

Senate and the House are prepared to stand up to the very powerful special interests who do not want us to do that.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, when I came to Washington over a year ago, this country faced an economic crisis greater than anything we have seen in generations. So my colleagues and I set out to work. Under President Obama's strong leadership, we passed a landmark stimulus package that stopped the bleeding. We did what was necessary to prevent a complete economic collapse and set America back on the road to recovery.

Since that time, we have come a long way. Many key economic indicators have started to turn around, but we are not out of the woods yet. The economy has started to grow again, but unemployment is still too high, and rampant foreclosures continue to threaten families in my home State and across the country. During the first 3 months of this year, almost 15,000 homeowners went into foreclosure in Illinois alone. Despite our best efforts to modify mortgages to make them more affordable, that is twice as many foreclosures as we saw during the same period last year. This is unacceptable. We are making progress, but it simply isn't enough.

Today, America no longer stands at the brink of disaster, but we are still vulnerable to the same recklessness that led to this crisis in the first place. For years, at big corporations such as Goldman Sachs, Wall Street bankers packaged bad mortgages together and sold them to investors. They knew these investment vehicles would inevitably fail, so they turned around and bet against them. They bet against the American people. They sought to make a profit off of the misfortunes of their own customers. They allegedly committed fraud, and that is why they are currently being sued by the Securities and Exchange Commission on behalf of the American people. As a former banker, I understand the seriousness of this misconduct. I know it continues to pose a dramatic threat to the American financial system.

That is why we need to pass strong financial reform to prevent bad behavior on Wall Street from sinking ordinary folks on Main Street. I urge my colleagues to join me in supporting the reform legislation introduced by Senator DODD. This bill would prevent Goldman Sachs and other companies from getting us into a mess in the first place, and it can help ensure that we will never end up in this position again.

This legislation creates a consumer protection bureau designed to shield ordinary Americans from unfair, deceptive, and abusive financial practices. It would establish an oversight council tasked with keeping a close eye on emerging risks so that we are never

taken by surprise again. It would end so-called too big to fail, protect taxpayers from unnecessary risks, and eliminate the need for future bailouts.

This bill would also increase transparency and accountability for banks, hedge funds, and the derivative market, so a big company such as Goldman Sachs would not be able to get away with their alleged fraud anymore.

These basic reforms will establish clear rules of the road for the financial services industry so we can keep the market free and fair without risking another economic collapse. But if we fail to take action, if we do not pass this reform bill, then we will be right back where we started, with no safeguards against this kind of deception and abuse in the future. I call upon my colleagues to join me in supporting Senator DODD's bill when it comes to the floor this week. I ask my friends on both sides of the aisle to stand with me on the side of the American people. Let us pass financial reform legislation, and let's do it without delay.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:41 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

EXECUTIVE SESSION

NOMINATION OF MARISA J. DEMEO TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the following nomination, which the clerk will report.

The legislative clerk read the nomination of Marisa J. Demeo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia.

Under the previous order, there will be up to 6 hours of debate equally divided and controlled between the two leaders or their designees.

Who yields time?

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business.

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

NUCLEAR ENERGY

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks an article from Newsweek magazine by George F. Will entitled "This Nuclear Option Is Nuclear."

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

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, Thursday is Earth Day. Actually, it is the 40th anniversary of Earth Day. It is a good day to celebrate by creating a national resolve in our country to build 100 new nuclear power plants in the next 20 years, which would be the best way to create the largest amount of pollution-free, carbon-free electricity. Today, nuclear power produces 20 percent of America's electricity but 69 percent of all of our carbon-free, pollution-free electricity.

During 2009, America's national energy policy looked more like a national windmill policy—the equivalent of going to war in sailboats. If we were going to war, the United States wouldn't think of putting its nuclear navy in mothballs. Yet we did mothball our nuclear plant construction program—our best weapon against climate change, high electricity prices, polluted air, and energy insecurity. Although 107 reactors were completed between 1970 and 1990, producing 20 percent of our electricity today—which, as I said, is 69 percent of our carbon-free electricity—the United States has not started a new nuclear plant in 30 years.

Instead of using our own nuclear power invention to catch up with the rest of the world, President Obama, in his inaugural address, set out on a different path: America would rely upon "the sun, the winds, and the soil" for energy. There was no mention of nuclear power. Windmills would produce 20 percent of our electricity. To achieve this goal, the Federal Government would commit another \$30 billion in subsidies and tax breaks.

To date, almost all the subsidies for renewable energy have gone to windmill developers, many of which are large banks, corporations, and wealthy individuals. According to the Energy Information Administration, big wind receives an \$18.82 subsidy per megawatt hour—25 times as much per megawatt hour as subsidies for all other forms of electricity production combined. Last year's stimulus bill alone contained \$2 billion in windmill subsidies. Unfortunately, most of the jobs are being created in Spain and China. According to an American University study, nearly 80 percent of that \$2 billion of American taxpayer money went to overseas manufacturers. Despite the billions in subsidies, not much energy is being produced. Wind accounts for just 1.3 percent of America's electricity—available only when the wind blows, of course, since wind cannot be stored, except in small amounts.

