

to avoid the "drug checkpoint" by exiting met with a real drug checkpoint at the top of the exit ramp. There were no gas stations, no restaurants or facilities at that exit. Motorists exiting at that exit were stopped and asked why they exited. If police were able to determine from their answers that they were suitably suspicious to warrant a search, they searched their cars. It was a very successful program, netting numerous arrests.

The Missouri Supreme Court upheld the practice as a reasonable search and seizure under the fourth amendment, consistent with many rulings of our Federal courts interpreting the fourth amendment.

Judge White was the sole dissenter in an opinion that seemed less concerned with the established fourth amendment precedent than with whether the search was intimidating. Judge White's opinion would have hamstrung this effective tool in the war on drugs.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BENNETT. Mr. President, I yield the Senator an additional 10 minutes.

Mr. ASHCROFT. I thank the Senator from Utah.

It is these opinions and other opinions like them that have generated the concern in the Missouri law enforcement community about Judge White and have caused me to conclude that I must oppose his confirmation. It doesn't mean I oppose his coming to the floor. I am entirely willing to let the Senate express itself in this respect. But I urge my fellow Senators to consider whether we should sanction the life appointment to the responsibility of a Federal district court judge for one who has earned a vote of no confidence from so many in the law enforcement community in the State in which he resides. Many of my fellow Senators on the Judiciary Committee determined we should not and voted against his nomination.

I ask my fellow Senators to review Judge White's record carefully. Keep in mind that he will not only sit for life, but he will still have occasion to vote on death penalty cases reviewed by the Missouri Supreme Court.

Again, as a district judge, he will be able to hear habeas corpus petitions challenging death sentences that have been upheld by the Missouri Supreme Court; only, as a district judge, his sole dissenting vote will be enough to reverse a unanimous opinion by the Missouri Supreme Court. He will have a veto over the Missouri Supreme Court in death penalty cases. And based on Judge White's track record, this is not a situation that the law-abiding citizens of Missouri should have to endure.

As I conclude my remarks, I will read some of the text of communications I have received concerning this nominee. Sheriff Kenny Jones, whose wife was murdered by James Johnson, put it this way: Every law enforcement and every law-abiding citizen needs judges who will enforce the law without fear

or favor. As law enforcement officers, we need judges who will back us up and not go looking for outrageous technicalities so a criminal can get off. We don't need a judge such as Ronnie White on the Federal court bench.

I quote again from another paragraph: The Johnson case isn't the only antideath penalty ruling by Judge White. He has voted against capital punishment more than any other judge on the court. I believe there is a pattern here. To me, Ronnie White is clearly the wrong person to entrust with the tremendous power of a Federal judge who serves for life.

A letter from a prosecutor: Judge White's record is unmistakably antilaw enforcement, and we believe his nomination should be defeated. His rulings and dissenting opinions on capital cases and on fourth amendment issues should be disqualifying factors when considering his nomination.

A letter from the Missouri Sheriffs Association: Attached please find a copy of the dissenting opinion rendered by Missouri Supreme Court Judge Ronnie White in the case of State of Missouri v. James R. Johnson.

Then a recitation of how James Johnson murdered Pam Jones, the wife of the Moniteau County sheriff, Kenny Jones. And then: As per attached, the Missouri Sheriffs strongly encourage you to consider this dissenting opinion in the nomination of Judge Ronnie White to be a U.S. district court judge.

Mr. LEAHY. Will the Senator yield for a question? Mr. President, will the Senator from Missouri yield for a question?

Mr. ASHCROFT. Yes, I will.

Mr. LEAHY. It is my understanding that Justice White has voted 17 times for death penalty reversals. Is that the understanding of the Senator from Missouri?

Mr. ASHCROFT. I don't have the specific count.

Mr. LEAHY. The numbers I have seen are that he has voted 17 times for reversal. Justice Covington, however, has voted 24 times for reversal in death penalty cases; Justice Holstein, 24 times; Justice Benton, 19 times; and Justice Price, 18 times. It would appear to me that at least Justices Covington, Holstein, Benton and Price, all on the Supreme Court, have voted many more times to reverse death sentences than Justice White has. Are these numbers similar to what the Senator from Missouri has?

Mr. ASHCROFT. Mr. President, I think I can go to the question here that I think the Senator is driving at. I will be happy to do that. The judges that the Senator from Vermont has named have served a variety of tenures, far in excess of the tenure of Judge White.

The clear fact is that, during his tenure, he has far more frequently dissented in capital cases than any other judge. He has, I believe, participated in 3 times as many dissents as any other judge. To try to compare a list of dis-

sents or items from other judges from other timeframes, longer intervals, and a variety of different facts, with the tenure that Judge Ronnie White has served is like comparing apples and oranges. And the numerics thereof, without that additional aspect of the situation being revealed, may appear to cause a conclusion that would be different.

With that in mind, if you will think carefully about what I said, I believe I thought carefully when I said "Judge White's record during his tenure"; that is what you have to be able to compare, judges during the same interval of time. With that in mind, during that same interval of time, he has been the champion of those dissenting in death penalty cases and has dissented in ways which, very frankly, have occasioned an outcry from the law enforcement community in Missouri. None of the other judges that I know of have been the recipients of that kind of outcry.

There is one final point that I will make. Those are other notable judges and they have records and serve on the Missouri Supreme Court. They are not persons against whom the law enforcement community has raised issues. But they are also not persons who have been nominated for service on the U.S. District Court, a court which could set aside the verdicts of the Missouri Supreme Court in habeas corpus cases. So while I think those particular judges are important—and if they are nominated for the Federal Court, I think we ought to look carefully at their work product.

So there are two points to be made here. One, the relevance of the numbers is only relevant in the context of the interval. To suggest that the numbers are out there, without defining the interval, would be inappropriate and misleading. So I would not do that.

Secondly, I think the relevance of a record that is unsatisfactory is directly appropriate to the judge who has been nominated. So we are not here to talk about other judges so much as we are to talk about whether or not Ronnie White ought to be confirmed as a member of the U.S. District Court. In my judgment, the law enforcement community in Missouri has expressed serious reservations about his lean toward defendants, and I think we should not vote to confirm him. I urge my colleagues not to vote to confirm Judge White, based on this understanding of the Missouri law enforcement community and a reading of his judicial papers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. LEAHY. Will the Senator yield me 30 seconds?

Mr. BENNETT. I am happy to.

Mr. LEAHY. I just note that Justice Ronnie White is far more apt to affirm a death penalty decision than to vote as one of many members of the Supreme Court to reverse it. He has voted