

We all believe that he will be an outstanding Justice of the U.S. Supreme Court.

Thank you very much.

[The prepared statement of Ms. Pringle appears as a submission for the record.]

Chairman SPECTER. Thank you very much, Ms. Pringle.

Our next witness is Congressman Charles Gonzalez. Representative Gonzalez was first elected to the House in 1998. He is a member of the House Energy and Commerce Committee. He served as a Texas Regional Whip for the Democratic Caucus and as Chair of the Hispanic Caucus Civil Rights Task Force. Congressman Gonzalez has been Chair of the House Judiciary Initiative for the Congressional Hispanic Caucus.

There is a little extra time left over from the time given to the judges yesterday, so we are going to start the clock at 8 minutes for each of the witnesses invited by the Democrats, and you have 8 minutes, Representative Gonzalez.

**STATEMENT OF HON. CHARLES A. GONZALEZ, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS**

Representative GONZALEZ. Well, thank you very much, Chairman Specter, and, of course, Senator Kennedy. And today I am representing the Congressional Hispanic Caucus in my capacity as the Chairman of the Hispanic Judiciary Initiative and Task Force on Civil Rights.

The Hispanic Caucus was obviously disappointed that the President did not nominate a highly qualified Hispanic to the bench. We did not expect a Hispanic to be nominated for the sake of being a Hispanic. We did expect the administration to have recognized the need for our Nation's highest Court to reflect the Nation's diversity in all its forms—thought, experience, and expression.

The Hispanic Caucus's policy with respect to the evaluation of nominees for judicial vacancies requires an extensive examination of each nominee in order to assess the following: his or her commitment to equal justice and right of access to the courts, his or her efforts in support for Congress's constitutional authority to pass civil rights legislation, and his or her efforts in support of protecting employment, immigrant, and voting rights, as well as educational and political access for all Americans.

Our process is also assisted by the excellent work of many legal and advocacy organizations, and I would like to especially thank the Mexican American Legal Defense and Educational Fund for their efforts to assist us in our work.

Allow me to highlight a few areas that cause the Hispanic Caucus great concern:

Discrimination in jury selection, *Pemberthy v. Beyer*. Judge Alito's ruling would allow the use of language to serve as a pretext to discriminate on the basis of ethnicity.

Voting Rights Act violation, *Jenkins v. Manning*. Judge Alito appears to have joined the majority opinion in that case. It dealt with at-large school district voting systems. Judge Alito, along with the majority—and we are assuming that that is what he signed off on—found no violation of the Voting Rights Act even though his-

torically only 3 out of 10 black candidates over a 10-year period were elected.

Constitutional rights of noncitizens. His 1986 memo to FBI Director William Webster, in which Judge Alito appears to ignore precedent, cited old law to accommodate denying constitutional protections to immigrants.

Commerce Clause application. You all have discussed the *United States v. Rybar* case. Judge Alito's reasoning would seriously hamper Congress from passing laws to address civil rights abuses.

Equal employment opportunity, *Bray v. Marriott Hotels*, which you have also touched on. Judge Alito would impose a standard that deviates from accepted legal norms, making it extremely difficult to prove discrimination based on race or gender.

The Hispanic Caucus wishes to acknowledge the indispensable role the U.S. Senate plays in determining the composition of the Supreme Court. We know that the nominee will be someone of President Bush's choosing. However, this does not necessarily mean that the Supreme Court should be a mere extension of the executive branch. The Nation's Founding Fathers did not intend it to be and, therefore, subjected the President's nominees to Senate approval by way of advice and consent.

There may be a good-faith disagreement as to the appropriate parameters limiting the types of questions asked of the nominee by this Committee, but no one would argue that questions establishing a nominee's judicial philosophy are universally contemplated under advice and consent. The Hispanic Caucus is aware that political, social, and economic forces in any society play to the advantage of the employer over the employee, the able-bodied over the disabled, the citizen over the immigrant, the majority over the minority, the wealthy over the poor, and the state over the individual. But in this country, it has been the third branch of Government, the judicial branch, which has countered the tendency to abuse this innate "advantage" by acting as the great equalizer regardless of one's status.

For the Hispanic Caucus, the desired judicial philosophy is a simple one and is best expressed in the following quotation: "There is so much to be done that demands the full capacities of our hearts and souls, but, truly, where shall we begin? Perhaps I will begin with you? Keep in mind...that if your life is without value, so is mine. If the law does not protect you, it will not, in the end, protect me."

The Hispanic Caucus does not believe that Judge Alito's writings and decisions embrace this simple but profound judicial sentiment. We do not argue that he possesses a brilliant legal mind and has had an accomplished career. And I will state that we do not believe that he is a racist or a bigot. But this is not the controlling issue. The issue is what judicial philosophy guides and motivates such a gifted and talented person in his decisionmaking process. In the end this should not be a question of party affiliation or conservative versus liberal beliefs. Any Republican, any Democrat, any conservative, or any liberal should share a judicial compass that points them to the inevitable truth that indeed "if the law does not protect you" then it protects no one.

I will be recommending to the Congressional Hispanic Caucus that it oppose this nomination. Thank you very much.

[The prepared statement of Representative Gonzalez appears as a submission for the record.]

Chairman SPECTER. Thank you, Representative Gonzalez.

We now turn to another Member of the House of Representatives. Representative Debbie Wasserman Schultz serves the 20th Congressional District of Florida. Her resume notes—and since it is on her resume, I will read it—she is the first Jewish Congresswoman ever elected from Florida to the House. She serves on the Financial Services Committee and the Committee on the Judiciary.

Thank you for joining us, Congresswoman Wasserman Schultz, and you have 8 minutes.

STATEMENT OF HON. DEBBIE WASSERMAN SCHULTZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Representative WASSERMAN SCHULTZ. Thank you very much. Good afternoon, Mr. Chairman, Senators. I am honored to speak to you as you consider the nomination of an individual to a lifetime position on the Supreme Court. And I come before you today in several capacities.

First, I am here as a Member of Congress, proudly representing the people of South Florida.

Second, I am here as a member of a generation that benefited from long-fought Supreme Court battles, resulting in equal rights for all Americans, which is a fundamental principle of our democracy.

Third, I am here in my most rewarding role: as the mother of three young children who will come of age in an America guided by many of the decisions that this Court will make.

I cannot imagine my children's future in an America without privacy rights and the civil rights and liberties that all Americans enjoy today.

These are the reasons that I am here today, to express the concerns about the rights and freedoms that, based on his record, I believe would be threatened by Judge Alito's elevation to the Supreme Court. And, therefore, I urge you to reject his nomination.

By now we are all very familiar with Judge Alito's writings and views on reproductive rights, each one indicating a different nuance of his opinion on a woman's right to choose. But really here is the bottom line: You are considering a nominee who wrote a memo urging the courts to restrict a woman's right to make her own reproductive choices. Judge Alito ruled, actually ruled in support of spousal notification. In essence, he is comfortable putting a woman's constitutional right to make decisions about her body in the hands of her spouse as soon as she signs her marriage license.

This blatant disregard for individual rights is why our Founding Fathers designed a meaningful system of checks and balances. And once any branch of Government surrenders itself to the others, that authority is difficult to regain.

Now, I come from a State where Executive power and Government intrusion on privacy rights has been repeatedly abused. Florida's Governor pushed the State legislature to grant him authority