

Given this information, do you want to talk to Schumer—and Durbin—about having this conversation with Leahy and then speak with Leahy? We strongly recommend that you have these conversations, and we believe Leahy must be approached quickly.

Decision:

Yes, I will talk to Schumer and Durbin; the three of us will go to Leahy \_\_\_\_\_.

No, I will not speak with Schumer and Durbin or Leahy \_\_\_\_\_.

#### II. CHAIRING A HEARING

As you know, Senator Leahy asked that you chair the last nominations hearing, but given your schedule, you could not. His staff is now asking us to choose the hearing you would like to chair (see the schedule above).

I propose that you chair the Owen hearing on July 18th. As you know, Owen will probably be our next big fight. The grassroots organizations are organized in Texas, and the national groups are prepared, as well. In addition, Judiciary Democrats expect to fight her, hearing attendance should be good, and the issues are clear—Enron/pro-business and choice.

You should know, the Leahy staff (and the Schumer staff) propose that you chair the Estrada hearing and I disagree. Although other staffers see Estrada as a civil rights problem, because he has no record, there isn't civil rights ammunition. We don't believe Estrada is "your kind of fight." We think Durbin or Schumer might be better for the Estrada hearing (and, at least on the staff level, there's interest from the Schumer office).

Decision: I will chair a hearing on:

Shedd (6/27) \_\_\_\_\_.

Owen (7/18) \_\_\_\_\_.

Cook (8/1) \_\_\_\_\_ (we want this to go away).

Raggi (9/5) \_\_\_\_\_.

Estrada (9/19) \_\_\_\_\_.

McConnell (10/3) \_\_\_\_\_.

#### MEMORANDUM

To: Senator Durbin.

Date: October 15, 2001.

Re: Meeting with Civil Rights Leaders, Tuesday, October 16, 2001 at 5:30 p.m.

You are scheduled to meet with leaders of several civil rights organizations to discuss their serious concerns with the judicial nomination process. The leaders will include: Ralph Neas (People For the American Way), Kate Michelman (NARAL), Nan Aron (Alliance for Justice), Wade Henderson (Leadership Conference on Civil Rights), Leslie Proll (NAACP Legal Defense & Education Fund), Nancy Zirkin (American Association of University Women), Marcia Greenberger (National Women's Law Center), Judy Lichtman (National Partnership), and a representative from the AFL-CIO. The meeting will take place in 317 Russell, with Senators Kennedy and (possibly) Schumer also present.

The immediate catalyst for Tuesday's meeting was the announcement last Thursday that the Judiciary Committee would hold a hearing in one week on district court judge Charles W. Pickering, Sr., a highly controversial nominee for the Fifth Circuit. The interest groups have two objections; (1) in light of the terrorist attacks, it was their understanding that no controversial judicial nominees would be moved this fall; and (2) they were given assurances that they would receive plenty of notice to prepare for any controversial nominee.

Judge Pickering, you will recall, has a checkered past: he wrote a law review student note recommending that the Mississippi legislature restore its miscegenation law; as a state legislator, he opposed the Equal Rights Amendment and voted to seal the

records of the infamous sovereignty commission; and as a Republican activist; he promoted an anti-abortion plank to the national party platform. He has written some controversial opinions while serving on the district court, criticizing prisoner access to the courts and the "one person-one vote" principle. The interest groups believe that a high percentage of Pickering's opinions are unpublished, one reason why they object to the lack of time to prepare for his hearing.

Recognizing that Thursday's hearing is likely to go forward, the groups are asking that the Committee hold a second hearing on Pickering in a few weeks, when they will have had adequate time to research him fully. The decision to schedule Pickering's hearing was made by Senator Leahy himself, not his staff, so the groups are likely to ask you to intercede personally. They will also seek assurances that they will receive adequate warning of future controversial nominees.

