

NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary, Committee on Agriculture, Committee on Armed Services, Committee on Financial Services, Committee on Energy and Commerce, Committee on Education and the Workforce, Committee on Government Reform, the Committee on International Relations, Committee on Transportation and Infrastructure, Committee on Ways and Means, Committee on Veterans' Affairs, the Permanent Select Committee on Intelligence, and the Select Committee on Homeland Security:

To the Congress of the United States:

I am pleased to transmit the 2003 National Drug Control Strategy, consistent with the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1705).

A critical component of our Strategy is to teach young people how to avoid illegal drugs because of the damage drugs can do to their health and future. Our children must learn early that they have a lifelong responsibility to reject illegal drug use and to stay sober. Our young people who avoid drugs will grow up best able to participate in the promise of America.

Yet far too many Americans already use illegal drugs, and most of those whose drug use has progressed—more than five million Americans—do not even realize they need help. While those who suffer from addiction must help themselves, family, friends, and people with drug experience must do their part to help to heal and to make whole men and women who have been broken by addiction.

We know the drug trade is a business. Drug traffickers are in that business to make money, and this Strategy outlines how we intend to deny them revenue. In short, we intend to make the drug trade unprofitable wherever we can.

Our Strategy is performance-based, and its success will be measured by its results. Those results are our moral obligation to our children. I ask for your continued support in this critical endeavor.

GEORGE W. BUSH.
THE WHITE HOUSE.

WHITE HOUSE DRUG POLICY, THE DEFICIT, AND SUPPORTING THE NOMINATION OF MIGUEL ESTRADA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I certainly appreciate the opportunity to address the House tonight. I wanted to start off by commenting on some of the comments that were made by our colleagues on the Democrat side of the House; but before I do that, I wanted to comment about the message that we just received from the President of the United States.

Mr. Speaker, as you know, the President has listed as one of his priority items this year to have a compassionate, conservative model to end drug addiction. His idea is let us reach out to people who are unfortunately trapped by drug addiction and let us work it through local agencies and local volunteers and local charitable groups, get people off drugs and stop addiction so they can go on to have productive lives.

I think it is just an example of the compassionate conservative side of George Bush, attacking drug abuse on one side, but doing it with a human face and a gentle hand guiding people to get off drugs. I think it is a good program, and I look forward to working with it and seeing more of the proposal.

Mr. Speaker, I also wanted to comment, we heard many Democrats tonight talking about the deficits. I want the Democrats, the Blue Dog Democrats who are the more moderate Democrats in this body, I want them to know that I would like to work with them on reducing the deficit.

I was disappointed last year when the Democrats did not offer a budget. I think that kind of hurt them, hurt their own credibility of leadership, frankly, because I think that when you come to Congress, you have to vote yes, you have to vote no, but you have to participate and you have got to get involved in the process. I do not believe it is right just to be present. You have got to engage.

So I hope this year that the Blue Dog Caucus will offer a deficit-free budget. I know it is very difficult, because we are in a time of war; and I think in a time of war that deficits, unfortunately, are to be expected. That is why what we are trying to do with the Republican budget is make sure that it puts us on the glidepath back into getting out of the red and into the black.

So I am excited to work on a bipartisan basis with the Democrats on this, if they can come up with ideas. That is what we are here for. Put your ideas on the table, and let us do what is best for the American people. It does not matter which party gets credit for it.

Now, having said that, that I want to work with the Democrats on that, I also want to work with the Democrats on something else that is not really before the House per se, but it is before the American people, and that is the nomination of a young potential judge named Miguel Estrada.

Mr. Speaker, it is unfortunate that the Democrats are rejecting the nomination of the first Hispanic on the D.C.

court. I think it is unfortunate for the diversity of the court and for racial relations in general; but, more importantly, somehow that they seem to be attacking the American dream.

Here is a young guy that comes to America when he is 17 years old. He is an immigrant from Honduras.

By the time he is 41, he is nominated to be the first Hispanic to sit on the D.C. court. He graduated Phi Beta Kappa from Columbia College and magna cum laude from Harvard Law. By the age of 40 he had argued 15 cases before the Supreme Court and was rated "well-qualified" by the American Bar Association.

He has worked at the Department of Justice for both Republicans and Democrats, and he has been called an "extraordinary legal talent" and "genuinely compassionate" by the Clinton Solicitor General. But he is held up over in the Senate.

I am joined tonight by some colleagues from the great State of Florida, just south of the State of Georgia, the gentlewoman from Florida (Ms. HARRIS), the gentleman from Florida (Mr. MARIO DIAZ-BALART) and the gentleman from Florida (Mr. FEENEY) who is here somewhere, who is the former speaker of the Florida House.

I would be honored to yield to whoever is ready, the gentleman from Florida (Mr. Diaz-Balart) and then the gentlewoman from Florida (Ms. HARRIS). I want to hear your comments on this important nomination.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I want to thank the distinguished gentleman from Georgia for yielding.

Would it be all right if before I get into the specifics, I tell you a little bit about what it feels like to be a freshman, what I have learned? I have experienced some very interesting things while I have been here in Washington.

Mr. KINGSTON. Mr. Speaker, I am going to reclaim the time to say this to the gentleman from Florida. I am going to be honored to hear what it is like from both of you as a freshman, but I want to underscore for the folks back home that you are experienced legislators. The Secretary of State has been in the limelight many times before, and the gentleman's brother is the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), who is also a Member of Congress, and who reminded us last night that the gentleman's family came to America as immigrants when he was the age of 4.