Conservation groups have begun to worry about what they call the "renewable energy sprawl." For example, producing 20 percent of U.S. electricity from wind would cover an area the size of West Virginia with 186,000 turbines and require 19,000 miles of new transmission lines. These are not your grandmother's windmills. These turbines are 50 stories high. Their flashing lights can be seen for 20 miles. An unbroken line of giant turbines along the

2,178-mile Appalachian Trail—except for coastlines, ridgetops are about the only place turbines work well in much of the East—would produce no more electricity than four nuclear reactors on 4 square miles of land—and, of course, you would still need the reactors for when the wind doesn't blow.

There are other ways a national windmill policy also risks destroying the environment in the name of saving the environment. The American Bird Conservancy estimates that the 25,000 U.S. wind turbines today kill 75,000 to 275,000 birds per year. Imagine what 186,000 turbines would do. One wind farm near Oakland, CA, estimates that its turbines kill 80 golden eagles a year.

To be sure, similar concerns about sprawl exist for other forms of renewable energy. For example, it would take continuously foresting an area $1\frac{1}{2}$ times the size of the Great Smoky Mountains National Park to produce enough electricity from biomass to equal the electricity produced by one nuclear reactor. A new solar thermal plant planned for California's Mojave Desert was to cover an area 3 miles by 3 miles square, until environmental objections stopped it.

At least for the next couple decades, relying on windmills to provide our Nation's clean electricity needs would be like wandering off track from your house in Virginia through San Francisco on the way to the corner grocery store. This unnecessary journey offends the commonsense theory of parsimony, defined by scientist Spencer Wells as "don't overcomplicate . . . if a simpler possibility exists."

The simpler possibility that exists for producing lots of low-cost, reliable green electricity is to build 100 new nuclear plants, doubling U.S. nuclear power production. In other words, instead of traveling through San Francisco on your way to the corner grocery store, do what our country did between 1970 and 1990: Build 100 reactors on 100 square miles of space—several of them would be on existing reactor sites—compared with the 126,000 new square miles needed to produce that much electricity from biomass or the 26,000 square miles needed for wind. Unlike wind turbines, 100 new nuclear reactors would require fewer transmission lines through suburban backyards and pristine open spaces. They would also require much less taxpayer subsidy. At current rates of subsidy, taxpayers would shell out about \$170 billion to subsidize the 186,000 wind turbines necessary to equal the power of 100 nuclear reactors.

While Federal Government loan guarantees are probably necessary to jumpstart the first few reactors, once we have proven they can be built without delays or huge cost overruns, no more loan guarantees will be needed. In fact, the Tennessee Valley Authority just finished rebuilding the \$1.8 billion Brown's Ferry reactor on time and on budget, proving it can still be done.

Yet, even if all \$54 billion in loan guarantees defaulted—which isn't going to happen—it would still be less than one-third of what we are putting into wind.

My concern about the unrealistic direction of our national windmill policy led me to give five addresses on clean energy over the last 2 years. The first, delivered at the Oak Ridge National Laboratory in 2008, called for a new Manhattan Project—like the one we had in World War II but this time for clean energy independence. Then, a year ago at Oak Ridge, I proposed building 100 new nuclear plants, a goal that all 40 Senate Republicans adopted, along with 3 other goals: electrifying half of our cars and trucks, expanding offshore exploration for natural gas and oil, and doubling clean energy research and development.

My concern during 2009 deepened as members of the Obama administration, with the conspicuous exception of Energy Secretary Stephen Chu, seemed to develop a stomach ache whenever nuclear power was mentioned. The President himself seemed unable to mention the subject. Last year, at a climate change summit in New York City, President Obama chided world leaders for not doing more to address climate change, but he didn't mention the words "nuclear power" during his entire speech. That is ironic because many of the countries he was lecturing were making plans to build nuclear plants to produce carbon-free electricity and we were not. Climate change was the inconvenient problem, but nuclear power seemed to be the inconvenient solution.

Fortunately, with the arrival of 2010 has come a more welcoming environment for nuclear power. In his State of the Union Address, President Obama called for "a new generation of safe, clean nuclear reactors." His 2011 budget request recommends tripling loan guarantees for the first reactors, and in February, his administration announced the awarding of the first two loan guarantees for nuclear power. He has selected distinguished members, both for the Nuclear Regulatory Commission and for a new blue ribbon commission, to figure out the best way to dispose of used nuclear fuel.

Democratic Senators—several of whom, in fairness, have long been supporters of nuclear energy—have joined with the current 41 Senate Republicans—to create bipartisan support. Last December, for example, Democratic Senator JIM WEBB, of Virginia, a former Navy Secretary, and I introduced legislation to create an environment that could double nuclear power production and to accelerate support for alternative forms of clean energy.

