

signature and to the custody of an appropriate committee staff person. Such transcript shall be returned immediately after its review in the drafting session.

The official transcript of a markup or Committee meeting other than a public hearing shall not be published or distributed to the public in any way except by a majority vote of the Committee. Before any public release of the uncorrected transcript, Members must be given a reasonable opportunity to correct their remarks. In instances in which a stenographic transcript is kept of a conference committee proceeding, all of the requirements of this rule shall likewise be observed.

RULE 22. PUBLICATION OF DECISIONS AND LEGISLATIVE LANGUAGE

A press release describing any tentative or final decision made by the full Committee or a Subcommittee on legislation under consideration shall be made to each Member of the Committee as soon as possible, but no later than the next day. However, the legislative draft of any tentative or final decision of the full Committee or a Subcommittee shall not be publicly released until such draft is made available to each Member of the Committee.

E. STAFF

RULE 23. SUPERVISION OF COMMITTEE STAFF

The staff of the Committee shall be under the general supervision and direction of the Chairman of the full Committee except as provided in clause 9 of Rule X of the Rules of the House of Representatives concerning Committee expenses and staff.

Pursuant to clause 6(d) of Rule X of the Rules of the House of Representatives, the Chairman of the full Committee, from the funds made available for the appointment of Committee staff pursuant to primary and additional expense resolutions, shall ensure that each Subcommittee receives sufficient staff to carry out its responsibilities under the rules of the Committee, and that the minority party is fairly treated in the appointment of such staff.

RULE 24. STAFF HONORARIA, SPEAKING ENGAGEMENTS, AND UNOFFICIAL TRAVEL

This rule shall apply to all majority and minority staff of the Committee and its Subcommittees.

a. Honoraria.—Under no circumstances shall a staff person accept the offer of an honorarium. This prohibition includes the direction of an honorarium to a charity.

b. Speaking engagements and unofficial travel.—

(1) Advance approval required.—In the case of all speaking engagements, fact-finding trips, and other unofficial travel, a staff person must receive approval by the full Committee Chairman (or, in the case of the minority staff, from the Ranking Minority Member) at least 7 calendar days prior to the event.

(2) Request for approval.—A request for approval must be submitted in writing to the full Committee Chairman (or, where appropriate, the Ranking Minority Member) in connection with each speaking engagement, fact-finding trip, or other unofficial travel. Such request must contain the following information:

(a) the name of the sponsoring organization and a general description of such organization (nonprofit organization, trade association, etc.);

(b) the nature of the event, including any relevant information regarding attendees at such event;

(c) in the case of a speaking engagement, the subject of the speech and duration of staff travel, if any; and

(d) in the case of a fact-finding trip or international travel, a description of the pro-

posed itinerary and proposed agenda of substantive issues to be discussed, as well as a justification of the relevance and importance of the fact-finding trip or international travel to the staff member's official duties.

(3) Reasonable travel and lodging expenses.—After receipt of the advance approval described in (1) above, a staff person may accept reimbursement by an appropriate sponsoring organization of reasonable travel and lodging expenses associated with a speaking engagement, fact-finding trip, or international travel related to official duties, provided such reimbursement is consistent with the Rules of the House of Representatives. (In lieu of reimbursement after the event, expenses may be paid directly by an appropriate sponsoring organization.) The reasonable travel and lodging expenses of a spouse (but not children) may be reimbursed (or directly paid) by an appropriate sponsoring organization consistent with the Rules of the House of Representatives.

(4) Trip summary and report.—In the case of any reimbursement or direct payment associated with a fact-finding trip or international travel, a staff person must submit, within 60 days after such trip, a report summarizing the trip and listing all expenses reimbursed or directly paid by the sponsoring organization. This information shall be submitted to the Chairman (or, in the case of the minority staff, to the Ranking Minority Member).

c. Waiver.—The Chairman (or, where appropriate, the Ranking Minority Member) may waive the application of section (b) of this rule upon a showing of good cause.

NOMINATION OF MIGUEL ESTRADA

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

Mr. RODRIGUEZ. Mr. Speaker, tonight I want to take this opportunity to talk to all Americans who might be listening, on behalf of the Congressional Hispanic Caucus. We want to take this opportunity to once again talk about a very serious situation, one that we take extremely seriously, and that is the nomination of Miguel Estrada. Miguel Estrada is not qualified to sit on the second highest court of this land. We stand behind our position despite incorrect statements made by some of our Senate Members.

Let me say that this decision was not an easy decision for us, to go against another Hispanic, but we have to make sure that someone says "The King has no clothes." Someone has to stand up and be able to say there is something wrong with this nominee.

There has been a lot of rhetoric around the debate, and some have had the gall to accuse those that oppose Estrada as being anti-Hispanic. Well, a lot of us feel that that is ridiculous. A lot of us feel that that type of language is utilized because of the fact that they cannot stand up and defend their candidate. They are not talking about the qualifications of the candidate; apparently, he does not have the qualifications, and so that is why they have chosen to talk about the negative and get into negative stereotyping.

Let me also indicate that if they feel so outraged at the treatment of Miguel Estrada because we have stood up as a Hispanic Caucus, as congressional Members, 20 congressional Members elected by a majority of Hispanics of this country, and questioned not only the qualifications of this individual, but questioned the fact that he has been unwilling to respond to questions that have been brought to him, then we ask why were the Republicans not outraged when it came to Anabelle Rodriguez, who was nominated to the U.S. District Court for the District of Puerto Rico in 1996. She waited for over 1,000 days. In the end, she was never confirmed.