Mr. MARIO DIAZ-BALART of Florida. I thank the gentleman. The gentleman is right, I have been in the State legislature for a number of years, and the private sector; and I have to admit I have been kind of caught off guard by some things in the few weeks I have been up here in D.C.

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Some things that kind of hit me kind of in a strange way, I have to admit, maybe it is just because of the Washington phenomenon, is how I hear

things thrown out there that are not based on facts. The gentleman just mentioned some of the qualifications of Miguel Estrada. I do not know of a more qualified individual.

The man, as the gentleman well said, got here when he was 17 years old, worked and studied; he was not a rich man, barely spoke the language, worked and studied and was able to educate himself, was able to graduate from Columbia University with honors, Harvard Law School with honors, worked in the Clinton administration. The people that he worked with have said publicly, in writing, that he is a decent individual, that he is a hard-working individual, that he is a talented individual, and yet I say to the gentleman from Georgia, then I hear some strange accusations coming out there which, frankly, I am not used to.

Because where we served, and coincidentally, the three others of us who happen to be here right now, as the gentleman from Georgia mentioned, are from Florida and the three of us served in the Florida legislature together, and it was a wonderful experience. And we have heated debates there, but we are used to at least basing those debates on facts. Yet, let us kind of analyze some of these "accusations du jour" that we have heard about Mr. Miguel Estrada.

We have heard from others in this process, some members of the minority party, that one of the reasons that Mr. Miguel Estrada should not be a judge, because he is not qualified to be a judge, is because he is a Hispanic individual who got here, as I repeat, when he was 17 years old and has lived, really lived, his part of the American dream through hard work, sacrifice, dedication. He was not given anything. He earned it. He earned it. Yet, there are some who have said, well, Mr. Estrada is not Hispanic enough. He is only Hispanic in name.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, I am from Georgia, I am not Hispanic, the gentleman from Florida is Hispanic. What does not being Hispanic enough mean? Does that mean that one's mama was not and one's dad was? The Democrat thinking, how could one not be Hispanic enough? I mean one is either Hispanic or not.

I do not know. I hope the gentleman will tell me, because I would certainly appreciate him clarifying this, because I am a Republican, and Democrats probably can understand this better than me, but maybe the gentleman has some insight for all of us.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I can understand the reason for that very interesting question.

By the way, let me tell the gentleman a little bit about myself. I was born in southern Florida of Cuban parents, so I am Hispanic. I am American, obviously, 100 percent American, of Hispanic descent.

Mr. Estrada was born in Honduras, Central America, came over here, and

he was a naturalized American citizen. He came here when he was 17 years old. He was not born an American here like I was; he was naturalized. He did not speak much English until after he got here at the age of 17.

And then there are others, by the way, some of them like me born here; some of them, by the way, who do not speak Spanish fluently who then claim that Mr. Estrada is not Hispanic enough.

I consider myself, and I am very proud of my heritage, but I think it would be ludicrous if I, who was born in the United States, who obviously was born, thank God, was born in the United States, thank God was born an American, was born into freedom, was born in the land of opportunity, I think it would be ludicrous and frankly maybe a bit offensive if I were to say to the gentleman from Georgia, to somebody that the gentleman and I know who was not born in the United States, who got here when he was 17, who is a Hispanic, whose mother, by the way, got here carrying a 3-year-old child when she came to this country, I think it would be frankly offensive.

I think, sir, that the gentleman would be offended if I said that about somebody, that that person is not Hispanic enough. Who am I to say that a man who got here when he was 17 years old, barely speaking English, from Honduras is not Hispanic enough. That is irresponsible. That is offensive to me, sir.

But it is just not only that. Here is a person who got here at 17, has lived his part of the American dream, and I do not think anybody can argue that he has been a successful lawyer, who again worked even in the Clinton administration, and the people that worked with him, his bosses, his co-workers have said in writing that he is extremely qualified and he is fair.

But then some of these other people that are accusing Mr. Estrada with some ridiculous, baseless accusations like the one that I just mentioned. To me, that one is more than ridiculous; it is offensive. It is offensive, by the way, to all of us of Hispanic heritage, but it is offensive and should be offensive to everybody who believes in equality and the American dream, and that anybody here, anybody here who works and sacrifices and loves this country can be an American, and we should not be judging them if they are too Hispanic or not Hispanic enough.

Again, I think that is offensive.

Mr. KINGSTON. If the gentleman will yield, as I understand it, that seems to be his biggest crime, because he is well qualified. But there seems to be this racial litmus test that the Democrats are putting on him.

I wanted to invite the gentlewoman from Florida (Ms. HARRIS) or the gentleman from Florida (Mr. FEENEY) to jump in. The floor is open.

Ms. HARRIS. Mr. Speaker, I rise today to salute the embodiment of an American dream.

Born and raised in Honduras, Miguel Estrada arrived in the United States at age 17 as an immigrant who knew little English, but who understood the essence of America. Five years later, as a result of his unparalleled drive, perseverance and vision, he earned a Bachelor's Degree magna cum laude and Phi Beta Kappa from Columbia College in New York City.

Within the following 5 years, he had graduated magna cum laude again from Harvard Law School, where he had served as editor of the Harvard Law Review and had become a clerk for the Supreme Court of the United States. He became an eminent practicing attorney who had argued 15 cases before the Supreme Court of the United States before he was age 40.