There seems to be a growing public understanding that nuclear reactors are as safe as other forms of energy production. A nuclear plant is not a bomb; it can't blow up. Our sailors have lived literally on top of reactors for nearly 60 years without a nuclear incident. Nobody in the United States

has ever been killed in a nuclear accident. Most scientists agree it is safe to store used nuclear fuel onsite for 60 to 80 years while those scientists figure out how to recycle used fuel in a way that reduces its mass by 97 percent, reduces its radioactive lifetime by 99 percent, and does not allow the isolation of plutonium, which could be dangerous in the wrong hands.

In addition, there is a growing realization by those who worry about climate change that if Americans want to keep consuming one-fourth of the world's electricity and we want large amounts of it to be low-cost and carbon-free, nuclear power is the only answer for now.

It has also helped, and been a little embarrassing as well, that the rest of the world has been teaching Americans the lesson we first taught them. China is starting a new nuclear reactor every 3 months. France is 80 percent nuclear and has electricity rates and carbon emissions that are among the lowest in Europe. Japan gets 35 percent of its electricity from nuclear and plans 10 more reactors by 2018. There are 55 new reactors under construction in 14 countries around the world—not 1 of them in the United States.

I believe we must address human causes of climate change, as well as air pollution that is caused by sulfur, nitrogen, and mercury emissions from coal plants. But I also believe in that commonsense theory of parsimony: Don't overcomplicate things if a simpler possibility exists. My formula for the simplest way to reach the necessary carbon goals for climate change without damaging the environment and without running jobs overseas in search of cheap energy is this:

No. 1, build 100 new nuclear powerplants in 20 years.

No. 2, electrify half our cars and trucks in 20 years. If we plug vehicles in at night, we probably have enough electricity to do this without building one new power plant.

No. 3, explore for more low-carbon natural gas and the oil we still need.

No. 4, launch mini-Manhattan Projects to invent a low-cost, 500-mile battery for electric cars and a 50-percent efficient solar panel for rooftops that is cost-competitive with other forms of electricity, as well as better ways to recycle used nuclear fuel, to create advanced biofuels, and to recapture carbon from coal plants.

These four steps should produce the largest amount of energy with the smallest amount of pollution at the lowest possible cost, thereby avoiding the pain and suffering that comes when high energy costs push jobs overseas and make it hard for many low-income Americans to afford heating and cooling bills.

One day, solar and other renewable energy forms will be cheap and efficient enough to provide an important supplement to our energy needs and can do so in a way that minimizes damage to our treasured landscapes. Earth

Day, as it comes Thursday, is a good day to remember that nuclear power beats windmills for America's green energy future.

I yield the floor.

EXHIBIT 1

[From Newsweek]

THIS NUCLEAR OPTION IS NUCLEAR

(By George F. Will)

The 29 people killed last week in the West Virginia coal-mine explosion will soon be as forgotten by the nation as are the 362 miners who were killed in a 1907 explosion in that state, the worst mining disaster in American history. The costs of producing the coal that generates approximately half of America's electricity also include the hundreds of other miners who have suffered violent death in that dangerous profession, not to mention those who have suffered debilitating illnesses and premature death from ailments acquired toiling underground.

Which makes particularly pertinent the fact that the number of Americans killed by accidents in 55 years of generating electricity by nuclear power is: 0. That is the same number of Navy submariners and surface sailors injured during six decades of living in very close proximity to reactors.

America's 250-year supply of coal will be an important source of energy. But even people not much worried about the supposed climate damage done by carbon emissions should see the wisdom—cheaper electricity, less dependence on foreign sources of energy—of Tennessee Sen. Lamar Alexander's campaign to commit the country to building 100 more nuclear power plants in 20 years.

Today, 20 percent of America's electricity, and 69 percent of its carbon-free generation of electricity, is from nuclear plants. But it has been 30 years since America began construction on a new nuclear reactor.

France gets 80 percent of its electricity from nuclear power; China is starting construction of a new reactor every three months. Meanwhile, America, which pioneered nuclear power, is squandering money on wind power, which provides 1.3 percent of the nation's electricity: it is slurping up \$30 billion of tax breaks and other subsidies amounting to \$18.82 per megawatt-hour, 25 times as much per megawatt-hour as the combined subsidies for all other forms of electricity production.

Wind power involves gargantuan "energy sprawl." To produce 20 percent of America's power by wind, which the Obama administration dreamily proposes, would require 186,000 tall turbines—40 stories tall, their flashing lights can be seen for 20 miles—covering an area the size of West Virginia. The amount of electricity that would be produced by wind turbines extending the entire 2,178 miles of the Appalachian Trail can be produced by four reactors occupying four square miles of land. And birds beware: the American Bird Conservancy estimates that the existing 25,000 turbines kill between 75,000 and 275,000 birds a year. Imagine the toll that 186,000 turbines would take.

Solar power? It produces less than a tenth of a percent of our electricity. And panels and mirrors mean more sprawl. Biomass? It is not so green when you factor in trucks to haul the stuff to the plants that burn it. Meanwhile, demand for electricity soars. Five percent of America's electricity powers gadgets no one had 30 years ago—computers.

America's nuclear industry was a casualty of the 1979 meltdown of the Three Mile Island reactor in Pennsylvania, which was and is referred to as a "catastrophe" even though there were no measurable health effects. Chernobyl was a disaster because Russians built the reactor in a way no one builds today—without a containment vessel.

