

former chairman of the judicial selection committees for both Senators Pete Wilson and John Seymour.

He is supported by Representative JAMES ROGAN, who was his colleague on the municipal court. Those who know me and JAMES ROGAN know we do not agree on a lot of things. We agree on Judge Paez.

He is supported by Gil Garcetti, district attorney for Los Angeles.

All these people have written wonderful things about him.

James Hahn, the Los Angeles city attorney, says "his ethical standards are of the highest caliber. . . ."

Peter Brodie, president of the Association of L.A. Deputy Sheriffs, a 6,000-member organization, wrote to Chairman HATCH in support of Judge Paez's nomination.

The commissioner of the Department of California Highway Patrol says that "Judge Paez . . . [is very] well qualified," and "his character and integrity are impeccable."

We have a good man here. Let's vote him up or down. I know the Senate will vote him in. I know that. I have not only spoken, I say to my friend from Vermont, to Democrats, but I have spoken to Republicans who intend to support him. So he will win that vote.

The second nominee, Marsha Berzon, is another example of a longstanding nominee who is being denied a vote by the full Senate.

In 1998—Senator LEAHY laid it out—she received an extensive two-part confirmation hearing, written questions, written answers, and she extensively answered every question of the committee. In 1999, she was favorably reported out of the committee.

Again, she is so well qualified. Marsha Berzon graduated cum laude from Radcliffe College in 1966, and in 1973, she received her Juris Doctor from UC Berkeley, Boalt Hall Law School, one of the greatest law schools in the country.

She has written dozens of U.S. Supreme Court briefs and has argued four court cases before the U.S. Supreme Court. She has had extensive experience appearing in Federal appeals courts, and it goes on and on.

She has received significant Republican support. Former Republican Senator James McClure of Idaho says:

What becomes clear is that Ms. Berzon's intellect, experience and unquestioned integrity have led to strong and bipartisan support for her appointment.

J. Dennis McQuaid, an attorney from Marin County, my opponent when I first ran for the House of Representatives in 1982, says of Marsha:

Unlike some advocates, she enjoys a reputation that is devoid of any remotely partisan agenda.

W.I. Usery, a former Republican Secretary of Labor under President Ford, has said that Marsha Berzon has all the qualifications needed, and he goes on.

Senator SPECTER has said very flattering things about Marsha Berzon. She has strong support from both sides of the aisle.

We have lots of vacancies on this court, and we have two fine people who are just waiting for the chance to serve. These people do not come along every day.

I want to address myself to the question raised by my friend from Vermont who has shared with me that there have been some independent studies that show, sadly, that if you are a minority, or if you are a woman, you do not seem to get looked at by the Senate; you do not seem to get acted on. You hang around; you wait around for a vote.

This is not a reputation the Senate wants. We want to give everyone a chance, and these are two candidates, a woman and a minority, who are so qualified that they were voted out in a bipartisan vote of the committee. I call on my friends on the other side of the aisle who may be holding up these nominees—I do not know who they are. I thought we said you have to come out and identify yourself, but so far I do not know who is holding these up.

I beg of you, in the name of fairness and justice and all things that are good in our country, give people a chance. If you do not think they are good, if you have a problem with something they said or did, bring it down to the floor. We can debate it. But please do not hold up these nominees. It is wrong. You would not do it to a friend. You would not do it to someone of whom you thought highly, so do not do it to these good people. They have families. They have jobs. They have careers. They are good people.

All we are asking for is a vote. I do not want to see people throughout the country coming to see us in our offices and claiming that women and minorities are not getting fair treatment. That is not what we should be about, and I do not think that is what we are about. But that is the kind of reputation this Senate is getting across this land.

We can fix it. We should follow the leadership of Senator LEAHY from Vermont because he has said very clearly for many months now: Bring these good people forward.

I want to say a kind word about Senator HATCH. Senator HATCH has said to me from day 1: Senator BOXER, when you bring me a nominee, I want you to make sure that not only are they well qualified, but that they have bipartisan support.

He looked me in the eye, even though he is a foot taller, and said: You promise me that.

I said: Senator HATCH, I will do that. I have done that in these cases. These are two Ninth Circuit nominees who were nominated by the President, but I have supported them and Senator FEINSTEIN has supported them. They got the vote of Senator HATCH because he knows we have been very careful to nominate people who have mainstream support in the community. I promised him that. I have done that. He has been fair to me. I hope all of the Senate will be fair to these two nominees.

Mr. President, I thank Senator BENNETT for his kindness in giving me the additional time. I look forward to moving forward with these nominees we have before us and certainly, at a minimum, on Marsha Berzon, Richard Paez, and the others who are waiting in the wings for their day. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I believe I have 15 minutes on the nomination of Missouri Supreme Court Judge Ronnie White.

The PRESIDING OFFICER. The Senator is correct.

Mr. ASHCROFT. Mr. President, I rise today to oppose the nomination of Judge Ronnie White to the United States District Court for the Eastern District of Missouri.

Confirming judges is serious business. People we put into these Federal judgeships are there for life, removed only with great difficulty, as is evidenced by the fact that removals have been extremely rare.

There is enormous power on the Federal bench. Most of us have seen things happen through judges that could never have gotten through the House or Senate.

Alexander Hamilton, in Federalist Paper No. 78, put it this way:

If [judges] should be disposed to exercise will instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body.

Alexander Hamilton, at the beginning of this Nation, knew just how important it was for us to look carefully at those who would be nominated for and confirmed to serve as judges.

A judge who substitutes his will or her will for the legislative will, by displacing the legislative intent in enlarging the Constitution or amending it by saying, it is an evolutionary document and I am going to say now it has evolved to this state or that state, as opposed to an earlier state—that kind of judge is involved in what I call "judicial activism." Judicial activism is simply the substitution of one's personal politics instead of the legislative will as expressed in our documents of the Constitution or in the law.

At no other place in our Republic do voters have virtually no recourse. This is an important thing for us to consider as we evaluate judges and we seek to determine whether or not their confirmation would be appropriate.

So as it relates to Judge Ronnie White, who serves now as a supreme court judge in the State of Missouri, upon his nomination I began to undertake a review of his opinions, and especially those circumstances and dissents where, as a judge on the Missouri Supreme Court, Judge White would have sought to change or otherwise extend or amend the law as it related to a variety of matters, especially in the area of criminal law. I also heeded carefully his answers during his confirmation