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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, who determines the steps of humanity, keep us in right paths. Deliver us from the detours of pride and anger that keep us from maximizing our possibilities. Guide our Senators through the labyrinth of tough decisions. Give them an ethical compass with which to navigate. Help them to seek You often for the guidance that will enable them to reach a safe destination. Give wisdom to our global leaders that they may live for Your honor.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader and the second half of the time under the control of the Democratic leader.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will begin the Senate's session with a 60-minute period for morning business. Following morning business, we will return to the pending business of the Foreign Operations appropriations bill. We made substantial progress over the course of yesterday and last night, and although we were unable to finish the bill, the chairman was able to reach a consent limiting the number of amendments we will handle today. Many of those amendments may be worked out or perhaps not even offered. Therefore, we expect we can finish the Foreign Operations appropriations bill at an early hour today. We will have rollcall votes throughout the day until final passage of that measure.

As a reminder to my colleagues, we filed a cloture motion on the Dorr nomination. That nomination is to be Under Secretary of Agriculture for Rural Development. That cloture vote will occur on Thursday morning.

There are a number of other important issues we have mentioned over the course of the last couple days, including last night, that we will continue to work toward agreements on. I will keep all of our colleagues apprised as the schedule changes.

SUPREME COURT NOMINATION OF JOHN ROBERTS, JR.

Mr. FRIST. Mr. President, today in the Senate we will undertake one of our most significant and historic constitutional responsibilities. The eyes of all Americans and of history will be focused upon us. The American people, through their votes, have entrusted us with the constitutional responsibility to provide advice and consent on Su-

preme Court nominations. They have entrusted us to govern as their elected representatives. We must ask ourselves: How will the American people view us—how will history judge us—for the deliberations we begin today?

It is my goal the American people will say, and history will record, that we were fair and thorough, that we treated our Supreme Court nominee, Judge Roberts, with dignity and respect, and that we worked expeditiously to confirm Judge Roberts before the Supreme Court began its new term in October.

Leading up to his announcement last night, the President engaged in a selection and a consultation process that can be characterized with a few words: "bipartisan," "inclusive," and "unprecedented."

The President and his White House reached out to both Republicans and Democrats. He listened thoughtfully to our views and he thoughtfully welcomed our suggestions on potential nominees and on the nominations process. In all, the White House contacted more than 70 Senators, including more than two-thirds of the Democratic Caucus and, of course, every single member of the Judiciary Committee.

The President was not required by the Constitution to reach out or consult. He was not required to take any time at all. He could have rushed through his choice. He could have nominated someone on the same day Justice O'Connor announced her retirement without consulting anyone, but he did not. The President sought input because he believed it was the right thing to do. I commend him for this inclusive approach, which I believe has strengthened the overall integrity of this process.

Now we move to the next stage. Last night the President announced the nomination of Judge John Roberts, Jr., to be an Associate Justice of the Supreme Court.

Most Americans are getting their very first glimpse of the nominee.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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What do we know about him? Born in Buffalo, NY, in 1955, Judge Roberts was raised in Indiana with his three sisters. He ventured off to Massachusetts for college at Harvard and graduated *summa cum laude* with a bachelor's degree in, as we have heard, only 3 years. During the summers, he worked at a steel mill to help pay for college.

But his academic journey did not stop here. He then enrolled in Harvard Law School, where he once again excelled. He earned the coveted position of editor of one of the most well-respected law journals in the country, the Harvard Law Review.

After graduating from law school with high honors, Judge Roberts served as a law clerk to Judge Henry Friendly on the Second Circuit, and then to William Rehnquist, who was then an Associate Justice on the Supreme Court.

In 1981, he continued his legal career at the Department of Justice as the Special Assistant to the U.S. Attorney General, and then as Associate Counsel to President Reagan.

In 1986, Judge Roberts entered private practice, joining the law firm of Hogan & Hartson, where he specialized in civil litigation. Three years later, he returned to public service as the Principal Deputy Solicitor General of the United States.

During his legal career, he has argued an impressive 39 cases before the Supreme Court—39 cases. To put that in perspective, only a few of the 180,000 members of the Supreme Court bar have ever argued a single case before the high Court.

In January 2003, President Bush nominated Judge Roberts to serve on the DC Circuit Court of Appeals, often referred to as the second highest court in the land.

Upon his nomination to the appellate court, more than 150 members of the DC Bar—including both Republicans and Democrats—expressed support for Judge Roberts. In a letter to the Senate Judiciary Committee, they wrote that Judge Roberts is "one of the very best and most highly respected appellate lawyers in the nation, with a deserved reputation as a brilliant writer and oral advocate."