Since the creation of the Tennessee Valley Authority, Alexander's state has played a special role in U.S. energy policy. The last commercial reactor opened in America is Watts Bar, Unit 1 in Tennessee. And, in a sense, all uses of nuclear power began in that state.

In September 1942, the federal government purchased 59,000 acres of wilderness in eastern Tennessee and built an instant city—streets, housing, schools, shops, and the world's most sophisticated scientific facilities. This was—is—Oak Ridge. Just 34 months later, a blinding flash illuminating the New Mexico desert announced the dawn of the atomic age. That is what Americans can do when motivated.

Today, a mini-Manhattan Project could find ways to recycle used nuclear fuel in a way that reduces its mass 97 percent and radioactive lifetime 98 percent. Today, Alexander says, 10 percent of America's lightbulbs are lit with electricity generated by nuclear material recycled from old Soviet weapons stocks. This is, as Alexander says, "one of the greatest swords-into-plowshares efforts in world history, although few people seem to know about it." It is a travesty that the nation that first harnessed nuclear energy has neglected it so long because of fads about supposed "green energy" and superstitions about nuclear power's dangers.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator ALEXANDER for his remarks. I share his analysis. He is exactly correct. It is very important for America that we recognize what he has said but even more important now, since I think the American people overwhelmingly understand and support that, that we take some action that would actually help us to get in the game of nuclear power production.

I remain baffled by some of the generalized statements of the administration on nuclear power but lack of action that could move us forward and get us out of this funk we are in, where we are not doing anything. We have to start catching up with countries that are serious about nuclear power. It will help make us more productive, help create a lot of high-paying jobs in America, clean power, 24 hours a day, 7 days a week, no emissions into the atmosphere, no CO₂. It has so many benefits that I am convinced we need to move forward.

I wish to make remarks on another issue; that is, the nomination of Marisa Demeo to the DC Superior Court. It is not a nomination that comes through the Judiciary Committee, as most Federal judges do. Because she is a DC Superior Court nominee, the nomination went through Homeland Security. Although, it is not a lifetime appointment, if you are an advocate or resident of the District of Columbia who might have to one day appear before a judge, you do want to know that Congress has made certain that once that judge puts on the robe, he or she is capable of putting aside personal views and applying the law evenhandedly.

Unfair jurisprudence to one party is detrimental, costly, and painful. We need to make sure our nominees exercise judgment—objective, fair judg-

ment—and not allow their personal politics or ideologies to influence their decision making.

I am not comfortable enough to say that Ms. Demeo is capable of doing that. I am just not. Her background and record raise issues with me. I wish to be fair, but I think we need to talk about them.

The DC Superior Court does have broad jurisdiction. It includes trial matters, criminal, civil, family court, landlord, tenant, and so forth. A judge needs to be impartial in all those matters. Ms. Demeo's background provides evidence that she may be more political and strong-willed personally than impartial.

Her prior experience includes serving as regional counsel for the Mexican-American Legal Defense Fund. In this position, she made a number of troubling statements. For example, she argued that "governments have a legal obligation to help those who don't speak English well." We have an obligation, all of us, to help people who do not speak English, and I think that is so. But as a judge, I am wondering: Does this mean that constitutionally she is saying the government has a legal obligation to do that? That seems, to me, the tone of her statement.

During her tenure at MALDEF, the organization sued the State of Texas because high schools did not offer their exit exams in Spanish. One does not have to be a lawful citizen of our country to attend the schools of Texas, even those unlawfully in the country can enroll in high schools. Apparently, the state of Texas decided individuals should do their exit exams in English to get a high school diploma. She opposed that.

She opposed the nomination of Miguel Estrada, a fabulous Hispanic nominee. He had superior academic credentials, was a brilliant writer, and testified beautifully, I thought, before the Judiciary Committee. She said this about him:

The most difficult situation for an organization like mine is when a President nominates a Latino who does not resonate or associate with the Latino community and who comes with a predisposition to view claims of racial discrimination and unfair treatment with suspicion and with doubt instead of with an open mind.

I don't think that is an accurate description of Miguel Estrada, who came here as a young man from Central America. I don't think that is an accurate description of him. I am disappointed she would make that statement about him. I am unaware of any provision in the Constitution which requires that judges show favoritism to one party or another based on their ethnicity. A judge, no matter what their background, racial, ethnic, religious, political, should give everybody before the court the same fair treatment. It is not necessary for a Caucasian to hear a case involving a Caucasian or for a Latino to hear all cases

involving Latinos. Every judge puts on a robe, and that robe symbolizes their absolute commitment to objectivity.

After the Democrats successfully filibustered Mr. Estrada, one of the first nominees to be blocked by repeated, sustained filibusters—this was not too many years ago, less than 10, about 7 or 8. We still have problems in the Senate as a result of the alteration of Senate tradition where nominees are filibustered. I try not to do that. The Gang of 14 settled that, saying filibusters, under extraordinary circumstances, now become possible. This was after the Estrada nomination.

