The French plan was to overthrow Juarez and take over the country. However, their overconfidence brought about their proudful downfall. They even brought along a Hapsburg prince, Maximilian, to be the new king over the Mexican empire. They were sorely mistaken in their ideal.

Napoleon's French army had not been defeated in 50 years and did not expect to lose this battle with these people. This distinguished, well-trained Army marched in with the finest equipment and the arrogance to go along with it. The French were not afraid of anything, but they should have been. Little did they know that the Mexicans would give them a fight to remember.

On May 5, 1862, the French Army left the Port of Vera Cruz to attack Mexico City. The French assumed that if they could take down the capitol, all of Mexico and their people would surrender.

The Mexicans were under the command of a Texas-born general, General Ignacio Seguin Zaragosa, and they waited and waited for the French, determined, diligent, and dedicated to defending this land. As the French Army headed to Mexico City, they were halted on the way. On May 5, 1862, while the cannons roared and rifle shots rang out, the French attacked 2 Mexican forts. Before the day was over, more than 1,000 French soldiers were dead. Against all odds, this hastily-assembled Mexican Army had routed the French imperialism in the city of Puebla, despite being outnumbered 2 to 1. The French left Mexico, and they have never returned.

So Cinco de Mayo is a day of celebration in Mexico as well as the United States. In my home State of Texas, where there are over 6 million Americans of Mexican descent, there are numerous celebrations taking place all over the State and in towns on this date. Cinco de Mayo is a wonderful opportunity to salute the contributions being made by all Hispanics in the Lone Star State and all of America. In my district, the second district of Texas, we have over 80,000 Hispanic members of the community. I feel fortunate to represent and live in a community that benefits from the dynamic presence of this richly proud culture.

So, Mr. Speaker, I rise to join all Americans and all Mexicans in recognition of this important day in history. The Mexicans who fought and died on a battlefield near Puebla 143 years ago represent the ideal and spirit of all humans, no matter what their race or their culture, to be free and be a free people.

Their determination embodied a spirit of freedom and patriotism. Cinco de Mayo is a chance for everyone to remember how essential our freedom is, how difficult it is to obtain, and how vigilant we must remain to defend it, no matter the cost.

□ 1500

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SUPPORT FOR THE NOMINATION OF JANICE ROGERS BROWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, today I rise in support of the nomination to the District of Columbia Circuit Court of Appeals of Janice Rogers Brown. Janice Rogers Brown is a member of the California Supreme Court, a former member of perhaps our most distinguished district court of appeals that meets in Sacramento, a former distinguished top legal advisor to then Governor Pete Wilson, formerly a distinguished deputy attorney general in the office of the California attorney general's office, one who has come from humble beginnings.

An Alabama sharecropper's daughter who attended segregated schools while she was growing up, graduated from UCLA, has practiced law in the private sector, but has spent most of her time in the public sector, either as the attorney representing the State, as a legal advisor to the Governor of the State, or as one who has served well as a member of the judicial branch in the State of California.

Her nomination is one of those that has been held up in the other body. Hers is one that has been suggested as the price of the President receiving consideration of his other nominations, that is, the suggestion is made that hers is one of the nominations that should be withdrawn because she is, ''out of the mainstream.''

Well, Mr. Speaker, in the short time I have available, I would like to speak to that point. In the State of California, we have a requirement that when one is nominated by the Governor of the State to either the appellate court or the California Supreme Court, they must undergo a rigorous review, which is concluded by a confirmation hearing and vote by a confirmation panel made up of three members: the chief justice of the California Supreme Court; the attorney general of the State of California; and in the specific instance of someone being nominated to the appellate bench, the chief presiding officer of that appellate bench. And for one who is being nominated to the California Supreme Court, that third person would be the seniormost serving presiding officer of any of the appellate benches in the State of California.

On two occasions I had the opportunity, as the attorney general of California, to be a member of that panel and had the opportunity to review her consideration, her nomination. And in both of those nomination processes, she received a unanimous vote of the 3-member panel.

When we considered her past legal work, when we considered her past judicial work, when we considered her qualifications, her education, her character, her philosophy, that is, whether or not she was committed to doing the job that judges are supposed to do, that is, interpreting the law as opposed to making the law, being constrained by the Constitution of the United States, by the Constitution of the State of California and by the statutes of the State of California, and where they apply, the statutes of the United States.

In that instance, she received a 100 percent vote from us in both cases. It is interesting that in the State of California, once one receives such an appointment, one has to go before the people of the State of California in a vote. And in that vote, when she was considered, after she had rendered opinions, after she had had her opinions published, when she was considered by the people of the State of California, she received, I believe it is, more than a 75 percent vote of the people.

Some say, well, that happens all of the time. Well, in my memory, we have had at least three members of the California Supreme Court basically voted down by the people. So there is a real contest; there is a real review by the people of the State of California.

Approximately 75 percent of the people of the State of California, when given the chance, upheld her continued activity on the court, that is, the Supreme Court of California. Now she has been nominated to serve the District of Columbia Circuit Court of Appeals by the President.

To this day, there has been reluctance, if not refusal, on the part of the other body to have her considered before the whole body. There has been the suggestion that rather than being submitted to the entire body and a vote up or down where a majority would prevail, she is being subjected to a 60-vote rule, a 60-percent rule. One searches in vain in the Constitution to find any reference to that.

I would suggest, as a matter of fact, it is questionable whether the Constitution would allow that kind of constraint on the prerogative of the President, as to whether or not advice and consent means that.

But be that as it may, it is interesting that the two representatives from the State of California who will have a vote in that body have chosen not to support her. And while they have been elected and reelected by the people of the State of California, that very same electorate has voiced their opinion in an official vote by giving her a mandate of 75 percent. That hardly