He served both in the Republican and Democratic Justice Departments, demonstrating a matchless strength of character and an incomparable depth of professional integrity. Ron Kind, who served as chief of staff to Vice President Gore and the Solicitor General for President Clinton, described Miguel Estrada as "An extraordinary legal talent and genuinely compassionate."

On May 9, 2001, President Bush nominated Miguel Estrada to serve in the United States Court of Appeals for the District of Columbia circuit. He would become the first Hispanic in history to serve on that court, which is widely recognized as the second highest court in the land. The American Bar Association unanimously awarded its highest rating to Miguel Estrada, deeming him well qualified to serve in this capacity.

Mr. Speaker, the Senate has not acted on this outstanding opportunity Mr. Estrada's nomination presents to our Nation. As a judge on the U.S. District Court for the D.C. circuit, his story would inspire Americans of all backgrounds, while his legal acumen would provide our system of justice with an eminently talented defender and advocate.

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, I want to congratulate the gentleman from Georgia for joining the Florida delegation this evening, and I want to thank him for his wonderful dialogue last night with my colleague from Florida. I am glad to be here with two great friends and colleagues from the Sunshine State.

I want to tell my colleagues that one of the reasons that my colleague here tonight from south Florida is so passionate about this issue is that his family shares something that apparently Mr. Estrada is now going through, and that is suffering because of their political philosophy. This is not just persecution of a man by denying him access to the door of the Federal bench because of his ethnic background or because he has assimilated into the American dream too quickly.

But there also is a component here, as we know, that has a philosophical

component. There is a litmus test not just on how Hispanic one is that is being set up by the critics of Miguel Estrada, this incredible leader and a great American, but there is also a litmus test that is based on a certain philosophy that they are terrified will be lived from the bench, and that is that there are some that would like to see the bench turned into a completely activist judiciary, full of biases where unelected judges would become a super legislature. They would rewrite the Constitution. They would ignore the laws passed by Congress or ignore those that they did not like.

For example, if we look at the First Amendment alone, there is an establishment clause that basically is very clear. It says that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." Because of that, we have liberal activists saying that judges should impose, because they know full well elected members in our great democracy that would never impose a provision that would say you cannot recite the Pledge of Allegiance, words like "one Nation under God." This is a liberal activist judiciary. And the real goal here, if I can tell my colleagues and the Speaker, is that we want to have a litmus test, according to the critics of Miguel Estrada, so that unless you are prepared to substitute your political bias and your judgment for that of the elected representatives of the people, then they do not want you on the bench.

And I will hopefully engage in a dialogue with the gentleman from Georgia and with my colleagues from Florida so that we can talk about some of the real, underlying reasons why this is going to become such a huge battle here in the Capitol.

I will finish with this, if I may, and that is that lot of us do not want; we joined a great justice, Antonin Scalia who, in his wonderful book, "A Matter of Interpretation," says, you should not have a judge who is going to have a conservative interpretation of the Constitution or a liberal interpretation or a strict interpretation or a loose interpretation, but a textual interpretation.

In other words, we want judges that will apply the rule of law, that will read the statutes that we as an elected body pass, that will look at the text of the United States Constitution, that will, in their fairness and wisdom and incredible credentials like Miguel Estrada has, will be able to protect the wonderful Constitution that we have.

Unfortunately, there are some critics of Miguel Estrada that do not want an independent judiciary; they want a litmus test by philosophy of judicial liberalism, and I find that offensive as well.

Mr. KINGSTON. Mr. Speaker, I wanted to get back to the gentleman from Florida (Mr. MARIO DIAZ-BALART), because I wanted to say I was talking to the gentleman's brother last night, and

one of the things we discussed is that I was blessed as a child growing up in Athens, Georgia. There were a lot of Cuban families who had to leave Cuba because of Castro, and they came to Athens, Georgia, among other places, but a lot to Athens. Many could not speak English, and they were very similar to families all over Georgia and Florida. Their parents, regardless of what their jobs were in Cuba, they basically lost often their professional licenses. A doctor or a lawyer, they had to step down a notch or two. But their kids assimilated quickly.

Those kids never forgot what freedom was and what it was like to lose it, those families. If anything, I found, particularly among, I would say, those types of immigrants, more patriotism than they afford Americans. They were all Americans, but still they did not forget that lesson of having freedom pulled out from under them.

So, in my opinion, you have somebody who lives in America by choice, like Miguel Estrada; he came here when he was 17, he could have left when he was 21. He could have told his parents, I am not staying here in America. But he left Honduras, he came here.

I never met the man, but I would be willing to bet that he is probably one of the most patriotic, God-fearing, pro-American citizens that we have out there today. That has been my experience with so many of the wonderful immigrants who have made this country what it is today.

I wanted to hear what the gentleman has to say, because it is just amazing that the gentleman's family, two sons who grow up to be United States Congressmen, the gentleman was telling me earlier, one is an investment banker, probably making more money than the ones in Congress, and then the other one is a newscaster, probably reporting to the world what the two in Congress are doing wrong, so you are covered either way. But that is a wonderful American success story and American dream, just like Miguel Estrada.

Mr. Speaker, I think the Democrats are not just attacking Hispanics with this, they are attacking the American dream.

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Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I want to thank the honorable gentleman from Georgia (Mr. KINGSTON) for those words.

I have had the opportunity to speak to Miguel Estrada, and what you say is just so on target. He is a patriot. He is 100 percent American. He is one who came here by choice, who did not ask for anything other than an opportunity to live in freedom. And he worked hard and he studied hard and he has become one of the most prestigious attorneys in the country.