#### TRIBUTE TO GRAHAM NIELSON

#### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 2003

Mr. McINNIS. Mr. Speaker, it is my honor to rise and pay tribute to a remarkable man from my district. Recently, Graham Nielson was awarded the "McGuffey Award" by the Colorado Association of School Boards for his twelve years of dedicated service on the Dolores School Board. Graham recently announced his retirement from the Board, and I would like to take this opportunity to join my colleagues in thanking him for his service.

Graham moved to Dolores while he was in grade school. After high school, Graham married Dianne Carver. Later, Graham and Dianne moved to Santa Fe, where Graham became an EMT and Fireman. In 1985, Graham and his family returned to Dolores, where he eventually took his current position as a computer systems analyst for Nielson Skansa, Inc. Until recently, Graham also served the community as a member of the Dolores Fire Department, and still holds a position on the board of the Colorado Firefighter's Academy.

Graham and Dianne have had five wonderful children. When the children entered the Dolores school system, Graham decided to run for a position on the School Board. He has served as the director of the RE-4 School Board for 12 years. Graham has dedicated a great deal to assuring that the children of Dolores have a positive educational experience. The children of Dolores have certainly benefited as the result of Graham's tireless dedication to their interests.

Mr. Speaker, I am proud to call the contributions of Graham Nielson to the attention of this body of Congress and our nation. Graham has dedicated his life to the betterment of others and I am proud to pay tribute to him here today. Thank you Graham, and congratulations on a well-deserved award.

IN MEMORY OF LANCE CPL. DAVID OWENS, JR., USMC

#### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 2003

Mr. WOLF. Mr. Speaker, I was honored recently to be asked to participate in a memorial service for my constituent, Lance Cpl. David Owens, Jr., USMC, who was killed in action in Baghdad on April 12 of this year. The presentation of a memorial plaque was held in Winchester, Virginia, on October 24 during half-time ceremonies on the football field at James Wood High School, Corporal Owens' alma mater.

I would like to share with my colleagues the remarks given that evening in memory of this brave young man who served his nation proudly and who died defending our freedoms.

REMARKS BY FREDERICK COUNTY SUPERINTENDENT OF SCHOOLS, DR. WILLIAM C. DEAN

Good evening. The war in Iraq claimed the life of a James Wood High School graduate of the class of 2000. On Saturday, April 12, 2003, 20-year-old Marine Lance Corporal David Owens was killed in action in Baghdad.

It is with great pleasure that I introduce you to the parents of Corporal Owens, Mr. and Mrs. David Owens.

In creating this memorial, it is our hope this service tonight will remind Mr. and Mrs. Owens of one of the many places where David made an impact at James Wood High School. And, I also extend an invitation to them to return here often.

James Wood High School is a place David enjoyed, and we enjoyed and valued David's presence here. He is missed by his classmates, his teachers and those who knew him.

Ladies and gentlemen, I am honored to present David and Debbie Owens.

Thank you for allowing us to honor your son this evening.

REMARKS BY JAMES WOOD HIGH SCHOOL PRINCIPAL, JOSEPH SALYER

David E. Owens, Jr. a graduate of JWHS, entered as a freshman in 1997. During the span of this high school career many would describe David as an individual with strong character, high integrity and a sincere love for his school.

David was not merely a student who focused his attention on attending classes. He also took an active part in the life and traditions of JWHS.

He was a dedicated athlete who participated in the school's football and wrestling programs. During his senior year, he excelled by placing 4th in the Commonwealth District wrestling tournament. This earned him a spot representing the school in the regional wrestling competition. He also was the recipient of the 2000 Winchester Wrestling Officials Association Sportsmanship Award.

In addition, David was committed to serving in his local Future Farmers of America (FFA) chapter. He participated in a wide range of forestry-related events, sponsored by the FFA, because of his love for natural resources.

It is because of David's sincere devotion, that we the staff, faculty and student body of the James Wood community will forever be indebted to his legacy as a James Wood student and to the life he gave for his country.