Where was the outrage on the part of the Republicans for Jorge Rangel, nominated to fill a vacancy in the Fifth Circuit? After waiting 15 months, he withdrew his nomination citing that he could no longer wait in limbo.

Where was the outrage with Hilda Tagle, who sat waiting for 32 months before she was confirmed by the Senate to the U.S. District Court of the Southern District of Texas?

And where was the Republican outrage when Richard Paez, who waited longer than anyone, more than 5 years? Close to 5 years. Where was their outrage then?

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We have called into question the depth of the support from some of the Senators who are indicating their support for Mr. Estrada. Those same Senators, in fact, some of the very Senators who are accusing Democrats of being anti-Hispanic and having biases, voted against Richard Paez's nomination three different times.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). The Chair will remind Members that it is not in order to cast reflections upon the Senate.

Mr. RODRIGUEZ. In fact, the National Hispanic Leadership Agenda, a coalition of leading Hispanic organizations, including one of the groups that supports Mr. Estrada, have Senate Republicans being given an average score of 25 percent when it comes to Hispanics. Why?

Mr. Speaker, as elected officials both in the House and in the Senate, we get elected and one of the first things I was asked and one of the first pieces of advice that was given to me, be very careful when you write a letter of endorsement of anyone because they might turn out to be someone whom you might not like to have your name associated with.

In so doing, I would ask the other body, they have an obligation and a responsibility to make sure when it comes to nominations to check who they nominate and who they do not nominate. So when it comes to looking at the nomination of Estrada, we ask that—

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend. The Chair reminds Members to refrain from urging the Senate to take any specific action.

Mr. RODRIGUEZ. Mr. Speaker, I know full well if I sign someone's letters, that I have to know them personally, and I would ask the questions that need to be asked of this candidate.

Let me take this opportunity, as we interviewed the candidate, we asked when there was a discussion in terms of the commitment to equal justice for Latinos and Hispanics, there seemed to be no record.

When we asked about a commitment regarding protecting a Latino's interests in the courts, there was no record. When we asked about support for congressional right to pass civil rights laws, there was no record. When we asked for support of individual access to courts, it remained unclear.

When we asked the candidate about support for Latino organizations or causes that he had participated in, or whether he had done any pro bono work, there was no record.

When we asked about Latino organizations or causes that he volunteered for in the community, there was no record.

When we asked for support of Latino law students or any young legal professional, there was no record. Commitment to individual Latino internships, there was no record.

I want to take this opportunity to thank the gentleman from Texas (Mr. GONZALEZ), who headed the task force on the interview. The gentleman did a great job on the interview. The gentleman has also served as a district judge.

Mr. Speaker, I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, let me explain by way of background that the Congressional Hispanic Caucus is comprised of 20 Members of this body. There are 24 Latinos in this August body, 20 of whom are Members of this particular caucus.

Early on we realized we had a special duty and responsibility not just to our communities but to all Americans to make sure that we had the most qualified people in the judiciary, especially those that were being advanced on the basis of ethnicity, and especially because they were Latinos because they were supposed to bring something to the table that was very unique based on that particular ethnicity, in this case, being Hispanic.

So what we did is we started what we referred to as the Hispanic Judiciary Initiative, and I am going to read from a basic document which provided us the guidance as we proceeded with evaluating and interviewing the nominees that would come before our caucus in order for us to make a recommendation.

Statement of Purpose on the Recruitment and Support of Judicial Nominees.

Political leadership, particularly in the Federal Government, benefits from a diversity of thought and action. In an effort to promote this ethnicity, the Congressional Hispanic Caucus promotes and encourages Hispanic representation at all levels and every branch of government.

In order to ensure that the judicial branch more accurately reflects the communities that it serves, the caucus will actively work to identify and recommend qualified Hispanic candidates to fill Federal court vacancies. As with all positions, the caucus strives to find judicial candidates who are qualified, experienced, have demonstrated a commitment to the Hispanic community and will enhance diversity on our courts by contributing underrepresented perspectives, what we all seek when we strive to achieve diversity.

The evaluation criteria. The purpose of the criteria established for the Congressional Hispanic Caucus Hispanic Judiciary Initiative is to measure the diversity that a nominee can bring to the bench, and I emphasize that because I think it goes to the very crux of the argument and the problem that we have with the Miguel Estrada nomination.

In addition to evaluating the honesty, integrity, character, temperament, and intellect of nominees, the Hispanic Caucus will place an emphasis on concerns specific to the Latino community, equal justice and advancement opportunities for Latinos working in the judiciary. Because of the nature of our mission and the central role that the courts play towards the success of that mission, the Hispanic Caucus requires that a nominee have a demonstrated commitment to protecting the rights of ordinary residents of the United States through professional work, pro bono work and volunteer activities, and to preserving and expanding the activities that we have made on civil rights and individual liberties, including rights protected through core provisions in the Constitution, such as the equal protection clause, due process clause, first amendment, fourth amendment and the right to privacy, as well as through the statutory provisions that protect Latinos' legal rights in such fundamental areas as education, voting, affirmative action, employment, and contracting.

Then we proceeded, and we had a formal meeting with Mr. Estrada in June of last year. It lasted over an hour. The members of the caucus were there. Mr. Estrada did demonstrate that he is a keenly intelligent and talented lawyer. There is no doubt about that, and we will not argue that point; but that is not what is in controversy.