And a little while ago you were also saying how strange is the distinguishing factor that Miguel Estrada has that he is treated differently for.

My distinguished colleague from Florida mentioned, I think, some of the reasons why he is being treated differently, but I must add a couple facts to this conversation that we are having today. I have mentioned in the beginning how that is something that I have not seen a lot coming from the other side.

I have heard stories. I have heard accusations, but no facts because one of the accusations that I keep hearing is that, well, Miguel Estrada cannot be a judge in this court because he has not been a judge in a different court and, therefore, he is not qualified. But I did a little bit of research, and I found that five of the eight judges on that same court where the President has nominated Miguel Estrada were not judges before. They had no previous judicial experience, with all due respect. If that is what makes you qualified, where was the outrage for the other five judges, or is it only if you are Hispanic do you have to have previous experience as a judge? And if you are, you cannot serve on that court and there is no outrage.

Furthermore, I did a little bit more research, and I found that two current Justices of the Supreme Court were not judges before either, wonderful members that we respects and admire: former Justice Byron White, a respected member of that illustrious body; and the other one by the way is the current Chief Justice of the Supreme Court of the United States. So if the requirement, if what makes you acceptable to be a judge and that you are not acceptable, I should say, if you do not have previous experience, where was the outrage from these individuals who say that Miguel Estrada is not qualified because he did not serve as a judge before when the other five in that same court were nominated and approved and when those Supreme Court Justices were nominated and also approved?

See, there is a double standard. And I do not know if the double standard is because of his ideology. I can state that his nomination has been sitting there for about 600-plus days. The distinguished members of the other party had ample opportunity to sit down with him to discuss these issues because now they are saying, we should have more hearings. Why is it now? They were in control of the Senate until just a couple months ago. Why did they not have hearings before if they wanted some questions answered? Oh, no, they did not want hearings then because they were just trying to torpedo the nomination of this individual. He is a fine American and a fine human being.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEARCE). The Chair must remind Members that remarks in debate may not include characterizations of the Senate or its actions.

Mr. KINGSTON. As tempting as it might be.

Mr. MARIO DIAZ-BALART of Florida. I am a freshman. I apologize for that.

Mr. KINGSTON. Mr. Speaker, I wanted to underscore what the gentleman is saying that Mr. Estrada is on 632 days awaiting action by the other body, and yet it is not happening.

Now a similar nominee about 3 years ago, and I mean exactly similar, a man named Merrick Garland, who was also Phi Beta Kappa, also editor of the Harvard Law Review, also graduated from Harvard Law School magna cum laude, was a clerk of the U.S. Court of Appeals, a law clerk of the U.S. Supreme Court, everything except this guy was 44. Mr. Estrada is 41. Everything else is similar, and it took him 100 days to get through. And Mr. Estrada comes along, seems like the only difference is he is Hispanic, 632 days.

Mr. MARIO DIAZ-BALART of Florida. Again, it begs a difference. You have these incredible double standards. You have the double standards of judges that did not have previous judicial experience, were nominated and approved for the same court that Mr. Estrada was nominated before. They were not judges before, and yet now there are some people saying that that is what disqualifies Mr. Estrada.

You have certain people saying that Mr. Estrada, who, I repeat, was born in Honduras who came here at age 17, barely speaking English, worked hard, studied hard, became a model American and a wonderful attorney, even worked in the Clinton administration and actually for more than one President. And now they are saying that, well, this individual is not Hispanic enough. Why this double standard?

You have some people that have said that, for example, that the ABA's rating provided the gold standard, American Bar Association's rating provides, they said, the gold standard for how a judge should be measured, whether one is qualified or not. Well, now those same people are saying that Mr. Estrada is not qualified even though Mr. Estrada got the highest possible rating from the ABA unanimously. So why the double standard? Why is this individual being treated differently than others just like him with the same or less qualifications, with the same or less merits? Why is he being treated differently?

The gentleman mentioned the case a little while ago of a very similar case where he went right through the process. Nobody asked him any questions, and if you look at those questions that were asked, they were pretty amazing they were asked. They were total softballs. And yet Mr. Estrada, who nobody has been able to say anything negative about his record, about his integrity, about how he has lived his life, how he has really lived a piece of this American Dream. And for these accusations that come out of left field, ridiculous, unfounded, kind of really almost funny accusations to come out against this fine human being, this wonderful

gentleman who has done nothing but work hard, study hard, work hard, live the American Dream, has given of himself because he has worked with two different Presidential administrations, for false accusations, for baseless accusations, for double standards to be used against him, so that he does not become the first Hispanic on that court, it is frankly very sad.

Mr. KINGSTON. It is an outrage.

Mr. FEENEY. It is not just the fact that Miguel Estrada, if the critics have their way, will be denied the opportunity to be the first Hispanic ever to serve on that great court but it is the way it is happening.

There have been several committee hearings. Normally judges at this level receive at most one or two committee hearings. They have had many more than that. But with respect to the problem and the issues they have had, they have been unable to identify any sin that this man is guilty of, either philosophically, with respect to his integrity, his background, his impeccable qualifications. And so what they have engaged in, the critics of this great man, is a whispering campaign. And they are trying, not to vote down the nominee, what they are suggesting, these critics, is that we will not have a vote at all. And after all, if the real reason you are sabotaging the opportunity for Miguel Estrada to go to the bench is not something you will admit in public, then do not have a vote. If it is something that you are willing to stand up with honor and respect in debate in a free forum in front of the entire world, then go into debate and have that vote. That is the democratic process.