She was proud of blocking Mr. Estrada. She bragged about it. She said:

This shows just because we have a Republican President and a Republican Senate, it is still possible to defeat candidates who are so conservative that they take us back in civil rights.

I disagree. I disagree with her analysis of Miguel Estrada's position. I heard him testify. I think he would have been a fabulous member of the U.S. courts.

Being a liberal means never having to say you are sorry about what you say to other people. In opposing Linda Chavez—a wonderful writer, thinker, and passionate advocate for civil rights—she stated this in opposing Linda Chavez:

We generally support the nomination of Latinos to important positions, but Linda Chavez could really turn things backward for the Latino community. I do not appreciate that. Linda Chavez would not have turned things back on the Latino community. I don't know what she means by that.

She went on to say:

A Spanish sounding surname does not make a person sympathetic to the concerns and needs of the Latino population.

She, therefore, would appear to only embrace the kind of Latino nominee who agrees with her politically. It is not truly a question of ethnicity, is it? It is a question of something different, a political approach to government and law.

On May 13, 2004, she participated in a press conference with the coalition against discrimination and the Constitution to “challenge the extremism of the Federal marriage amendment backers.” I guess that means I am an extremist.

Quite a number of Senators in the majority, as I recall, voted to say that a marriage should remain as it has always previously been interpreted: to be a union between a man and a woman. But she says this is an extremism amendment. I don't think so.

I know there is a legal dispute about gay marriage, one in the District of Columbia now. She already stated where she is on the matter, declaring it a fundamental right. I do not believe that is a fundamental constitutional right for a same-sex union to be declared a marriage under the law of the United States. It never was for the first 170 years of the existence of this country.

Ms. Demeo is no friend of immigration enforcement. When the INA announced a plan to enter into the FBI's National Crime Information Center database the names of 314,000 individuals who had been ordered deported but who fled and absconded and did not submit themselves for deportation, in an effort to simply comply with a judicial final order, she decried that move. She responded that most of the violators who are guilty only of violating civil immigration laws do not pose a threat to national security. I am not saying they pose a threat to national security. They have come into the country illegally. They somehow became apprehended. Maybe they committed some other crime. They were ordered to be deported and they should be deported. If they do not show up and abscond, they should be in the NCIC, just like anybody who has a speeding ticket and they did not pay their fine.

She also criticized the government's Operation Tarmac, which identified and ordered the deportation of 600 workers with access to sensitive areas at airports who had violated immigration law. We had 600 workers at airports with access to sensitive areas, and they were found to be illegally here and ordered deported.

Indeed, she is an advocate for amnesty openly. I guess we can disagree on that. Good people certainly disagree on that. She is a big fan also of affirmative action programs. There is a fine line between affirmative action and quotas and mandatory racial preferences, and I fear she has crossed that line.

During the Clinton administration, when Energy Secretary Frederico Pena announced his resignation, she insisted he be replaced by a Latino, indicating that was necessary for Latino concerns to receive consideration. I think it is all right to ask that happen. But to demand that and to insist that only a person of your ethnicity can give fairness to your ethnic group I think is wrong and goes against fundamental American concepts of law.

In a 2000 opinion editorial for the San Diego Tribune, Ms. Demeo fully embraced the concept of dangerous identity politics, in my view. She said:

We must create the pressure to move the nominations of Paez—

Who had been nominated to the Federal bench—

and other Latino nominees. . . . Latinos must be appointed in greater numbers at all levels, especially to the appellate courts, where most of the decisions interpreting the Constitution and Federal laws are ultimately made. Without sufficient representation at every level, equal justice for Latinos—or even the perception of justice—will not exist.

I think that is overstatement. It is one thing to advocate, and I respect that, advocating for more people, groups who appear to be underrepresented. That is a legitimate factor that would play in a nomination. To use that kind of language, I think, is

dangerous because it suggests fairness is not otherwise obtainable.

Perhaps Ms. Demeo can set these views aside and be fair on the bench. I think they are extreme in many instances. I am not certain she can. It appears to me she is entrenched in a political approach, a lifestyle of emphasizing rights for one group or another and not so much the idea, the American vision of equal rights for everybody. That is the core American principle; that everybody in a court of law is entitled to equal rights. A judge and our juries are charged to that effect, and judges put on a robe to show they are going to be unbiased and that they are going to follow the law regardless of what their personal views or friendships or so forth might be. So that is my concern and the reason I have decided I will oppose the nomination. I assume she will go on and have her vote soon and will probably have a majority and be confirmed. But if she is confirmed, I hope Judge Demeo will think about some of the issues I have raised and make sure in her own heart of hearts that when she takes that bench, she is not going to favor one party or another based on their religion, their ethnicity, their politics, or her personal social agendas. I believe that is important.

I have some quotes from some letters in opposition to Judge Demeo's nomination. Numbers USA has said her nomination “would be a setback for the nation in terms of seeking to restore the rule of law in immigration.”

The Eagle Forum is a conservative group that has studied the nomination and has written regarding the basis for opposing the nomination as Judge Demeo's advocacy for issues, such as “in-state tuition for illegal aliens, the handling of the census for purposes of redistricting, photo ID voting laws, official English initiatives, amnesty for illegal aliens, affirmative action, and traditional marriage.”