REMARKS BY CONGRESSMAN FRANK R. WOLF, 10TH DISTRICT, VIRGINIA

It is important to remember those who have made the ultimate sacrifice for their country.

Marine Lance Cpl. David Owens Jr., age 20, served his country with pride and honor. His loss has touched many in this community. It is fitting that this plaque have a permanent place at James Wood High School as a remembrance of David's sacrifice for his country.

I know this has been a difficult time for his parents. As the father of five children, my heart goes out to them. They, too, have made the ultimate sacrifice.

I ask that everyone here tonight remember all the service men and women who have lost their lives defending our freedom. We owe them and their families a huge debt of gratitude.

I also ask that everyone pray for the men and women in uniform who are in harm's way in Iraq, in Afghanistan and other parts of the world where we have a military presence. They need and deserve our support.

I want to read the words of the hymn "Eternal Father," also known as the "Navy Hymn," which is often sung at the funeral of service men and women, particularly sailors and Marines.

It was the favorite hymn of President Franklin Delano Roosevelt, a former secretary of the Navy, and was sung at his funeral in Hyde Park, New York, in 1945.

It also was played by the Navy band in 1963 as President John F. Kennedy's body was carried up the steps of the U.S. Capitol to lie in state.

Eternal Father, strong to save  
Whose arm hath bound the restless wave,  
Who bidd'st the mighty ocean deep  
Its own appointed limits keep;  
Oh, hear us when we cry to Thee,  
For those in peril on the sea!

Eternal Father, grant, we pray,  
To all Marines, both night and day,  
The courage, honor, strength and skill  
Their land to serve, they law fulfill;  
Be thou the shield forevermore  
From every peril to the Corps.

May we all remember Lance Cpl. David Owens, Jr. and keep his family in our thoughts and prayers.

REMARKS BY FREDERICK COUNTY BOARD OF SUPERVISORS CHAIRMAN, RICHARD SHICKLE

Tonight we are here to honor Marine Lance Cpl. David Owens, Jr. He made the ultimate sacrifice. He gave all that he had for his Country. He gave his life for each and every one of us. But he is not the only one that gave something to this great country and to each and every one of us. David Edward Owens, Sr. and Deborah Owens, mother and father, gave us their son Marine Lance Cpl. David Owens, Jr.

As a father of four I cannot imagine the pride and the pain that these two people must feel each and every day. The questions "Why him?" and "Why us?" must haunt them every minute of every day.

Mr. and Mrs. Owens, all that we can say is "Thank you" from the bottom of our hearts. Please allow the citizens of Frederick County to become part of your family.

REMARKS BY FREDERICK COUNTY SCHOOL BOARD CHAIRMAN, STUART WOLK

Tonight I stand before you humbled. Humbled by a life short lived but more accomplished in those few years than I can imagine accomplishing in my lifetime.

A few short years ago, David Owens engaged in battle on the ground we are now standing on. He fought valiantly for his team then and upon leaving James Wood, continued to fight valiantly. Only this time, the stakes were bigger and his new team for which he was fighting was our country. He made the ultimate sacrifice for his team and we mourn his loss tonight, as we have since receiving the tragic news. There is no great-

er love for country, for humanity than to give one's life for the freedom we all cherish. Let us never take those freedoms for granted and let us always remember the supreme sacrifice made by our hero: Lance Cpl. David Owens, Jr.

I cannot begin to fathom the loss that Mr. and Mrs. Owens have experienced but I wish to thank them for their son and the manner in which he always conducted himself. As a member of the Frederick County School Board, as a citizen of Frederick County and of this great country, I feel fortunate to stand here in his memory and in his honor.

Thank you.

## BASIC PILOT PROGRAM EXTENSION AND EXPANSION ACT OF 2003

SPEECH OF

**HON. DOUG BEREUTER**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of S. 1685, the Basic Pilot Extension Act of 2003. This Member, who is a cosponsor of the House measure, would like to thank the distinguished gentleman from Iowa (Mr. GRASSLEY) for introducing the measure.