Having been licensed in 1972 as a lawyer in the State of Texas and having practiced for 10 years, and after more than 14 years on the bench and a couple more years in private practice, I can tell Members that the most gifted, talented lawyers should never sit behind the bench and pretend to be impartial and unbiased judges of law and fact.

There is a way that we can gather that information, and that is what we attempted to do in our hour-long session with Mr. Estrada. My colleague, the gentleman from Texas (Mr. RODRIGUEZ), has pointed out where we believe Mr. Estrada fell short; and I will get more specific later in the evening. However, I do not want to detract from what is the major argument here.

It is not whether someone went to an Ivy League law school, which is a great accomplishment which we do recognize. It is not that they wrote for the journal or bar review. They could have been president of the class, went on to have a highly successful professional career in a highly respected law firm. That is fine.

The Hispanic Caucus looks at those things as givens. We expect integrity and honesty and hard work and accomplishment from each and every nominee that is presented by the President of the United States, whether that President is a Republican or Democrat. Those are the givens, and the American people should expect that those are the givens.

What is so extraordinary about an individual who will put those black robes on and will sit there in judgment of his or her fellow man is what really is the issue and what is so important as we proceed with the nomination and confirmation process at the Federal level.

The first thing we have to recognize is the incredible power of the third co-equal branch of the government, the judicial branch, which in my humble opinion is the most powerful branch of government. If one thinks of judges and what they do day in and day out, at the State level they will determine who raises your child. They can even determine whether you have any rights to your child. They will determine whether you have any property at the end of the day. They can deny you your freedom, and even sign your death warrant. On the Federal level the same thing. They will determine at the end of the day whether you own anything, the sanctity of a contract. They can deny you your freedom, and they can sign your death warrant.

The third branch of government can even determine in the final analysis who will sit in this Chamber or the other Chamber, or who will occupy the White House, as we all know from just a couple of years ago.

Members know exactly what I refer to, and it is our Constitution which we must all love, obey and follow. That is what is at stake here. That is what my colleagues and I are trying to impress on those that will listen.

This is not just about a Hispanic nominee; this is about a judicial officer who will have tremendous power and will sit in the second most powerful court of the United States of America for a lifetime. Based on our interview and the particulars that I am willing to go into, there is no doubt that Miguel Estrada fell short.

Would I hire him as my lawyer to represent me in some sort of trans-accidental litigation? I probably would if I could afford him. But would I trust him to put those black robes on, listen to our argument and then render a fair and impartial decision? I think not, and I will tell Members why.

It is about life's experiences, and let no one make a mistake about when a judge sits up there, it is the totality of that judge's experiences and life experiences that form those opinions that go into the judgment-making process. It is not in a vacuum. It is based upon experience and history.

All we ask of Latino nominees presented by the President of the United States is that those nominees, they do not have to be Democrats, they do not have to be Republicans, liberals or conservatives, we do not care what schools they went to, we want them to have an appreciation for the historical role that the courts have played in the lives of minorities in this country. In the final analysis when the legislative branch lets you down and the executive branch's programs and agenda let you down, when you are a minority, many times it is your first, but definitely your last, resort in seeking justice. It comes from those men and women that put those black robes on every morning in the courthouses of the United States. That is what is at stake for us.

It is not a conservative or liberal ideology. We just want them to bring into the decisionmaking process the importance that the most powerful branch of government plays today in the lives of minorities. I need not remind Members of the landmark cases that have come from the courts that have provided us freedom and opportunity when it was not forthcoming from the legislative or the executive branch.

As we all know, whatever laws we pass here, whatever the President proposes, whatever we adopt, they are going to be interpreted and applied by the third branch of government, the judicial branch.

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And so when we take these nominees into consideration, we had better debate their merits. We had better engage in true evaluation and assessment. That is our duty and our responsibility, not just to our individual districts, not just to men and women of color, but to all Americans.

Mr. RODRIGUEZ. Mr. Speaker, I want to thank the gentleman from Texas (Mr. GONZALEZ) for heading the task force on nominations and for doing such a good job. In fact, I know it was a hard decision to make and to decide. We have been there and supported many other nominees that have been Republican and we have supported those. This particular candidate we felt that we were not going to be rubber stamping anyone, and we also felt, and I am glad the gentleman did it in a very good way, we get elected for 2 years. The Senate gets elected for 6

years. These individuals, one can say I made a mistake, I am going to knock him off next time, I am not going to support that Congressman and not vote for him. With this Senate and the judges, they are appointed for life. They are appointed for life, and it is important that we take this seriously; and I am glad that at least we have some of the Members that are really looking at it and asking that he respond to these questions appropriately.

I also take pride tonight to recognize the gentlewoman from California (Ms. SOLIS), and I was really pleased to see today the breaking news from the State of California that the California LULAC had also gone in opposition to the confirmation of Miguel Estrada. And with us we have the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I thank the chairman, and I also want to commend the gentleman from Texas (Mr. GONZALEZ), who led us in this final night here this evening with the American public to try to shed some light on a process that I think has been tainted very negatively, especially towards my other colleagues who serve with us in the Hispanic Caucus. And I would like to say before I begin my discussion, we did go through a very laborious process trying to figure out exactly what kind of candidate we would be supportive of, and I want to just run through that very quickly.

As you know and was said earlier, we assess nominees, their qualifications in the following areas: one, diversity in the judiciary, whether they have shared our views that Latinos are underrepresented in the Federal courts. Is there an acknowledgment of that? Involvement in the Hispanic community. Someone alluded to Mr. Estrada as being a leader in the Hispanic community. I would like to see that proof. Leadership, whether they have any intention to remain in the greater Latino community after being appointed to the bench. Fourth, opening the doors, whether they have worked to advance the number of Latinos in the legal profession through mentoring, through internships and through outreach efforts in our community. And, fifth, key cases, what are their views on key court cases that have heavily affected the Latino community, and what have they done to advance the issues of Latinos in the courts?

