

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

AUTHORIZING USE OF CAPITOL GROUNDS FOR THE SIXTEENTH ANNUAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of House Concurrent Resolution 66, which is at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 66) authorizing the use of the Capitol Grounds for the sixteenth annual national peace officers' memorial service.

The Senate proceeded to consider the concurrent resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid on the table, and any statements relating to the resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The concurrent resolution, House Concurrent Resolution 66, was considered and agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Vermont is recognized to speak for up to 45 minutes.

JUDICIAL VACANCIES

Mr. LEAHY. Mr. President, I have spoken on the floor many times about the judicial vacancies in our Federal courts. It concerns me. In fact, I believe other than the subject of anti-personnel landmines, I have probably spoken on this subject more than any other. I am concerned that some in the Republican Party are engaging in a court-bashing situation that does not reflect the proud heritage of either the Republican Party or the Democratic Party.

I have spoken about the crisis that has been created by the almost 100 vacancies that are being perpetuated in the Federal courts around the country. We have recently seen a constitutional amendment proposed to remove the life tenure that has been the bedrock of judicial independence from the political branches since the ratification of our Constitution. It is just one of, I think, over 100 constitutional amendments proposed this year alone. It ignores the fact that our independent judiciary is the envy of the rest of the world. We

have heard calls for impeachment when a judge rendered a decision with which a Republican House Member disagreed. I have read the Constitution. It speaks of very specific grounds for impeachment. Among those grounds is not that a Republican House Member disagrees with a judge. We would probably have a very difficult time if every judge could be impeached because any Member of the House or Senate disagreed with him.

We have heard demands that the Congress act as a supercourt of appeals and legislatively review and approve or disapprove cases on a case-by-case basis. That is for the same Congress that has not yet even taken up a budget bill, even though the law requires us to do it by April 15.

We are seeing exemplary nominees unnecessarily delayed for months, and vacancies persist into judicial emergencies. We are seeing outstanding nominees nitpicked, probed, and delayed to the point where one wonders why any man or woman would subject themselves to such a process or even allow themselves to be nominated for a Federal judgeship.

Instead of reforming the confirmation process to make it more respectful of the privacy of the nominee, something that we all claim we want to do, the Republican majority in the Senate is moving decidedly in the other direction. They are approaching the imposition of political litmus tests, which some have openly advocated under the guise of opposing judicial activism, even though some of these same Members were the ones who said that nobody should impose a litmus test on judges.

Even conservatives like Bruce Fein, in his recent opinion column in the New York Times, reject this effort. Actually, so do the American people. We have not had a time when any President or any Senate should be asked to impose litmus tests on an independent judiciary.

I recommend my colleagues read the excellent commentary by Nat Hentoff on this new political correctness that appeared in the April 19, 1997, edition of the Washington Post. I have spoken in broad generalities, although each are backed up by dozens of cases. But let me be specific on one. The nomination of Margaret Morrow to be a Federal judge for the Central District of California is an example of the very shabby treatment accorded judicial nominees. The vacancy in this Federal court has existed for more than 15 months, and the people in central California—Republican, Democrat, Independent—are being denied a most needed, and in this case a most qualified, judge.

Ms. Morrow's nomination is stuck in the Senate Judiciary Committee again. I am appalled by the treatment that Margaret Morrow has received before the Judiciary Committee. Ms. Morrow first came before the Judiciary Committee for a hearing and she was favorably and unanimously reported by the

committee in June of 1996, almost exactly a year ago—a year ago less a couple of weeks. Then her nomination just got caught in last year's confirmation shutdown and she was not allowed to go through. So she has to start the process all over again this year.

Let me tell you about Margaret Morrow. She is an exceptionally well qualified nominee.

She was the first woman president of the California Bar Association, no small feat for anybody, man or woman. She is the past president of the Los Angeles County Bar Association. She is currently a partner at the well-known firm of Arnold & Porter, and she has practiced law for 23 years. She is supported by the Los Angeles Mayor Richard Riordan, who, incidentally, is Republican, and Robert Bonner the former head of the Drug Enforcement Administration under a Republican administration. Representative JAMES ROGAN from the House joined us during her second confirmation hearing and, of course, she is backed and endorsed by both Senators from California.

Margaret Morrow has devoted her career to the law, to getting women involved in the practice and to making lawyers more responsive and responsible as a profession. The Senate ought to be ashamed for holding up this outstanding nominee, and I question whether the Senate would give this kind of treatment to a man. It sure as heck has been doing it to a woman.

Despite her qualifications, she is being made an example, I am not quite sure of what, but this woman who has dared to come forward to be a Federal judge is being made an example before the Senate Judiciary Committee.

At her second hearing before the committee on March 18, even though she already has gone through a committee hearing and even though the committee last year unanimously voted to confirm her with every single Republican and every single Democrat supporting her, even though she had gone through it once before, she was made to sit and wait until all the other nominees were questioned, as though she were being punished. "We have these men who want to be heard, and even though you had to do this before, you, woman nominee, sit in the back and the corner." She was then subjected to round after round of repetitive questioning.

Then came a series of written questions from several members, and they were all Republican members of the committee. Then came the "when did you start beating your husband" type questions to Ms. Morrow, based on her previous questions. I objected when Ms. Morrow was asked about her private views on all voter initiatives on the ballots in California for the last decade. Basically, she was being asked how did she vote in a secret ballot in the privacy of a voting booth on 160 initiatives on the ballot in California over the last 10 years.