

The Book of Proverbs teaches:

Do not boast of tomorrow, for you do not know what the day will bring.

In the play "Heracles," the great playwright Euripides wrote:

All is change; all yields its place and goes.

And the Greek philosopher Heraclitus said:

Change alone is unchanging.

I urge my colleagues to bear the constancy of change in mind as they consider the proposal to break the rules to change the rules of the Senate. Many in the Senate's current majority seem bent on doing that. They seem quite certain that they shall retain the Senate majority for quite some time thereafter.

But as Bertrand Russell said:

Most of the greatest evils that man has inflicted upon man have come from people feeling quite certain about something, which, in fact, was false.

My colleagues do not need to strain their memories to recall changes in the control of the Senate. Most recently, the Senate changed from Democratic to Republican control as a result of the 2002 election. Democrats did control the Senate throughout the sixties and the seventies, but since then the Senate has governed under six separate periods of one party's control. The Senate switched from Democratic to Republican control in 1980, back to Democratic control in 1986, back to Republican control in 1994, back to Democratic control in 2001, and back to Republican control again in 2002.

Similarly, some in the Senate can remember the decade after World War II. The Senate switched from Democratic to Republican control in 1946, back to Democratic control in 1948, back to Republican control in 1952, and then back to Democratic control again in 1954. Senators who served from 1945 to 1955, a mere 10 years, served under five separate periods of one party's majority control.

One cannot always see that change is coming, but change comes nonetheless. For example, in November 1994, Washington saw one of the most sweeping changes in power in Congress of recent memory. Very few saw that coming. The majority in the House and the Senate changed from Democratic to Republican.

It is by no means easy to see that change coming. In March of 1994, just several months before the election, voters told the Gallup poll that they were going to vote Democratic by a ratio of 50 percent Democratic to 41 percent Republican. That same month, March of 1994, voters told the ABC News poll that they were going to vote Democratic by a ratio of 50 percent Democratic to 34 percent Republican. As late as September of 1994, voters told the ABC News poll that they were going to vote Democratic by a ratio of 50 percent Democratic to 44 percent Republican. On the first Tuesday in November 1994, however, more than 52 percent of voters voted Republican for

Congress. Democrats lost 53 seats in the House and 7 seats in the Senate.

In 1980, the Senate changed hands from Democratic to Republican control, but in August of 1980, voters in States with a Senate election told the ABC News-Louis Harris poll that they would vote for Democrats for the Senate by a margin of 47 percent for Democrats and 45 percent for Republicans. And on the first Tuesday in November 1980, Democrats lost 12 seats in the Senate.

In November 2002, the voters gave the Republican Party victory in the Senate. But my colleagues in the majority would do well to remember.

After a victorious campaign, Roman generals used to be rewarded with a triumph—a triumphant parade through the streets of Rome. Citizens acclaimed them like gods. But tradition tells us that behind the general on his chariot stood a slave who whispered: Remember that you are mortal.

In the ceremony of a Pope's elevation, they used to intone: Sic transit gloria mundi: "So the glory of this world away." At that very moment, they would burn a handful of flax. The burning flax would symbolize how transitory the power in this world is.

In an address in Milwaukee in 1859, Abraham Lincoln said:

It is said an Eastern monarch once charged his wisemen to invent him a sentence, to be ever in view, and which should be true and appropriate in all times and situations. They presented him with the words: "And this, too, shall pass away." How much it expresses! How chastening in the hour of pride! How consoling in the depths of affliction!

Mr. President, I urge my colleagues to remember that this Senate majority, too, shall pass away. This truth may console us in the minority, should the majority choose to break the rules to change the rules. But better still, better still would it be if the truth of constant change would chasten the current majority into abiding by the rules that protect Senators when they are in the majority and when they are in the minority alike.

We should protect the rules to protect minority rights, for no one can "know what the day will bring."

We should protect the rules that protect minority rights, for "all yield [their] place and go."

And we should protect the rules that protect minority rights, for it is true of majority control, as it is true of all things, that "change alone is unchanging."

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BAUCUS. Mr. President, I yield the remainder of time on our side. I un-

derstand we have an order to go to recess.

The PRESIDING OFFICER. The Senator is correct.

#### RECESS

The PRESIDING OFFICER. Without objection, the Senate will stand in recess until 4:45 today.

Thereupon, the Senate, at 3:43 p.m., recessed until 4:45 p.m. and reassembled when called to order by the Presiding Officer (Mr. COBURN).

#### EXECUTIVE SESSION

#### NOMINATION OF PRISCILLA RICHMAN OWEN TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The PRESIDING OFFICER. Under the previous agreement, the majority controls the next 60 minutes. The Senator from Georgia.

Mr. CHAMBLISS. Are we in morning business or are we prepared to proceed?

The PRESIDING OFFICER. We are on nominations.

Mr. CHAMBLISS. Let me start by asking, what is the pending business before the Senate?

The PRESIDING OFFICER. The nomination of Priscilla Owen to be U.S. Circuit Judge.

Mr. CHAMBLISS. Mr. President, I would like to take some time to discuss the nominations of two nominees, actually, to the Federal Court of Appeals. First, Justice Priscilla Owen of the Supreme Court of the State of Texas to the U.S. Circuit Court of Appeals for the Fifth Circuit, and then Justice Janice Rogers Brown of the Supreme Court of California to the U.S. Circuit Court of Appeals for the District of Columbia, along with why we need to move forward to a fair up-or-down vote on the nominations.

I would like to start with Judge Priscilla Owen.

Justice Owen's qualifications to serve on the Fifth Circuit Court are readily apparent to anyone who looks at her background and experience. Speaking to her in person—as I did 2 years ago, shortly after I came over to the Senate—only reinforces her obvious capabilities as a judge.

Justice Owen graduated cum laude from Baylor Law School and then proceeded to earn the highest score on the Texas Bar exam that year.

She practiced law for 17 years and became a partner with Andrews & Kurth, a highly respected law firm in Texas, before being elected to the Supreme Court of Texas in 1994.

Before I talk any more about Justice Owen's qualifications as a judge, I want to speak briefly about Priscilla Owen and the kind of person she is. Priscilla Owen has spent much of her life devoting time and energy in service of her community. She serves on the board of Texas Hearing & Service Dogs, and is a