Supporters of Miguel Estrada's nomination for the D.C. Circuit Court of Appeals tout that the League of United Latin American Citizens is supportive of his nomination. These supporters should be aware that in my own State of California, as was mentioned earlier by the chairman, that the California LULAC delegation is not in support of this nominee, and we have a letter to that effect that we received today and was read at one of our meetings that we had earlier today.

These supporters should also know that Mr. Mario Obledo, the past National President of LULAC, stands in

strong opposition to the confirmation of Mr. Estrada. Mr. Obledo is a strong advocate and well known nationally throughout the Latino community for his work on civil rights and his leadership in our community and issues that we care most about. Mr. Obledo has been an attorney for 34 years. He is co-founder of the Hispanic National Bar Association and was one of the first general counsels and past president of the Mexican-American Legal Defense and Education Fund. He was also co-founder of the Southwest Voter Registration. He was also former Harvard Law School professor.

Let me just share with you some of his thoughts. Mr. Obledo wrote to us and said his opposition to Miguel Estrada's confirmation is based on Mr. Estrada's unwillingness to give full answers to many of the questions posed to him by the Senate Judiciary Committee. In a statement released by Mr. Obledo, he outlines his concerns and says the following:

"There are serious questions raised by his sparse record on basic civil rights and constitutional matters. It is unclear that Mr. Estrada would recognize that the first amendment protects the rights of youths to congregate and associate on public streets. It is also likely that Mr. Estrada would not place proper limits on law enforcement as required by the fourth amendment. Given his views of enumerated rights, there are serious questions whether he would recognize a suspect's right not to make incriminating statements. His record leads me to conclude that he would not take seriously and fairly Latino allegations of racial profiling by law enforcement. Based on his actions in pro bono litigation, there is a question whether he believes that organizations which have long represented the interests of communities would have the right to represent those interests in court. In addition, his views concerning the continued viability of affirmative action programs is also suspect."

These words all come from a long-time advocate who is known nationally who represents our community and who was past national president of LULAC.

I also want to share with my colleagues here that when we were reviewing the nomination of Mr. Estrada before the Hispanic Caucus meeting that we held back in June, one of the things that came to light for me was that this individual, while not having a lot of background working in the community, did mention his affiliation with other groups; and he mentioned those and I want to reiterate those. He said that he was a member of the Federalist Society, which is a form of conservative legal professionals and law students who wished to dismantle existing civil rights, one of the very important premises that we base our vote on, the protection of civil rights. He has also stated that he was a member of the national board of directors for the Center

for Community Interest, which as we know is dedicated to defending antiloitering ordinances which have been introduced in many communities, some in southern California, to clear the streets of Latino day laborers seeking to find jobs. These are things that raise questions and issues for me personally as well as other Members.

I want to also set the record straight that our Hispanic Caucus has indeed and in fact supported other Republican Hispanics for appointments, and I would proudly say that I can go down the list here and name them. Rita D. Martino, who was nominated but not appointed for U.S. Treasurer, who also is very active in the community, the Latino community. Gaddy Vasquez, who I know personally from Orange County, was a county board supervisor, very proudly involved in our community and sits on numerous boards related to Mexican Americans and the Hispanic community, was nominated for Peace Corps director. We proudly supported that nomination. Richard Carmona, who came in and went through also a very laborious process with us. I even got on the phone with him to ask him his personal views on a woman's right to choose. He was not specific, but everything else convinced me that he would certainly do his best to defend those issues with respect to the Latino communities like diabetes treatment, health care and access, and tearing down barriers for Latinos, poor Latinos, to receive health care in this country. I proudly supported his nomination and so did other Members of our caucus.

And lastly, Jose Martinez, whom we also supported in his nomination to the U.S. District Court of South Florida. I am proud to say again that here we were supporting a Republican Hispanic. All of them I believe came forward and said that they would defend our community, but most of all the American public; and I think that we truly base our ideals on the premise that this country should treat everybody fairly. Equal protection under the law should be guaranteed no matter what robe they wear and if one stands in a courtroom that one be treated fairly and justly and not have to go before someone who has already made up their mind because of where they come from or because of experiences that they have not had.

And I want to say something lastly tonight. I was very, very personally hurt to hear statements made last night on this floor from individuals that would call us the left, and I want to quote, if I can: "The left is inflamed by any prospective judicial candidate with the courage to oppose their unrelenting, small-minded, intolerant hostility to the traditional foundations of American life, faith in God, reverence for tradition, respect for the true rule of law and the recognition that we are all ultimately accountable for our actions."

I stand here to say, nothing could be so completely far from the truth. Many

of us here have taken our oath of office as Members of Congress to uphold the Constitution and to do the best thing we can and to be objective; and I am insulted to know that people are thinking that members of our Hispanic Caucus do not take their job seriously, that we stand here and take an oath of office to defend every American regardless of the color of one's skin, the language that they speak or where they were born.

