Child Left Behind, and a whole host of other programs that give opportunity to our citizens and help people live up to their given potential. To me, these programs are not socialism; they are what a compassionate society does for its people.

So I will vote against the confirmation of Janice Rogers Brown. I do so knowing that she will likely be confirmed. Her nomination is moving forward because she was one of the nominees that 13 of my colleagues and I agreed to no longer filibuster. I want to talk about this agreement just for a moment.

First, I must say that the compromise was essential to avoid a serious breakdown in the Senate rules and its functions. It represents the Senate at its best and upholds the traditional constitutional role of the Senate as the protector of the rights of minority interests when they were seriously threatened and perhaps irrevocably ended.

But more than this, my colleagues and I helped steer a better course with this compromise. A course for jobs, opportunity, better education, and future peace. I hope the President will reflect upon the resolve of these 14 Senators to protect and respect the minority and do so by sending us nominees who will respect the law and not come exclusively from the far fringes of the political spectrum.

I am open to discussing nominees with the President. I make this offer in good faith and in the same spirit as one of his original campaign promises from 2000: to change the culture in Washington. Here is what then-Governor Bush said in a speech at that time: "There is too much argument in Washington and not enough shared accomplishment. . . . As President, I will set a new tone in Washington. I will do everything I can to restore civility to our national politics."

My colleagues on this compromise have already helped set that new tone for the Senate. I urge him to work with the entire Senate on judicial nominees. I am ready to forge this new civility in Washington. I know future nominees will be conservative just as all of the 208 previously confirmed Bush nominees have been. I fully accept that fact. But I also expect future nominees to be fair and to have shown their fairness and impartiality by their words and their deeds. Janice Rogers Brown has not.

The PRESIDING OFFICER. The time is now controlled from 4 to 4:10 by the Senator from Vermont.

Mr. LEAHY. Mr. President, I see the distinguished President pro tempore on the Senate floor. I understand that he is going to ask consent that we recess. I first ask unanimous consent that my time not begin until after the time necessary for the distinguished senior Senator from Alaska, and I yield to him.

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

VISIT TO THE SENATE BY MEMBERS OF THE U.S.-CHINA INTER-PARLIAMENTARY GROUP

Mr. STEVENS. Mr. President, I have the honor to present to the Senate the Chinese delegation from the National People's Congress to the U.S.-China Interparliamentary Group meeting. Its leaders standing beside me are Vice Chairman and Secretary General of the Standing Committee of the National People's Congress, Mr. Sheng Huaren. He is joined by the Chairman of the National People's Congress Foreign Affairs Committee, Mr. Jiang Enzhu. We also have the Vice Chairman of the National People's Congress Law Committee, Mr. Hu Kangsheng; the Vice Chairman of the National People's Congress Foreign Affairs Committee, Mr. Yang Guoliang; then the Vice Chairman of the National People's Congress Foreign Affairs Committee, Mr. Lu Congmin; Mr. Lu Baifu, who is a member of the National People's Congress

Economic and Financial Affairs Committee; and the Deputy Chief of Mission from the People's Republic of China to the United States, Mr. Zheng Zeguang.

I ask that the Senate stand in recess for a few minutes so that Members may greet our guests and have an opportunity to thank them for coming to join us for these historic talks.

The PRESIDING OFFICER. Is there objection?

Mr. DAYTON. Mr. President, reserving the right for a minute, I note that Senator STEVENS and Senator INOUE performed a magnificent service to our Senate and to our country by hosting our distinguished guests from China in such a superb manner. They and their staffs put on a superlative discussion over these 2 days, and Senator STEVENS recognized with his foresight the two countries will determine the future of the world. I commend Senator STEVENS and Senator INOUE in particular for recognizing that and initiating these exchanges which are now in their second year. On behalf of the Senate and the country, we are in their debt.

Mr. STEVENS. I personally thank Senator INOUE, who is our co-chairman, for his work on this matter. We went to China last year to meet with this delegation, and we have been honored to host them in our country.

RECESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess so Members may greet our guests.

There being no objection, the Senate, at 4:04 p.m., recessed until 4:10 p.m. and reassembled when called to order by the Presiding Officer (Mr. COBURN).

NOMINATION OF JANICE ROGERS BROWN TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT—Continued

The PRESIDING OFFICER. The Senator from Vermont is recognized for 10 minutes.

Mr. LEAHY. Mr. President, over the course of the Senate's consideration of the nomination of Janice Rogers Brown, we have heard many compelling statements in opposition. Significantly, we have heard from both Senators from California in opposition. Their opposition, like mine, is based on Justice Brown's record.

Through bipartisan action, the Senate has deterred the misguided bid by some on the other side of the aisle for one-party rule by means of their so-called nuclear option. Thanks to the hard work of a bipartisan group of 14 Senators, we have, for now, preserved the system of checks and balances. I mention this because as we vote on the nomination of Janice Rogers Brown, I urge all Senators to take seriously the Senate's constitutionally mandated role in determining who is going to

serve lifetime appointments in the Federal judiciary.