Judge Roberts' nomination was well received by the Judiciary Committee and was favorably reported out of the committee by an overwhelming, bipartisan vote of 16 to 3, and on May 8, 2003, he was unanimously confirmed by the Senate.

I believe Judge Roberts is exactly the kind of Justice America expects on the Supreme Court. He is among the best of the best legal minds in America. He is a mainstream conservative, someone who understands that the role of a judge is to interpret the law and the Constitution and not to legislate from the bench.

He is someone who will be fair, open-minded, and impartial—not someone who will prejudge cases, predetermine outcomes, or advance a personal political agenda.

In short, he is a Supreme Court nominee who will make America proud. Throughout his life, Judge Roberts has worn many hats: a devoted husband and father of two, a skilled litigator, and a superb jurist. I am confident Judge Roberts will be an asset to the Supreme Court and that he will serve with honor and distinction, just as he has on the DC Circuit Court.

As we look ahead, I do encourage my colleagues to remain focused on our three goals: first, conducting a fair and thorough confirmation process; second, treating Judge Roberts with dignity and respect; and, third, having an up-or-down vote on Judge Roberts before the Supreme Court starts its new term on October 3.

These goals are reasonable. These goals are achievable. There are 75 days from today until October 3. It took an average of 62 days from nomination to confirmation for all the current Supreme Court Justices. It only took an average of 58 days to confirm President Clinton's nominees, Justices Breyer and Ginsburg. And even though some Senators held different philosophical views from these Justices—in many cases vastly different philosophical views—they both received up-or-down votes and were confirmed by wide margins. These nominations serve as useful models for us today.

Ultimately, I hope this process is marked by cooperation, and not confrontation, and by steady progress, not delay and obstruction.

This morning, less than 12 hours after the President's announcement, some extreme special interest groups already are mobilizing to oppose Judge Roberts. They are not even giving him the courtesy of reserving judgment until the Judiciary Committee hearings. Together, as Senators, we can rise above the partisan rhetoric and obstruction that has gripped the judicial nominations process in the past.

A thorough investigation and debate on Judge Roberts does not require delay or personal attacks or obstruction. A fair and dignified process is in the best interests of the Senate, the Supreme Court, the Constitution, and the American people.

I look forward to welcoming Judge Roberts to the Senate a bit later today. I urge my colleagues to join me in congratulating him on his nomination to the Supreme Court.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

NOMINATION OF JOHN ROBERTS TO THE UNITED STATES SUPREME COURT

Mr. REID. Mr. President, as we all know now, last night the President announced he will nominate John G. Roberts of the District of Columbia Court

of Appeals to the U.S. Supreme Court. I congratulate Judge Roberts on this most high honor.

Now the Senate begins the process of deciding whether to confirm Judge Roberts to a lifetime seat on the Supreme Court. The Supreme Court is the final guardian of the rights and liberties of all Americans. Serving on the Court is an awesome responsibility, and the Constitution gives the Senate the final say in whether a nominee deserves that trust. We should perform our constitutional role with great care.

Under the leadership of Chairman SPECTER and Ranking Member LEAHY, I am convinced the Judiciary Committee is in good hands. Two of our most respected, experienced lawyers in the Senate are going to operate this hearing process. They are exemplary of how we should work on a bipartisan basis. Since they have taken over the responsibilities of the Judiciary Committee, there has been real congeniality. Members of the committee seem to be more productive. I am very happy with both Senator SPECTER and Senator LEAHY.

It goes without saying, as we have heard from the distinguished majority leader, that John Roberts has a distinguished legal career. It is very impressive. Both in Government and in private practice, he has been a zealous and often successful advocate for his clients. As we have learned, he has argued 39 cases before the Supreme Court. For those of us who are lawyers, that is what we would say is a big deal. By all accounts, he is a very nice man. I have not met him. I look forward to doing that this afternoon.

While these are important qualities, they do not automatically qualify John Roberts to serve on the highest court in the land. Nor does the fact that he was confirmed to serve on the Court of Appeals mean he is entitled to be automatically promoted.

The standard for confirmation to the Supreme Court is very high. A nominee must demonstrate a commitment to the core American values of freedom, equality, and fairness. Senators must be convinced that the nominee, John G. Roberts, will respect constitutional principles and protect the constitutional rights of all Americans.

So the expectations for Judge Roberts are especially high because he has such large shoes to fill, and I do not mean that literally—large judicial shoes.

Justice Sandra Day O'Connor has been a voice of reason and moderation on the Court for 24 years. She has been the deciding vote in some of the most important questions in our society: Questions of civil rights, civil liberties, the right to privacy, and the first amendment freedoms of speech and religion.

I don't know very much about John Roberts. But one of the things I am going to look for as a lawyer, as someone who has practiced in the trial bar and, to a more limited extent, the appellate level—I argued cases before the