I am a proud Latina. My parents are both immigrants. My father came to this country as a brazero under the brazero program and worked the fields in Colorado, on the railroad, and ended up in Los Angeles where he met my mother, who is a central American. I am proud of my heritage, and I know the value of having individuals in leadership positions to bring about change in our society, and one of the ways you do it is by instilling pride and opportunities to open up doors for young people to serve. And one capacity that I see lacking in this gentleman, in Mr. Estrada, was that at every step of the way in his career he did not reach out. He did not extend a hand. He did not allow for future Latinos or Latinas to come up that career ladder, and that to me is very shocking because everybody else that we have interviewed for these positions and others that have been nominated and appointed could go back and recite exactly what they did to help improve the situation for Hispanics in this country.

So I agree with my colleagues and with those that serve in the other House that we have to block this nomination because we can do better. Americans here are expecting the best. We want the best, and we want to see that there is evidence to prove or disprove, disprove, anything that we have said here tonight. I thank the chairman.

Mr. RODRIGUEZ. Let me thank the gentlewoman from California (Ms. SOLIS) for her kind words. And let me also indicate that we cannot support someone just blindly just because they have a Spanish surname.

I want to take this opportunity also, and we have the pleasure tonight of having a leader of the Democratic Caucus, the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding.

I want to speak tonight not as the chairman of the Democratic Caucus but as a member of the Congressional Hispanic Caucus, and I want to join my colleagues in their opposition to the nomination of Miguel Estrada for the D.C. Circuit Court of Appeals, which is generally known as the second most important and powerful court in the land.

It is not lightly or easily that members of the Congressional Hispanic Caucus come to the floor to oppose a nomination of an American of Hispanic descent to such a high position; but we do it out of a principled view, and those principled views are based in the funda-

mental belief that the reason that we advocate for Americans of Hispanic descent who are qualified, who are competent, who have the judicial temperament and the experience to be able to serve admirably for all Americans on the bench is because we want to bring to that institution and to other institutions the experience of what it is to be a Hispanic American in this country, to bring the challenges and the obstacles in this case in the judicial system.

I will never forget when I was actually trying cases of having judges who would yell at me about having my client look at them straight in the eye when they were talking to them and having to explain to that judge that in the culture of which my client came from that in fact it was a sign of defiance to look the judge straight in the eye but a sign of respect not to be doing so. I will never forget the trucker with a family of four who was trying to keep his job and who had been given a ticket for refusing to take a Breathalyzer test, but when we looked at the videotape of his particular case and saw that an officer who was not bilingual was telling him to breathe in instead of to blow out into that Breathalyzer machine gave him a ticket for refusal which would have meant a loss of his license. Luckily that case was won. But they are two simple examples of culture and language that affected the livelihoods and the futures of individuals who came before the court system.

And having someone from the community, as the White House has heralded this individual being, it was the White House in the first instance who said that Miguel Estrada, we are nominating him and he is a Hispanic American, he has a great Horatio Alger story, and in fact we are proud to be doing so. Once one puts that as one of the merits of the individuals, then it is truly legitimate to look at what experiences that individual has in the context of our community.

When Mr. Estrada came before the Congressional Hispanic Caucus for nearly an hour, he demonstrated no sense of what it is to be Hispanic American in this country.

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He never participated in any national organization, he never participated in any State organization, he never participated in any local organization in the Hispanic communities. He never used the ability that he had as a lawyer to do work pro bono work on behalf of any individual or cause or community organization. He never used the opportunity in his firm to bring someone in from the Hispanic community, to open the door of opportunity for others.

He did not know some of the landmark cases that are crucial to the Hispanic community, like *Lau v. Nichols*, which is the question of what services a limited-English-proficient student

should have, a landmark case. This was not to discuss how he would judge in the future, but simply to say, what do you think about that ruling? Did that ruling make sense? Do you agree with the ruling or disagree with the ruling? Did the court go too far? That was only one of many examples.

Now, either this candidate did not know, in which case it is rather appalling, because even those, Mr. Chairman, as you have suggested in some of our meetings, who may not be lawyers, know about these landmark cases because of how important it is to our community. Yet this individual did not.

Nor did he seek to answer other questions as it relates to other landmark cases that are well established as the law of the land. So either he did not know or he chose not to answer because he was hiding whatever his true positions are.

Now, this is a lifetime appointment. It is a lifetime appointment. And I believe when someone is going to get a lifetime appointment, we clearly have not only the right, but the obligation to know what this person's opinions are, what is their view on the role of the judiciary, what is their view on some of these landmark cases determined by the United States Supreme Court, so we can determine.

Also what is their temperament? To be very honest with you, Mr. Estrada, in the hour he spent with members of the Congressional Hispanic Caucus, in which he was treated with great respect, did not exhibit the temperament that one would want of a Federal District Court judge, or, in this case, a Federal Appellate judge.

He also has no experience. He has never sat on the bench at any level, in a municipal court, a State court, a Federal court, at any level. So that is like going from the stockroom at AT&T to being the CEO of the company. That just does not happen in real life.

Having some experience, especially when you are coming as a member of a minority community, seeking to get onto these benches, and then doing a great job so others will be considered as well, is critically important to us.

So whether it is his lack of experience, whether it is his unwillingness to answer questions about what are landmark cases, whether it is his total, it seems to me, disdain for having anything to do with the Hispanic community, we asked him, what do you view, and I am not quite sure I want to paraphrase the question, because I am not sure exactly how the question was posed, but what does it mean to be Hispanic to you in the context of being a judge, and he said it was irrelevant. Irrelevant.

Well, the White House cannot have it both ways. They cannot say, this is a great Hispanic appointment, and yet the man tells us his being Hispanic is irrelevant to any experience he might bring to the bench.

When we asked him whether he would or has considered in the past qualified law clerks who may be from minority backgrounds, that answer was not in the affirmative.