But to use a procedural mechanism to deny the opportunity of a great man to get a fair vote up or down, my great colleague from Florida suggested that this incredible, a man has a 15-to-nothing highly qualified vote from the American Bar Association, but on top of that the American Bar Association says this: "Vote them up or down. But do not hang them out to dry."

The people that want to hang Miguel Estrada out to dry are afraid to explain to the American people in a public vote why they oppose the nomination.

Now, whether it is for, as some of us suspect, that terror that a great Hispanic leader that loves the Constitution and a textual defense of the Constitution may not be the liberal activist they want or whether it is some other political reason, that this would be a great opportunity to show the American people that folks from all different backgrounds, diversity, ethnicity, religions and philosophies can be great jurists, I do not know exactly what their real motives are and we will never know until we have a fair vote under the democratic process that all of us can all judge up or down.

ANNOUNCEMENT OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members to refrain from remarks that characterize actions of the Senate.

Mr. KINGSTON. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman has 35 minutes.

Mr. MARIO DIAZ-BALART of Florida. The honorable gentleman from Georgia, if I may, I want to make sure everybody understands something very important, as I think most people know. With a name like Diaz-Balart, yes, I am of Hispanic heritage. It is something I am very proud of. And with a name like that, I cannot hide nor do I want to. But I am not here to support Miguel Estrada because he is a Hispanic. Absolutely not. I think it would be a sad day if we were here pushing for people based on their race or their religion or their ethnicity.

I am here to support Miguel Estrada because of his qualifications, because he is highly qualified. The honorable gentleman from Florida just mentioned that the bar association, what they said and how they qualified him as the highest qualifications that a lawyer can have, unanimously again, that is why he should be a judge. Because he has worked in the Solicitor General's office and he has been in front of the Supreme Court of the United States 15 times, I believe, has been fighting in cases in front of the Supreme Court in front of the United States, something that many lawyers do not do once in a lifetime. He has done it, I believe, approximately 15 times. Because his academic credentials are unbelievable, unbelievable, I know that a lot of the critics that he has cannot compare his experience in front of the Supreme Court, his academic credentials with theirs, his success as a lawyer with theirs.

I am supporting Miguel Estrada because of his qualifications. But what I have to admit, sir, is hard for me to swallow. Just like I am not supporting him because he is a Hispanic, I am supporting him because he is so highly qualified as everybody has said, including, by the way, people like Seth Waxman, the former Solicitor General to President Clinton who has said, "He was a model of professionalism and competence." Like Ronald Klain, the former counselor to Vice President Al Gore, a familiar face to the gentleman from Florida (Mr. FEENEY) and I in the State of Florida, as we well recall, not one who can be accused of being a right winger by any stretch of the imagination. He said, "Miguel will rule justly towards all."

The former Assistant General for the Office of Legal Counsel for President Clinton, Mr. Randolph Moss said, "A very principled guy, very honest and ethical."

That is why I am here supporting Miguel Estrada. That is why the President of the United States nominated him for this important position. But I have to tell you something. Just like he should not be supported, endorsed or get that position because he is Hispanic, he should not be denied that position simply because he is Hispanic. And that I think is highly offensive.

Mr. KINGSTON. And that, I believe, that is why House Members are speaking out on something that really does not come before the House. But we see it as the Democrats are after this guy, apparently because he is Hispanic, apparently because they do not like his views as an American, apparently because he challenges their concept of the American Dream.

In the welfare state mentality you do not want people to climb the ladder. In the welfare state, the big-government approach is keep people down, keep them low. You do not want them upwardly mobile, and then they will depend on the government. They will depend on our largesse. But that is the pattern he has broken. He has shown in America that you can make it in America. It is a great country. In America you can be proud and free and independent. I think that challenges so many of the liberals in this town; and they do not like him, particularly because he is Hispanic. And I think that is just a sad situation.

Mr. FEENEY. I thank the gentleman from Georgia (Mr. KINGSTON). I think that is especially true, that this man is a great role model.

As we have been discussing here tonight, Miguel Estrada was not born in America, much like Secretary Mel Martinez of Housing and Urban Development who comes from my community. We are so proud of our home son here in the Cabinet.

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This is a wonderful man who was not born on American soil, but I can tell my colleagues Mel Martinez defines what it is to be part of the American spirit and to be a success story. Much like Secretary Powell, who was not born specifically on the continental mainland of the United States, but now is a model for all of us, not just in the military, but his leadership internationally.

Now here is an opportunity for a young Hispanic man at the age of 17 to come live the American dream and be the first Hispanic on this very prestigious court, and some people are terrified that the bottle of success without handouts or welfare or any system of, for example, racial quotas, this man can have a huge success and a wonderful career because of his own merits and his deep belief in the United States system and our government.

One thing, if I may, I want to talk about not just the litmus test that we mentioned earlier of whether Miguel Estrada is Hispanic enough, because we do not understand what that means, but I want to talk about the fact that the litmus test is based on a certain nominee's judicial philosophy.

I would suggest to my colleagues that everybody I know supports the notion of judicial independence. The problem is, some of the critics of Miguel Estrada support the notion of judicial independence meaning the judges should be independent by the

written words in the statutes and the Constitution and they should be free to essentially make it up as they go along.

Others of us believe deeply that judicial independence is critical, that we not have an over-excessive interference from one branch to the other. I do not believe the executive, for example, ought to be able to fire justices when they do not agree with them. The Constitution prohibits that. I do not believe that the Congress, if we were mad at a particular judge or a bench, should be able to reduce their salaries to punish them, and our Constitution prohibits that.