The Concerned Women of America wrote:

Her bias is so ingrained and so much the main thrust of her career that it [is] not rational to believe that she will suddenly change once confirmed as a judge. Rather it is reasonable to conclude she would use her position to implement her own political ideology.

They go on to say:

Demeo reveals her own bias and lack of constitutional knowledge by her statement that the Constitution is a “flawed document that embodied the historical bias of its time.”

Well, it is certainly not a perfect document, we all know that, and it has been amended because it did have some provisions that could not stand historical scrutiny, such as the question of slavery and equal rights for all Americans. But I do think her statement is troubling to me as a whole because I don't think it is a flawed document. Our Constitution is the greatest document ever struck by the hands of man at a given time, somebody once wrote.

The Traditional Values Coalition notes that she has “demonstrated a willingness to undermine our nation’s effort to secure our borders against illegal immigrants.”

They go on to make a number of points.

Others have written, which I will ask to have printed in the RECORD.

The nominee, whom I don’t have anything against personally, if confirmed—and I suspect she will be—will have to think about these issues, commit herself totally and completely to fair and equal justice to everybody who appears before her and put aside some of the advocacy positions that have marked her sustained efforts during her professional career.

Mr. President, before I leave the floor, I ask unanimous consent to have printed in the RECORD the letters from Concerned Women of America, the Eagle Forum, Numbers USA, and the Traditional Values Coalition.

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

APRIL 19, 2010.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of Concerned Women for America’s (CWA) 500,000 members nationwide, we write respectfully to request you oppose the nomination of Marisa Demeo to the D.C. Superior Court.

Marisa Demeo has a long history as a hard-left political activist as a lawyer and lobbyist for the ultra-liberal Mexican American Legal Defense and Educational Fund (MALDEF), which calls into question her impartiality and judicial temperament. When speaking out against Miguel Estrada, who had an impeccable legal record, Demeo unfairly tarnished him by saying, “If the Senate confirms Mr. Estrada, his own personal American dream will come true, but the American dreams of the majority of Hispanics living in this country will come to an end through his future legal decisions.” This shows her own prejudice and lack of judicial temperament.

Her bias is so ingrained and so much the main thrust of her career that it is not rational to believe that she will suddenly change once confirmed as a judge. Rather it is reasonable to conclude she would use her position to implement her own political ideology.

Demeo reveals how her own bias and lack of Constitutional knowledge by her statement that the Constitution is a “flawed document that embodied the historical bias of its time.” She has distorted the Constitution to argue that there is a fundamental right to “same-sex marriage.”

A judge of the D.C. Superior Court must be impartial and possess a sound judicial temperament. Marisa Demeo’s record shows that she lacks these necessary attributes.

We urge you to oppose Marisa Demeo’s nomination on the Senate floor. CWA reserves the right to score this vote and publish it in our scorecard for the 111th Congress.

Sincerely,

PENNY NANCE,
Chief Executive Officer,
Concerned Women for America.

—
EAGLE FORUM,
Washington, DC, Apr. 14, 2010.

DEAR SENATOR: On behalf of the many thousands of American families Eagle Forum

represents nationwide, I am writing to urge you to vote NO on the nomination of Marisa Demeo to the DC Superior Court.

Marisa Demeo has served as a DC Magistrate judge for the past 2½ years, and like so many others President Obama has nominated to the courts, the majority of her legal experience comes from far left-leaning legal advocacy groups such as Lambda Legal and the Mexican American Legal Defense and Education Fund (MALDEF). Judge Demeo has a strong record of partiality to minority groups and to the liberal ideology on a wide range of issues such as in-state tuition for illegal aliens, the handling of the census for purposes of redistricting, photo ID voting laws, official English initiatives, amnesty for illegal aliens, affirmative action, and traditional marriage.

Not only has she espoused views on the immigration issue that are odds with a respect for the rule of law, but she has shown a troubling contempt for conservative Latino Americans. In a January 2003 press statement announcing MALDEF’s opposition to President George W. Bush’s nomination of Miguel Estrada to the DC Circuit Court of Appeals, Demeo stated: “The most difficult situation for an organization like mine is when a president nominates a Latino who does not reflect, resonate or associate with the Latino community.”

Judge Demeo’s public statements on a number of important policy issues help to demonstrate her leftist personal opinions which she will, no doubt, reflect in future judicial decisions:

On laws Supporting Traditional Marriage: “The right to marry is a fundamental right that every individual should have. It was prejudice against Blacks, which was the underlying force creating and maintaining our anti-miscegenation laws. It is prejudice against gay men and lesbians that underlies the drive to prohibit them from being able to marry.” (MALDEF press statement, May 14, 2004).

On Requiring Use of Census Sampling: “When you don’t adjust the data when states are redrawing their political district lines, what ends up happening is they do not accurately draw the lines in order to fully represent those minority communities who were missed by the census.” (NPR, March 6, 2001).