So, for a wide range of issues, I do not know how one gives consent when one does not even have the information necessary by which one devises consent. And that is why the other body, as it is debating at this very moment, I think, debates on the fundamental crucial issue, which is the constitutional obligation of Members of the other body to give advice and consent; but to give advice and consent, you must have informed opportunities to make a decision.

The reality is, if a candidate is unwilling to give you substantive answers to critical questions or there is nothing to read about his writings because they will not give you his legal writings, or there is no history to look at, how does one make informed consent under the constitutional obligations required of the Members of the other body? They simply cannot.

This is the most stealth candidate that has ever come before the other body.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). The gentleman will refrain from casting reflections on confirmation proceedings in the Senate.

Mr. MENENDEZ. Mr. Speaker, this gentleman did not cast any reflections on the Senate. The question was, how does one make a decision under the Constitution. Is the Constitution not permissible to be talked about in this body in the context of what roles the Members of the United States Congress have in terms of the Constitution?

The SPEAKER pro tempore. The gentleman can discuss, generally, Senate procedures on a factual basis, but to characterize Senate procedures with regard to particular confirmation proceedings would not be in order.

Mr. MENENDEZ. I am not characterizing Senate procedures in this case. I am raising the question of the obligation under the Constitution of Members of the other body. I thought one could not mention the word "Senate." You just did, Mr. Speaker.

Mr. Speaker, in any event, the fact of the matter is, I hope I am not upsetting people, but the fact of the matter is that we have a set of circumstances under which we cannot be supportive of a candidate who absolutely does not want to be forthcoming; that is not providing for informed advice and consent.

I would simply say, Republicans cannot have it both ways. The Congressional Hispanic Caucus has supported Republican, conservative judges nominated by this administration. A judge in Florida, a judge in my home State of New Jersey, got the unanimous support of the Congressional Hispanic Caucus.

This is nothing about partisanship. It has nothing to do with the question of

ideology in terms of conservative or liberal. But those individuals received our support because they had the history and the background and the abilities with which we could in fact say, when they go to the bench, they are going to represent our community.

Lastly, I find it incredible to hear those voices who would suggest that those of us who represent Hispanic Americans in this country, over 10 or 12 million Hispanic Americans in this country, are being anti-Hispanic. That is just incredible.

Those voices who are saying they are anti-Hispanic, those are the ones that denied Judge Paez a hearing for 4 years. They are the ones who denied judges coming out of Texas even an opportunity to have their nomination be heard before the committee. Those are the voices that called us "enemies of the state" on this very floor during campaign finance reform debate. Those are the voices who say, we want to shut the door on you and we want to deny, as they just did on the welfare reform bill, that legal sons and daughters, brothers and sisters, mothers and fathers of the United States citizens living in this country legally, that they cannot receive any of the benefits that they pay taxes for.

So you cannot have it both ways, my friends. You cannot, as Republicans, come to this floor and question us, when you have consistently, consistently, acted in ways and voted in ways that dramatically hurt our community.

That is the most outrageous set of circumstances, and I applaud the Members of the other body who are doing everything they can to uphold their constitutional obligations under the law.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members that it is not in order to cast reflections on the Senate.

Mr. RODRIGUEZ. Mr. Speaker, I wanted to thank the gentleman from New Jersey (Mr. MENENDEZ) for joining us tonight on this important issue.

One of the key things we want to mention is, Mr. Estrada has failed to answer the questions before our committee and before the other body. On at least seven occasions, Mr. Estrada refused to answer questions on Supreme Court cases, and on at least nine occasions, Mr. Estrada refused to answer whether he could name any Supreme Court case that he disagreed with.

My God, I am not an attorney, but if I were to ask, do you have any cases out there that you have some kind of disagreement with, I would have said, *Plessy v. Ferguson* and a lot of those other decisions that have discriminated against African Americans in this country. There are a lot of cases he could have named, but he chose not to respond or say anything.

I want to take this opportunity to indicate I know that the gentlewoman

from California (Ms. SOLIS) had mentioned the letter that we had received about the statement by Mario Obledo.

I want to talk a little bit about Mario Obledo, because Mario Obledo is one of our founding fathers, one of our pioneers. He was a cofounder of the Southwest Voter Registration and Education Project, the first General Counsel and Past President of the Mexican American Legal Defense and Education Fund. He was a cofounder of the Hispanic National Bar Association, a former Harvard Law School professor, the recipient of the Presidential Medal of Freedom award and a past national president of LULAC.

Mr. Speaker, I want to thank Mario Obledo for coming forward, because I know it is difficult coming forward and indicating that a fellow Hispanic is not qualified to be a judge.

I also want to acknowledge the gentleman from Texas (Mr. GONZALEZ). I know, as a task force member, he has worked diligently on this issue. I want to thank him personally. I am not sure if he wants to continue on the dialogue and say a few words.

I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, first of all, I thank my colleague again for yielding this time. I am going to be very brief, because this is going to be the last you will hear from me tonight regarding the nomination of Miguel Estrada.

I hope everyone understands that the Congressional Hispanic Caucus has interviewed at least three different Latino nominees submitted by the White House. Judges Martinez and Inares were shown to be sterling examples of what a nominee should be to any of the Federal benches. Were they Republicans? I am sure they were. But it did not matter because they demonstrated that sensitivity and that understanding of what the role of a judge is and should be when it comes to all Americans, but in particular to minorities.