The Founding Fathers thought deeply about the judicial independence from other branches, but they also believed deeply that the judges should never be independent from the laws and the Constitution as written, and I want to quote Thomas Jefferson in a letter to Thomas Ritchie, "A judiciary independent of a king or executive alone is a good thing, but independence of the will of the Nation is a solecism, at least in a republican government."

The bottom line here is that I believe that many of the opponents of Miguel Estrada are terrified of this man because he believes deeply that the Founding Fathers wrote what they meant and meant what they wrote. And I will share one more example of a judiciary. I am still with the First Amendment. We will go through all of the amendments, if my colleagues like, in terms of judicial excessiveness and lack of willingness to stick to the text, but I already started with one portion of the First Amendment, and I want to go to another, the freedom of speech clause.

Liberal activists have argued, for example, that freedom of speech protects Nazis that want to march through Skokie, Illinois, a place that had many victims of the Holocaust reside there, and yet the freedom of speech provision prohibits and the First Amendment prohibits school children from singing Silent Night as part of a Christmas choir play. I think that sort of over-reaching is the kind of liberal activism that the opponents of Miguel Estrada are insisting on as their litmus test before they will support his or any other nomination.

Mr. KINGSTON. Well, I agree with the gentleman. The last thing we need is more whacked-out judges from California, no offense to the good judges there, but they seem to certainly have their quota of people who say we cannot pledge allegiance under God, and it is really not, let us keep public buildings religious-neutral.

What they want is religious free zones, and yet here we are in Congress, this very day as we will tomorrow, as we did yesterday, we started out with a prayer. I am standing beneath the sign that says In God We Trust. Our money says, In God We Trust, and yet these same judges would have all that purged from the land because it is apparently

harming somebody somewhere somehow.

Mr. FEENEY. If my colleague will yield on that point, I just said that the people that are criticizing Miguel Estrada, when they do not even want to have a vote, they want to suggest we ought to have these weird interpretations of the establishment clause, and yet the very people that enacted this Constitution, in my hometown where I was born, in Philadelphia, thanks to Ben Franklin, a great Philadelphian, who said this at the Constitutional Convention when he suggested that they ought to begin every day, as they put together the most wonderful document that ever defined the relationship between free individuals and their government, here is what he said as they suggested that they start with prayer.

He said, How can it be, basically referring to Matthew, that a sparrow cannot fall to the earth without God's watchful eye, and yet we can create this document without his watchful assistance? I am paraphrasing Mr. Franklin because, of course, we do not have the specific records from that convention.

But the bottom line is that the people who put our Constitution together do not want us here today, as they lie above us in heaven for their great deeds, they do not want us to allow the legislative branch to hijack the judicial branch and impose a litmus test that judges have to ignore, the written words of either statutes or the Constitution.

We are doing our constitutional duty by speaking out, and I thank the gentleman for the opportunity to be here.

Mr. KINGSTON. Well, I thank the gentleman and Mr. DIAZ-BALART.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I do want to just leave one thought here tonight, which is a sad thought because the facts speak for themselves.

We are seeing what is going on with the nomination of Miguel Estrada and the false accusations, baseless accusations, almost funny accusations, that have been leveled against him. But what is really sad to me is that while our friends, the partisans on the Democratic side, claim to advocate for diversity, they fight to block the nomination of a well-qualified Hispanic. While our friends, our partisan Democrats, take credit all the time for helping the advancement of minorities to high positions in government, they block the first Hispanic, I repeat, the first Hispanic on the Nation's second highest court.

It is important to note, though, that a filibuster, a parliamentary process to avoid the votes against Miguel Estrada is not only the rejection of a highly qualified Hispanic, it is a rejection of diversity. It is a very sad day, very sad day, for our country if this stands. I am optimistic that it will not. I am hopeful that they will dig deep in their souls and realize what they are doing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEARCE). Members should avoid any improper references to Senate proceedings.

Mr. KINGSTON. Mr. Speaker, let me give this quote from a member of the other body. "The country is at Orange Alert. People are stockpiling water and duct tape."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman must refrain from that quotation.

Mr. KINGSTON. Mr. Speaker, I can quote somebody without attributing it to it, I thought. Point of clarification, excuse me.

The SPEAKER pro tempore. The gentleman may not quote the Senator by name or otherwise.

Mr. KINGSTON. Thank you, Mr. Speaker, and I will stand admonished.

Think about this. The country is at Orange Alert. People are very concerned about what is going on in Washington, D.C. In the district that I represent, we have 18,000 soldiers who are already in Kuwait in the Middle East. We have thousands of wives and children and family left behind. We have an economy where the interest rates are not seeming to get the thing going. We have got a budget that is going to be in deficit.

We have got problems, and yet there are those in the other body that want to filibuster somebody who has graduated from Harvard magna cum laude, who was rated by the American Bar Association as highly qualified, and that is the priority during an Orange Alert, wartime, of a bad economy?

I agree with the gentleman from Florida (Mr. MARIO DIAZ-BALART), it is a sad day, but I am hoping that we can get this thing turned around, and I am hoping that people like the gentleman speaking out is going to make a difference.

I wanted to, if the gentlemen have time, make a comment on a piece of legislation we are going to be passing tomorrow in the House, and I think it is very important, and I want their comments because when the gentlemen were elected as freshmen in December, we were all up here meeting them and one of their members said to me, I think it was the gentleman from Arizona (Mr. FRANKS), he said, Tell me, you have been in Congress 10 years, what do you think the most important thing that you have done is, what is the most significant piece of legislation?