On Photo ID Requirements for Voting: “It violates the rights of minority voters who may be poor and without photo identification. The provision makes it hard to vote.” (AP Online, February 25, 2002).

On English as an Official Language: “Governments have a legal obligation to help those who don’t speak English well.” (AP, October 9, 2003)

On Describing Congressional Opponents of Amnesty: “There are certain forces in Congress who are anti-immigrant and not interested in seeing immigrants become full participants in this country.” (The Seattle Times, May 31, 1998)

On Affirmative Action (Grutter v. Bollinger): “All segments of the Latino community supported the continuance of affirmative action.” (FDCH Political Transcripts, June 23, 2003)

Marisa Demeo’s policy positions and public statements have proved her to be a leftist activist, and we should assume no different in her future rulings and opinions as a judge on the DC Superior Court. Eagle Forum believes that Judge Demeo’s nomination should be given serious attention as her positions and public statements on so many important issues do not “reflect or resonate” American constitutional values or principles.

Conservative grassroots Americans do not want judicial nominees who have a record of disrespecting the Constitution to slip through the confirmation process unchal-

lenged and without a tough fight. We urge you to join us in opposing Judge Marisa Demeo when her nomination comes to the Senate floor for an up-or-down vote. Eagle Forum reserves the right to score this vote and to publish it in our scorecard for the Second Session of the 111th Congress.

Faithfully,

PHYLLIS SCHLAFLY,
President.

—
NUMBERSUSA,
Arlington, VA, Apr. 13, 2010.

Hon. JEFF SESSIONS,

Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SESSIONS: On behalf of NumbersUSA’s 940,000 members, we are writing to advise you that the Nation’s largest grassroots organization advocating for immigration enforcement opposes the nomination of Marisa DeMeo to the district of Columbia Superior Court.

While we don’t often get involved in judicial nominations, this nominee is troubling. The D.C. court could well serve as a stepping stone to the federal bench. That would be a setback for the nation in terms of seeking to restore the rule of law in immigration.

Marisa DeMeo has served as a general counsel of MALDEF (the Mexican American Legal Defense and Education Fund) where she has a lengthy record of disrespect for federal immigration laws, with indications that she believes it is illegitimate for Congress to set enforceable limits. Ms. DeMeo favors amnesty and official recognition of the illegal alien Mexican ID, the matricula consular. She opposes the highly successful 287(g) program. With regard to potential judicial temperament, she has often referred to her opponents in immigration debates with such ugly name-calling as “anti-immigrant.”

Thank you for taking our views into consideration.

Sincerely,

ROY BECK,
President.

—
TRADITIONAL VALUES COALITION,
Washington, DC, Apr. 15, 2010.

DEAR SENATOR: On behalf of 43,000 churches associated with the Traditional Values Coalition, I am writing to ask that you vote against the confirmation of Marisa Demeo to become a member of the DC Superior Court. Many of our churches are African American and Hispanic.

Marisa Demeo is far out of the mainstream in her beliefs, statements and activism. Her role as an activist with the LGBT (lesbian, gay, bisexual, transgender) Lambda Legal Defense and Education Fund is troublesome to say the least.

In addition, while serving as regional counsel for the Mexican American Legal Defense and Educational Fund (MALDEF), Demeo has demonstrated a willingness to undermine our nation’s efforts to secure our borders against illegal immigration. MALDEF has also been involved in efforts to undermine our national security efforts by encouraging cities to refuse to comply with the Patriot Act after the 9/11 attack on our nation.

As an open, radical lesbian, Demeo has openly condemned the effort to amend our Constitution to protect marriage as a one-man, one-woman union. Demeo supports gay marriage, claiming it is a constitutional right. She also claims that LGBT individuals are equal to racial minorities and can claim protection as minorities under our civil rights laws.

The American people have overwhelmingly voted against gay marriage in state after state when they’ve had a chance to cast a ballot for traditional marriage. Demeo’s views are out of step with the beliefs of most

Americans on the sanctity of marriage between one man and one woman.

As a DC Superior Court Judge, Demeo would be in a key position to undermine our national security and destroy traditional marriage through her edicts. The DC Superior Court is known to be a steppingstone to the Supreme Court.

Demeo's radical lesbianism, anti-marriage, anti-national security views are dangerous to our nation. She should not be confirmed to the DC Superior Court.

Sincerely,

ANDREA LAFFERTY,
TVC Executive Director.

Mr. SESSIONS. I thank the Chair, and I yield the floor.

FINANCIAL REFORM

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Connecticut.

Mr. DODD. Madam President, I want to spend a few minutes, if I may this afternoon, to talk about an issue that has been the subject of much debate over the last number of days, and that is the financial reform bill that will be coming to the floor of this body in a matter of days—an issue that is going to confront us, as the circumstances presently exist, with Members having to make a choice. My hope is that before that occurs, we can reach some understanding that will allow us to have a strong bill that ends too big to fail, that protects consumers, and that builds the kind of architecture for financial services that will allow us to avoid the pitfalls that caused our economy to reach almost near collapse over the last several years.