The civil rights groups that represent the Latino interests in this country oppose Miguel Estrada, and they do it for their own reasons, many of which are shared by the Hispanic Caucus. You have heard about Mario Obledo, a true trailblazer in the civil rights movement for Latinos.

We also wish to impress on everyone that this is not a question of whether a Latino nominee can speak Spanish, is truly bilingual or not, whether they were raised in East L.A., West San Antonio or in the barrio. That is not the issue. That is not what we are seeking. It is more important than just having the Hispanic surname. It is more important than simply being bilingual. It is about the heart and the soul of the Latino and the experience and the understanding of that experience.

Mr. Estrada was not as forthcoming regarding many of the questions that had been posed to him in this process. When he did answer, I have indicated

that he failed the criteria established, which is basic in nature.

People will say this is all about politics. Well, probably everything is always about politics; is it not? I will be the first one to admit when the Republican administration is in office, they will appoint only Republicans, and when Democrats are in office, they only appoint Democrats. We know that is the nature of the game. So it is not a question of party affiliation.

But we do know something, that those individuals, regardless of party identification, ethnicity, race and gender, have incredible discretion, so we need to know something about them, that they will be fair and impartial judges. And the way we do that is through this process. People get to ask questions, and the nominees, if they are forthright, will fully comply and answer the questions so we can gather some insight about their ability to exercise that discretion in a responsible and fair and impartial manner.

You say, well, the law, black letter law, we passed the law, it is right there, we should know what it means. That is not true. If that was true, every decision of the Supreme Court of the United States would be 9 to 0.

□ 2045

It is not. The President of the United States today occupies that position on a 5-to-4 ruling from the court, so the Constitution and the laws of the United States are open to interpretation. And we do need to know that individuals will go in there and make those determinations fairly and impartially.

I will end it with this: Associate Justice Felix Frankfurter put it this way, and he was being brutally honest, and any judge and any lawyer knows that this is the reality: The words of the Constitution are so unrestricted by their intrinsic meaning or by their history or by tradition or by prior decisions that they leave the individual justice free, if indeed they do not compel him to gather meaning, not from the reading of the Constitution, but from the reading of life. Members of the court are frequently admonished by their associates not to read their economic and social views into the neutral language of the Constitution. But the process of constitutional interpretation compels the translation of policy into judgment, and we know that for a fact, and we are here today recognizing that.

There is a litmus test, and I believe this should be the litmus test for Republicans, Democrats, liberals, conservatives, anyone that is going to ever occupy the bench. A dear friend of mine, Dan Pozza, was running for President of the State bar of Texas and they asked him why he became a lawyer, and we should ask, why do you want to be a judge? And this should be the answer, and if an individual cannot answer in this fashion, they should not occupy that bench and make those rulings.

This is what my dear friend said: "I came of age, as the saying goes, in the 1960s. The 1960s started off as an era decidedly not marked by diversity and pluralism. Women and people of color in particular were excluded from the important positions in our society. What that meant was that a large segment of society had little or no control over their own lives and their destinies. Much of what was accomplished in the 1960s and over subsequent decades can be attributed to the desire by those marginalized people to be heard. During this period, I came to recognize that law is power and that power, the law, had often been used to restrain the rightful interests of many of our citizens. I also recognize that we as a society would need law to liberate our citizens and provide them with the opportunity to succeed or fail in life on their own terms, rather than on the terms dictated to them by the powerful and the elite."

If Dan Pozza felt compelled to become a lawyer on that basis, that should be our test, and especially to those that will occupy and rule on cases day in and day out and interpret the Supreme Court of our land and the Constitution of the United States. Miguel Estrada did that meet that criteria when we interviewed him in June, and he does not meet it today in February 2003.

Mr. RODRIQUEZ. Mr. Speaker, I thank the gentleman for his hard work on this issue.

Let me take this opportunity to yield to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I just want to again just clarify that one of the misleading advertisements that is out there being presented to the public is that there are various Hispanic national organizations that are in support of Mr. Estrada and his nomination. I would like to just clarify that many of those organizations have bipartisan representation, and I would venture to say that many of them happen to agree with the Hispanic caucus position.

I have personally spoken to members of the GI quorum, the LULAC organization in my own State, and talked to various other organizations. So the ones that are purporting to say that they as Hispanic organizations are the voice for Hispanics alone I think is very misleading. I will not say that I am the voice for all Hispanics in the country, no. But I do want to make it very clear that one of the premises behind our caucus, the Hispanic caucus, is that we support the advancement of our community through means of protecting our rights and our liberties in this country, through actions that the court has taken to provide us with our civil rights, the right to vote, the right to be able to lead a life here in this country. I think that that is something that has to be made clear.

Mr. Speaker, I appreciate the opportunity to be here with my distinguished colleagues, including the gentleman from Texas (Mr. GONZALEZ), who led us in this endeavor this evening. Our Hispanic community appreciates the work of our leader, the gentleman from Texas (Mr. Gonzales), the chairman of the Hispanic Civil Rights Task Force.

Mr. RODRIQUEZ. Mr. Speaker, I want to take this opportunity to thank the gentleman from Texas (Mr. GONZALEZ) and the gentlewoman from California (Ms. SOLIS) for being here tonight and just indicate that we will not support anyone blindly and we expect them to move forward on answering the questions.

SHAMEFUL TREATMENT FOR OUR VETERANS

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). Under the Speaker's announced policy of January 7, 2003, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 6 minutes, which is the balance of the leadership hour, as the further designee of the minority leader.