It is a hard question. There are a lot of things that have gone on that I voted for and I voted against and debated on and had the privilege to debate on, and yet I said, probably welfare reform is the most significant, the one that has affected the most lives in a very positive sense.

In 1994, when so many of us got to Congress, there were 14 million people on welfare; in 2001, 5 million. That is 5 million too many, and yet the reality

is, 9 million less people are on welfare. It appears to be significant, the principles in our welfare reform package which we will be voting on tomorrow, promoting work, improving child well-being, promoting healthy marriages and strengthening families, fostering hope and opportunity. Those are the principles behind welfare reform which we have stuck to, and I think it is very important to keep these in mind.

And, of course, none of this was easy.

The Democrat leader, the gentlewoman from California (Ms. PELOSI), in 1995 said, I hope children throughout this country never have to feel the pain of this legislation. I hope it does not pass, and indeed, she and so many others of the liberal welfare supporting establishment, the status quo supporters, they fought against the legislation, and yet here is a real case.

Tanya, a single mother, went on public assistance when her twin girls were a year old, but since completing her program with CalWORKS, which is a job training program, she completed it last year, Tanya has been able to earn enough money to purchase her own home. Here is Tanya and here are her two girls. I wonder if that is who the distinguished Democrat leader was referring to, because they do not look like they are miserable or in pain or unhappy. In fact, they are probably very proud to have their own home.

I know the gentlemen, as members of the Florida legislature, were involved in this, and they saw many successes from welfare reform on the State level.

Mr. FEENEY. The gentleman from Georgia is so right. This is one of the greatest success stories of my legislative career. I am sure my colleague from south Florida will tell the gentleman the same thing.

Because of what the Congress did, we in the State of Florida were able to enact reforms that actually took some 780,000 Floridians off the welfare rolls, off of complete dependence on government and basically created opportunities and freedom and work and jobs for them. And we now are down to less than 150,000, almost a 75 percent reduction. We are so terribly proud of that.

As the gentleman knows, the old system of welfare was set up by compassionate people, by people with big hearts, but what they really did not realize is what the effect of the system that they built actually had on individual decision-making. Because as the gentleman from Georgia knows, poor people are not dumb. They respond to the same incentives as the rest of us.

If we look at the old welfare state in America, what it told, particularly and primarily young women with children, what it told them was this, look at it like a contract lawyer would look at it. It said, we will give you free gifts from government. We will give you AFDC checks, housing assistance, food stamps. We will give you health care for your children, some 72 other entitlement programs that you may be eligible for. But in order to get these free

gifts for taxpayers, you have got to promise us a couple of simple things.

Number one, promise that you will not get married to anybody who is working because if you do, we will take all of your health care for your children away; we will take your AFDC checks, your food stamps. All these other benefits will disappear.

Number two, you have to promise us that you will not go to work yourself, because if you go to work, we will take away your health care benefits for your children; we will take away your food stamps, your AFDC checks, your housing assistance.

The third thing that this contract wants you to know is that if you have additional children while you are stuck in the system, we will give you bonuses.

Poor people are not dumb, my colleague knows that. They responded to the incentives we set up.

So we took advantage of the opportunities provided by the great leadership here in the Capitol, allowing the States, under the 10th amendment and principles of Federalism, to try to solve our welfare mess, and what we have done is this. We have gone from 750,000 Floridians stuck on this horrible system of perverse incentives that got them into a trap that they just could not crawl out of, and we have gotten them into free opportunities.

Let me tell my colleagues who the beneficiaries are of this, if I may as I close, on how grateful I am that you gave Florida the opportunity while I was there and while my colleague from south Florida was there.

Taxpayers are huge beneficiaries because they do not have to support people that are out there successfully working in their environment. Families are beneficiaries because many men actually are no longer the enemy of people that need help. We have designed a system that can reunite the mom and dad. That is great for the entire family. It is especially great for the mom and the dad that can spend time together and the children that can have the benefits of a two-parent family, which we know is so important.

□ 1945

Third is the huge benefits to single moms, who now get up at a certain time, get cleaned up, get showered, get off to a job where they are contributing members of society and taxpayers. They do not have to feel like they are enslaved by a system they cannot get out of. Those are all beneficiaries.

But the most important benefits I would suggest we have not even seen yet. Because we have a whole generation of young children in Florida and throughout the country that are growing up not watching their role model or their main parent watching TV all day or engaging in some more pernicious behavior, such as drugs, prostitution or black-marketing. They are watching the people that are raising them get into the work system, be part of the

American Dream, pay taxes, and be contributing members of society. I believe that there is a long-term dividend in the psychology and the culture of young children thanks to what we accomplished on welfare reform.

I am so honored to be here now as we work hard to reenact this liberating bill, and I thank the gentleman for his leadership.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for his comments, and I now yield to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, one of the things that my dear friend and colleague, the honorable gentleman from Florida, central Florida, and, if I may add, a wonderful part of the State, that is a free plug while I can, stated something that is very true. The poor who are stuck in this cycle of dependence to this horrendous system that we had before, the old welfare system, did not want to be that way. We have to be very clear about this. Poor people that were on welfare did not want to be dependent on government.