The choice is going to come down to this: There are people who can vote to open this debate on financial reform legislation that will hold Wall Street firms—large financial institutions—accountable and prevent future economic crises such as the one from which we are just beginning to emerge or basically defeat this; to somehow walk out of this Chamber and leave us basically where we have been, and that is highly vulnerable—individuals, families, businesses, and the overall economy of our country once again exposed to the kind of vulnerabilities that brought so much hardship to our country.

They can, of course, block—as they are apt to do in some cases—any consideration of this bill and leave us in a place—a broken place—where the status quo would again create the kind of problems I have described.

So one has to ask themselves a question: Who benefits if this bill to rein in Wall Street and large financial institutions is strangled by a filibuster, where it ends up that we can't even get to debate the bill? Who benefits from that? Well, certainly no one can make a case the American family would benefit. These families have seen millions of jobs lost and trillions in savings wiped out because a greedy few on Wall Street gambled with money that didn't even belong to them, causing the hardship we have seen in our Nation.

Certainly, America's small businesses do not benefit. These are the

ones that have seen the flow of credit and capital literally dry up. How many of us in this Chamber, back in our respective States, have talked to owners of small businesses who cannot get a dime's worth of credit over the past several years in order to hire new people and survive during this economic crisis? I hear anecdote after anecdote after anecdote of businesses desperately trying to find credit in order to stay alive and survive. Yet because of the unchecked risk taking by financial firms that caused this economic crisis, credit is virtually gone. So American businesses—small businesses particularly—certainly are not benefited if we are confronted again with the status quo and a perpetuation of the present set of rules.

Certainly, Madam President, the American community banks do not benefit at all. These are the ones who have found it difficult or even impossible to compete on a playing field tilted so heavily toward the largest firms and, frankly, financial firms that are unregulated.

One of the things our community banks and others—and I am not suggesting they love every dotted i and crossed t in the bill—are seeking is some consolidation of regulation. They want to see their competitors, who are not subjected to any regulation, be subjected too so they will also have to face the same set of rules.

The bill I have written, along with my Banking Committee colleagues, does just that. We consolidate the regulation so there is not the overlapping jurisdictions that exist, and their major competitors—the nonbank financial institutions—are going to be subjected to the same rules they are. That creates that level playing field our smaller banks need in order for them to compete effectively.

Certainly the American taxpayers are not going to benefit with the status quo. These are the people who were forced to bail out Wall Street in 2008. If this bill is blocked, they might be asked to do it again.

Now, I am not in the prediction business, but if some future Congress goes back to the American public, as we did in the fall of 2008, and asks them to write a check again for \$700 billion because we failed to get this legislation through that would end too big to fail—the implicit guarantee that the Federal Government will bail you out if you are so large or so interconnected that you can't possibly fail—the American people, in my view, would reject overwhelmingly a request to ask them to write another check for that purpose.

Our bill, for the first time, writes into legislation an absolute prohibition that the American taxpayer would ever or should ever again be asked to do what they did in the fall of 2008.

But here is who would benefit if this bill is blocked: the same large financial firms that got us into the mess in the first place. They believe—and I pre-

sume they are right—that they can bolster their bottom lines if the status quo prevails; that they can continue to take outrageous risks, using other people's money, knowing that any profit is theirs to keep and any loss will be made up by the American taxpayer.

That is why we are faced with this prediction that 41 of our fellow colleagues will vote against us going to this bill on what they call the motion to proceed to the bill. The letter from the minority leader says: We have 41 votes to stop you from even debating this bill. Well, you explain to the American taxpayer—to small business, to the American family, and to others out there who are paying an awful price because of the mess of these very institutions that are today leading the charge against us getting to a bill—why the status quo is in their interest and their benefit.

Madam President, those who vote to block this bill are sending a clear message to American families, businesses, community bankers, and taxpayers, and that message will be: I am sorry, but we are not on your side. We are choosing another side of this equation.

Last month, my good friend, the minority leader, and the Republican Senator responsible for campaign fundraising participated in a meeting in New York with Wall Street executives. That happens all the time. Certainly, there is the right to sit down and talk with people, to represent labor and business, and we should do that. But nobody knows what was talked about at that meeting. Yet when our friend and colleague who chairs the campaign committee came back, right afterwards, all of a sudden we get this rhetoric about too big to fail; that we can't possibly go to this bill.

Now, I was born at night, Madam President, but not last night. I was born at night, but not last night. And don't tell me that miraculously these things happened and all of a sudden we find ourselves with 41 colleagues, many of whom I suspect are not overly enthusiastic about this game plan that says: Don't ask why; don't tell us what is in the bill. Just tell us we are going to line up and say no matter what anyone says or does or what they have tried to do, we are going to object to even going to this bill.

I firmly believe there is more than a small minority of my Republican colleagues who, frankly, find that argument objectionable. That is not to suggest they like this bill or agree with every position in it, but I know them well enough to know they are sick and tired of being told how they are going to have to vote on a procedural motion on a matter that I think deserves at least the support of our colleagues to begin that important debate.

What we do know, of course, about the opposition to going forward is that the Republican leadership returned armed with some very false talking points, talking points written by a political strategist with close ties to