

days, we will do just that. As I mentioned, we have the class action bill. Once we complete that, we have appropriations bills. We are, at some juncture, going to consider the Federal marriage amendment, and there will be a number of other issues. But as they come forward, I would be happy to discuss it with the leader.

#### LEON HOLMES

Mr. FRIST. Mr. President, I want to spend a few minutes on what the Senate will be addressing over the next several hours. That is the consideration of the nomination of Leon Holmes to be a Federal district court judge in the Eastern District of Arkansas. His nomination has been languishing since January 2003. It is long past time that the Senate give Mr. Holmes the up-or-down vote he deserves.

Mr. Holmes is known in his home State of Arkansas as a brilliant and impartial jurist who follows the law. His nomination has brought substantial opposition from some liberal activists in Washington. But in Arkansas, he has earned respect and support from liberals and conservatives alike.

These supporters include Kent Rubens, who led the fight to strike down Arkansas's pro-life laws in the wake of *Roe v. Wade*. Rubens writes in a letter to Chairman HATCH and Senator LEAHY on March 21, 2003:

I cannot think of anyone who is better qualified to serve . . . As someone who has represented the pro-choice view, I ask that you urge your members to support this confirmation.

Or you can listen to this letter from Ellen Woods Harrison to Chairman HATCH and Senator LEAHY:

I am a female attorney in Little Rock, Arkansas. I am a life-long Democrat and am also pro-choice . . . I commend Mr. Holmes to you. He is a brilliant man, a great lawyer and a fine person.

And the editorial board of the Arkansas Democrat Gazette supports Mr. Holmes' nomination. They write:

What distinguishes Mr. Holmes is the rare blend of qualities he brings to the law—intellect, scholarship, conviction, and detachment . . . He would not only bring distinction to the bench, but a promise of greatness.

I should also note that Arkansas's Democratic Senators, Mark Pryor and Blanche Lincoln, strongly support Leon Holmes.

In light of this broad support for Mr. Holmes, one wonders if some activists in Washington are more interested in a witch hunt than in fairness. This body should not erect religious tests for judges. One's personal religious beliefs—in Leon Holmes' case, his Catholic beliefs—should not disqualify anyone from serving on the bench. I fear that the arguments put forth by some of my colleagues may lead to the disqualification of judicial nominees who are Catholic or Baptist or who hold deeply held religious views.

Nominees should be judged on their temperament and their ability to impartially uphold the law. The Framers of the Constitution wisely rejected religious tests for officeholders. I would hate to see this body try to upend that wise judgment of our Founders.

A judge should know how to separate his personal views from those of the law, and Leon Holmes' record of impartiality speaks for itself.

Mr. Holmes finished law school at the top of his class. He was inducted into Phi Beta Kappa while a doctoral student at Duke University. His doctoral dissertation discusses the political philosophies of W.E.B. DuBois and Booker T. Washington, and it analyzes the effort Dr. Martin Luther King, Jr. made to reconcile their divergent views. Mr. Holmes was habeas counsel for death row inmate Ricky Ray Rector, a mentally retarded man whose execution then-Governor Clinton refused to commute during the 1992 Presidential election.

Clearly, his record speaks of a man who is compassionate, thoughtful, and fairminded. Taken together, I believe Leon Holmes will be a just and impartial jurist. He deserves the Senate's support, and I trust that my colleagues will join me in voting to confirm him later today.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished minority leader is recognized.

#### ON OPTIMISM AND THE ECONOMY

Mr. DASCHLE. Mr. President, we hear a lot these days about how essential optimism is to economic growth and progress. These discussions remind me of that old saying that "an optimist is someone who believes we're living in the best of all possible worlds, and a pessimist is someone who fears this may be true." By those definitions, there are probably very few optimists or pessimists in America because we all know that America's economy today is not the best possible.

This morning, I want to say a few words about how we can strengthen our economy and create new jobs and a brighter future for hard-working middle-class families in America.

We are all relieved that the economy has finally started adding more jobs each month than it is shedding. After 2½ years in which our economy lost jobs every month, these new jobs are good news—especially for the millions of Americans who are looking for work. But there are still over a million fewer jobs in America today than there were 4 years ago. In addition, the latest job-growth figures, released last Friday, were considerably weaker than most analysts had predicted. That disappointing news reminds us that optimism alone is not a national economic policy. What we need is realism.

Many proposals have been introduced in this Senate to create jobs and to help people who have lost jobs find new ones. We owe it to the American people to consider a variety of ideas. And in weighing our economic options, the question we ought to ask ourselves is not whether an idea is optimistic or pessimistic. The question we should ask about every proposal is: Does it do right by America? Will it lead to the kind of economic growth that benefits all Americans, not just the fortunate few? Does it provide incentives to encourage companies to create jobs in America—rather than encouraging companies to ship American jobs overseas? Does it help the people and communities that have lost jobs these last 4 years? Does it give them the tools and the opportunities to replace those lost jobs with better jobs? Or does it just write them off? Does it do right by the millions of middle-class families who are working harder every year but are still losing ground economically? Optimism alone can't stretch a paycheck, or pay a mortgage, or put your children through college.

Some people point to the fact that the economy has finally started to create jobs as proof that we have solved the jobs problem. They say that all we have to do now is stay the course and be patient. I wish the people who say that would come to North Sioux City, SD, and some of the communities that surround it. Until very recently, North Sioux City was the headquarters for Gateway computers, one of the largest private employers in South Dakota. Four years ago, Gateway employed 6,000 people in the Siouxland area around North Sioux City. But the recession and the shakeout in the technology sector hit Gateway hard, as it did many tech companies. Today, only 1,700 people work for Gateway in the North Sioux City area.

I am not sure if it is a blessing or a curse, but the job losses at Gateway didn't come in one crushing blow. They came instead as a steady stream of layoffs. While none was large enough to grab national media attention, the cumulative impact of these layoffs on the families and communities in the Siouxland area around North Sioux City has been devastating. Some of the laid-off workers received severance packages. Some have found new jobs that pay less. Many are still looking for work. There are many more good workers today in the Siouxland area than there are good jobs.

These times are tough even for many people who are working. Over the past year, real weekly earnings actually fell for the average worker, according to the Department of Labor. In South Dakota and across America, workers are earning less than they did a year ago, but they are paying more—for gas, health care, tuition, and other basic necessities.

Even with the recent easing of prices, gas still costs 30 cents a gallon more in South Dakota today than it did a year ago.