Mr. STRICKLAND. Mr. Speaker, I come to this Chamber tonight, and I enjoyed listening to my colleagues talk about this important court nominee. But I wanted to talk about another issue that is important to the American people, and that is the way this government and especially this administration is treating our veterans. I bring this chart to this Chamber as I did last night to illustrate the fact that if a veteran goes to a veterans hospital today and looks upon a bulletin board, they are likely to see this notice. It says: Did you know the medication copayment has changed from \$2 to \$7. Just about a year ago, the VA decided that they were going to increase the copayment that a veteran must pay for their medicine from \$2 a prescription to \$7 a prescription.

And at that time, I thought it was an outrageous act, that we would impose this additional financial burden upon our veterans.

But looking at the President's budget which he just released for 2004, he just released it a few days ago, they do not want to charge \$7 a prescription as a copay, but they are actually suggesting that this be increased to \$15 a prescription.

Now, think about that. At a time when we are preparing to send America's young men and women into a war, we are treating our veterans, those who have fought past wars, those who have served our country with honor, we are charging them more for the medicines they need to stay healthy or to simply maintain their lives. From \$2 a prescription to \$7 a prescription, and now, in the President's budget, \$15 a prescription. Many veterans take 10 or more prescriptions a month. That is a lot of money, and many of our veterans are on fixed incomes.

Now, in the President's budget for 2004, he is also calling for an elimination of the taxation on dividends. About \$674 billion, if that plan is enacted, about \$674 billion will go to the richest people in this country, millionaires, multimillionaires. Why would we charge veterans more for their medicines while, at the same time, we are proposing to give \$674 billion to the richest people in this country? Not only has the VA decided to raise the cost of medicine, but they have also decided in the President's budget to raise the cost of going to an outpatient clinic for care to see a doctor, from \$15 to \$20. Why would we raise the cost that a veteran must pay simply to go to see a doctor when, at the same time, we are giving \$674 billion to the richest people in this country?

About a year ago, the VA put out a memo, and this memo went out to all other health care providers across this Nation. And it basically said, too many veterans are coming to our facilities for services. It is costing us too much money, so you are no longer able to market the services that veterans are entitled to receive. It is a gag order. They are actually telling the health care providers across this country that you cannot tell veterans what they are entitled to receive under the law. They were quite specific in their memo. They told these health care providers that they could no longer participate in community health fairs. They could no longer send out newsletters describing their services. They could no longer go to an American Legion post and sign up veterans for the services that they, under the law, are entitled to receive. I call it the "if they don't ask, we won't tell" policy. If the veteran does not ask what they are entitled to receive, the VA will not tell them what they are entitled to receive.

Then, a few weeks ago, the VA decided that they would do something else to save money. They decided to create a new priority group called Priority Group 8, and if you are a veteran and you make about \$26,000 or \$27,000 a year, you are no longer going to be permitted to enroll in the VA health care system. And under the President's budget, they are really suggesting that there be an annual enrollment fee imposed upon veterans, a brand-new enrollment fee. If you make \$24,000 a year and you are a veteran, they are asking that you pay \$250 a year just to enroll in the VA health care system.

Now, I do not think \$24,000 is a lot, and people out there in the rest of the world need to know that those of us who serve here in this Chamber make about \$150,000 or so a year. Mr. Speaker, \$24,000 is not a lot. But in the President's budget, if a veteran makes \$24,000 a year, they will be required to pay a \$250 annual enrollment fee just to participate in the VA health care system.

Why are we doing this? Why do we not take part of that \$674 billion that we are giving to the richest people in

this country and use it to provide health care for our veterans? It is simply the right thing to do.

THE UNITED NATIONS, NATO, IRAQ, AND MIGUEL ESTRADA

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

Mr. MCINNIS. Mr. Speaker, this evening I want to address a couple of areas. The primary focus of my comments this evening will be on the United Nations, on NATO, and Iraq. But I cannot allow some of the comments that I have just heard in the last 45 minutes to go un rebutted, so I intend to take a few minutes here at the very beginning to rebut some of the remarks that were made.

I was a witness to a very aggressive personal attack on an individual called Mr. Estrada, and I can tell my colleagues that had Mr. Estrada been a Member of the United States Congress, the Speaker behind me would have ruled those kinds of comments out of order by the time they got to the second sentence, because they were so vicious and such a personal attack. It was not even a fair fight. Speaker after speaker after speaker stood up in front of all of us, just a few minutes ago, and while attacking Mr. Estrada, said, this is not a partisan issue, but yet it was Democrat after Democrat after Democrat after Democrat. They did not invite anybody else in to speak on the other side of the issue. Not at all. In fact, the statement was made by the gentlewoman from the State of California that, in fact, they had been very aggressive just to prove that they were not being partisan, just to prove that they were not attacking Mr. Estrada because he happens to be a Republican and a conservative Republican.

Just to prove that, the gentlewoman from California said we aggressively stood up in support of a Hispanic who was recently named to the bench, apparently in the State of California. I would just tell the gentlewoman from California, I have been here almost every night during Special Orders, and I have never seen, never seen her or any of her other colleagues who spoke this evening take that podium and speak in favor of this Hispanic judge or this Hispanic in California who happened to be a Republican and that they say adamantly and bravely stood up and spoke for.

I tell you what else I find a particular interest from the gentlewoman from California who, by the way, I consider a professional. In fact, I am surprised by the comments that I heard coming out of my colleagues this evening because I happen to have watched my colleagues over the time that I have worked with them, and I think they are pretty sharp people. I think they are very capable. I was surprised tonight at these remarks.