Unlike what some would like to believe, that these are people that did not want to work, that were just there because that was their choice, that was their number one choice, no, these are good people. These were people that wanted to work, but all they needed was an opportunity; and yet they were stuck in this system that forced them to stay in that system. They could not save money to buy a piece of property because they would lose their benefits. So, therefore, they had to stay in the system. That is the cruelty of this sad joke that was the old welfare system. And the people that really hurt, yes, the taxpayers had to pay a lot of money for this broken system, but the people that were really hurt were those that were forced into the cycle of dependence, dependence on government.

So now, where are those people? Where are they? Millions of them, millions of Americans, are now working. They are earning a living in the free marketplace. It is not easy; it is tough. Hey, life is difficult. They have got to work hard. We know that. But they are working hard, and they are proud of it. They are paying taxes and they are leading by example. So, yes, this is wonderful for the taxpayers, but let me just say that it was even more wonderful for those millions of Americans that were finally allowed to break out of this vicious cycle of dependence and of poverty. That is the untold story, I think, in this wonderful experiment that was called welfare reform, that I think worked better than any of us ever suspected.

We knew that the system was broken. In Florida, we knew that the old system was broken. I did not expect the results to be so dramatic, so unbelievably dramatic. Imagine if in the rest of government we could get increased performance by 75 percent, or close to 75 percent, as we did in Florida

of people getting off welfare and getting to work. That would be a miracle in government. We would all be ecstatic. That happened in welfare reform. And the true recipients of this wonderful experiment, the ones that broke out of the cycle of poverty, are those poor people, poor decent Americans that for a generation were told that they would always be there.

My colleagues may well recall the naysayers. The gentleman just pointed out a couple of those naysayers, saying this is going to destroy the country; that it was going to destroy the poor people. No, it helped more than anybody else those poor people who are now working, earning a living, and are a part of the American Dream. It helped the taxpayers by giving them a little bit of relief, and it was a wonderful thing for the country.

And as my colleague, the gentleman from Florida (Mr. FEENEY), just said a little while ago, I am so proud first to have been a part of it in Florida when the United States Congress and the leadership of the United States Congress gave our State the opportunity to participate and break the dependence on government and that cycle of poverty for millions of people, hundreds of thousands of people in the State of Florida. I am also so proud to now be here; and, hopefully, we will be a small part in making sure that this wonderful reform moves forward so that we can continue to help those that are truly needy; those that really need the help; and, yes, also create a system that breaks that cycle of dependency and of poverty.

Mr. KINGSTON. Well, Mr. Speaker, the gentleman spoke of naysayers. Here is what the gentleman from New York (Mr. RANGEL) said, who is the ranking member on the Committee on Ways and Means, a distinguished man, but clearly wrong on this: "The only losers we have now are the kids."

And yet here is another face of poverty, another success story: Mr. Bruce Mullins lost his home and entered the Welfare to Work program in September 1998. He now has a life of joy and promise for himself and his two children. Here is a picture of Mr. Mullins and his kids, and they do not look like losers. They look very happy.

The gentleman from New York (Mr. NADLER), a friend of mine, as they all are, but friends can be wrong, in 1996 said, "I am saddened that today it seems clear that this House will abdicate its moral duty and knowingly vote to let children go hungry in America." Pretty harsh words. Pretty wild predictions.

Mr. FEENEY. Mr. Speaker, if the gentleman will yield for just a second. Sadly, the truth of the matter is we have been told by our Surgeon General and other experts that the biggest problem children have in America today is not hunger but obesity. After 6 or 7 years of welfare reform, we need to get back to exercising, working out, and into good nutrition. But certainly

hunger is not the major problem we have with today's youth after 6 years of welfare reform.

Mr. KINGSTON. Mr. Speaker, here are some interesting statistics: 3.6 million fewer Americans live in poverty today than they did in 1996; 2.7 million fewer children live in poverty today than in 1996, including 1 million African American children. These are statistics, incidentally, by the U.S. Census Bureau, not by the Republican Party or the committees in charge; but these are stats that I think people in the honest spirit of debate need to talk about.

I think it is good to have criticism and opposition on legislation, because I would think that it makes the legislation better. We should bring our ideas to Washington. Both of my colleagues are from Florida and have served in the State legislature together, but one is from south Florida and the other from central Florida. When I served in Georgia, I was from south Georgia, or coastal Georgia, which I still am, but when we come up here we are taking on a bigger role. We bring our ideas, be it from south or central Florida or coastal Georgia, we bring them up here and, if they are so good, doggone it, we ought to be able to get 218 people to agree with us. And if they are not founded in substance and fact, probably we are not going to get that to happen.

So I think criticism is good, but I think it has to be founded on facts; and that is one of the things we do not have around here.

Mr. Speaker, we are running short on time, but I know we have a few minutes, and certainly if the gentleman from Florida (Mr. MARIO DIAZ-BALART) wanted to add a few comments.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I just wanted to thank my dear friend, the honorable gentleman from Georgia, for this opportunity.

I do want to end just again reminding all my friends and all our friends in this august Chamber and also the Chamber next door that we have a historic opportunity, a historic opportunity to pass welfare reform in order to continue the gains that we have made in the past. We also have a historic opportunity to do something that has never happened, which is to have the first Hispanic in the D.C. Court of Appeals. It would be a wonderful thing for all Hispanics, but more importantly it would be a wonderful thing for the entire country, a beautiful sign that diversity is acceptable and accepted.

Mr. KINGSTON. Mr. Speaker, I thank both gentlemen from Florida, and I appreciate their time this evening.

BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. PEARCE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes as the designee of the minority leader.