Under S. 1685, the Basic Pilot Program, which is an employment verification program, would be extended through 2008 and, indeed, would expand access to the program for the entire U.S.

Mr. Speaker, the Immigration Reform and Control Act (IRCA) of 1986 correctly prohibited employers from knowingly hiring illegal aliens or people with non-immigrant visas. Unfortunately, at that time, Congress did not give employers the corresponding tools with which to comply with this Act.

For example, due to concerns regarding discrimination, employers are limited in the questions they may ask of potential employees to verify if those individuals are authorized to work in the U.S. If the employment verification documents that potential employees produce appear to be legitimate, then employers must accept the documents as legitimate without further inquiry of the potential employee.

During Immigration and Naturalization Service (INS) enforcement raids, certain employers were found to have hired large numbers of illegal aliens, either knowingly or unintentionally, and subsequently they were subject to penalties. As technology has progressed to allow for the cheap and quick production of legitimate-looking fraudulent documents, the inability of employers to distinguish between valid documents and fraudulent documents has significantly increased. It became clear that businesses dedicated to complying with the IRCA needed new tools to assist with the endeavor.

When the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 was enacted, it authorized the creation of three employment verification tools, including the Basic Pilot Program. Initially, employers in California, Florida, Texas, Illinois, Florida, New York, and Iowa could voluntarily use the Basic Pilot Program to compare the information received from potential employees with Immigration and Naturalization Service (INS) databases to determine if potential employees could be employed legally in the U.S.

Mr. Speaker, throughout the 1990's, many legal immigrants and illegal aliens moved to Nebraska seeking jobs in the meatpacking industry. Subsequently, this Member began to receive contacts from businesses in his district concerned about their capacity to comply with the IRCA. Therefore, on November 30, 1999, this Member joined his House and Senate colleagues in the Nebraska Congressional Delegation in a letter to then-INS Commissioner Doris Meissner requesting the extension of the Basic Pilot Program to Nebraska. This Member continues to firmly believe that providing Nebraska businesses with the tools to hire a legal workforce is an important component in maintaining a stable economy in the state and in meeting needs to effectively enforce immigration laws in this country's interior. On March 19, 1999, the U.S. Department of Justice granted Nebraska businesses access to the Basic Pilot Program. Currently, about eight Nebraska businesses actively utilize the program.

Mr. Speaker, for Congress to allow the Basic Pilot Program to lapse following the horrific and unspeakable terrorist attacks of September 11, 2001, would demonstrate true negligence. More than ever, the U.S. must fully enforce its immigration laws to protect its citizens from future attacks. In its capacity to identify document fraud and illegal aliens, the Basic Pilot Program can indeed play a role in the fight against terrorism.

In conclusion, this Member encourages his colleagues to vote for S. 1685.

## TRIBUTE TO PAT ELSBERRY

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 20, 2003*

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to a devoted patriot from Denver, Colorado. Pat Elsberry is a great citizen who works to inspire America's youth to become involved with the American legion. Her enthusiasm permeates through the community as she passes her knowledge of the military and veteran's issues to her fellow Coloradans. I would like to join my colleagues here today in recognizing her tremendous contributions to the Denver community.

Each day, Pat proudly flies an American flag above her home. In Pat's garage, she displays scores of pictures, flags, articles and other memorabilia from the Korean War. Each keepsake is illustrative of Pat's patriotism and deep love for our country. During the Korean conflict, Pat answered our country's call to duty and honorably served in the Army for four years.

Pat has held the position of Commander of American Legion Post 37 for the past three years. In that time, membership numbers have soared from 40 to more than 160. Under Pat's guidance, the American Legion visits various schools in the area to talk about previous wars and what it means to be a veteran and serve our nation in the armed forces.

Mr. Speaker, Pat Elsberry is a dedicated individual who enriches the lives of her fellow Americans by educating them on the history of our country. Pat has encouraged the support