I wish all Senators, Republicans and Democrats alike, would take these matters seriously and vote their consciences and evaluate with clear eyes the fitness of this woman for this lifetime appointment. After all, some of my Republican colleagues have admitted to me privately how they would like to vote. They know that Justice Brown is a consummate judicial activist whose record shows she favors rolling back the clock 100 years on workers' and consumer rights and consistently has taken the side of corporations against average Americans.

Her record shows she does not believe in clean air and clean water protections for Americans and their communities. She does not believe in laws providing affordable housing, and she would, if she could, wipe out zoning laws that protect homeowners. Her record shows she takes an extremely narrow view of protections against sexual harassment, race discrimination, employment discrimination, and age discrimination. In fact, she has such a hostility toward such programs as Social Security that she has argued that Social Security is unconstitutional. She has said that "[t]oday's senior citizens blithely cannibalize their grandchildren . . ."

Why is this important? Because she would be on a court that would handle every one of these issues, and it would mean that as a judicial activist, she would rule entirely different in the cases that court decides.

We have heard a lot about her life story. If this were a vote on a Senate resolution commemorating her life story, I am sure the entire Senate would gladly support it. Instead, this is a vote about the lives of multiple millions of other Americans whose lives would be affected by this nominee's ideological activist penchants. This is, after all, a lifetime appointment on a Federal circuit court on which her ideology would be especially harmful and destructive to the people. That is why she has earned opposition of African-American leaders, law professors, and newspapers around the country. In fact, the list of African-American organizations and individuals opposing Justice Brown's nomination is one of the most troubling indications that this is another divisive, ideologically driven nomination. All 39 members of the Congressional Black Caucus oppose her nomination. The Nation's oldest and largest association of predominantly African-American lawyers and judges, the National Bar Association, and its state counterpart, the California Association of Black Lawyers, both oppose this nomination. The foremost national civil rights organization, the Leadership Conference on Civil Rights, opposes it.

The women of Delta Sigma Theta oppose this nomination.

I ask unanimous consent that letters detailing opposition, as well as a list of such letters, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF OPPOSITION TO THE NOMINATION OF JANICE ROGERS BROWN TO THE D.C. CIRCUIT COURT OF APPEALS

PUBLIC OFFICIALS

Congressional Black Caucus; 23 Members of the California Delegation to the United States House of Representatives: Diane E. Watson, 33rd District; Maxine Waters, 35th District; Lucille Roybal-Allard, 34th District; Bob Filner, 51st District; Tom Lantos, 12th District; George Miller, 7th District; Lynn Woolsey, 6th District; Mike Honda, 15th District; Lois Capps, 23rd District; Barbara Lee, 9th District; Hilda L. Solis, 32nd District; Loretta Sánchez, 47th District; Linda Sanchez, 39th District; Joe Baca, 43rd District; Anna Eshoo, 14th District; Pete Stark, 13th District; Juanita Millender-McDonald, 37th District; Grace F. Napolitano, 38th District; Xavier Becerra, 31st District; Nancy Pelosi, 8th District; Henry A. Waxman, 30th District; Dennis Cardoza, 18th District; Carol Moseley Braun, Paul Strauss.

CALIFORNIA ORGANIZATIONS

California Association of Black Lawyers; California State Conference of the NAACP; California Teachers' Association; Justice for All Project; Committee for Judicial Independence; Black Women Lawyers of Los Angeles; SEIU Local 99; Feminist Majority; Sierra Club, Southern California; Western Law Center for Disability Rights; Planned Parenthood Los Angeles; Stonewall Democratic Club; NAACP Legal Defense Fund; People for the American Way, California; California Women's Law Center; Universalist-Unitarian Project Freedom of Religion; National Council of Jewish Women—California; Pacific Institute for Women's Health; Equal Justice Society; California Association of Black Lawyers; California Federation of Labor, AFL-CIO; Sierra Club Environmental Law Program; National Center for Lesbian Rights; National Organization for Women, California; San Francisco La Raza Lawyers; Planned Parenthood Golden Gate; California Abortion and Reproductive Rights Action League; Disability Rights Education & Defense Fund; Chinese for Affirmative Action; National Employment Lawyers Association.

NATIONAL ORGANIZATIONS

AFCSME; AFL-CIO; American Association of University Women, National and Vermont chapters; Americans for Democratic Action; Americans United for Separation of Church and State; Committee for Judicial Independence; Delta Sigma Theta Sorority; EarthJustice; International Brotherhood of Electrical Workers; Leadership Conference on Civil Rights; League of Conservation Voters; Legal Momentum (NOW LDF); MALDEF; NAACP, National and District of Columbia Organizations; NARAL Pro-Choice America; National Abortion Federation; National Bar Association; National Black Chamber of Commerce; National Council of Jewish Women; National Employment Lawyers Association; National Family Planning & Reproductive Health Association; National Organization for Women; National Partnership for Women and Families; Natural Resource Defense Council; National Senior Citizens Law Center, on behalf of: National Committee to Preserve Social Security & Medicare; Alliance of Retired Americans; Families USA; AFSCME Retirees Program; Gray Panthers; Center for Medicare Advocacy; National Health Law Program; National Women's Law Center; National Urban League; People for the American Way; Planned Parenthood Federation of America;