

## EXECUTIVE SESSION

## JAMES V. SELNA TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session to vote on Executive Calendar No. 76, which the clerk will report.

The legislative clerk read the nomination of James V. Selna, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. Under the previous order, there are 2 minutes evenly divided.

Mr. HATCH. Mr. President, I rise in support of the confirmation of James Selna to the U.S. District Court for the Central District of California. I have had the pleasure to review Mr. Selna's distinguished career and I am confident that he will make a fine Federal judge.

Judge Selna graduated Order of the Coif from Stanford Law School in 1970. Upon graduation he joined the prestigious law firm of O'Melveny & Myers, where he maintained a sophisticated commercial practice. Upon becoming a partner in 1978, Judge Selna was involved in many high profile cases, including representing the National Football League in defending antitrust claims. In the period immediately preceding his appointment to the Superior Court, his practice consisted of litigating complex commercial disputes, typically involving high technology issues and companies.

While in private practice, Judge Selna provided many hours of pro bono services to various organizations. For example, he has provided hundreds of hours of legal services on behalf of the Newport Harbor Museum in a successful constitutional challenge to Federal funding restrictions in the 1989/1990 appropriation for the Endowment for the Arts. In addition, he has provided legal advice while serving on the board of Phoenix House of Orange County, a nonprofit drug rehabilitation organization. I would like to commend Judge Selna for the many hours he has given to better his community.

Since 1998, Judge Selna has served with distinction on the Orange County Superior Court. His judicial experience on the State bench will serve him well in the Federal district court. I urge my colleagues to join me in strong support of Judge Selna's nomination.

I yield the floor.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of James V. Selna, of California, to be United States District Judge for the Central District of California? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr.

LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 111 Ex.]

YEAS—97

Akaka	Dodd	Lott
Alexander	Dole	Lugar
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Edwards	Murkowski
Bennett	Ensign	Murray
Biden	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Nickles
Boxer	Fitzgerald	Pryor
Breaux	Frist	Reed
Brownback	Graham (FL)	Reid
Bunning	Graham (SC)	Roberts
Burns	Grassley	Rockefeller
Byrd	Gregg	Santorum
Campbell	Hagel	Sarbanes
Cantwell	Harkin	Schumer
Carper	Hatch	Sessions
Chafee	Hollings	Shelby
Chambliss	Hutchinson	Smith
Clinton	Inhofe	Snowe
Cochran	Inouye	Specter
Coleman	Jeffords	Stabenow
Collins	Johnson	Stevens
Conrad	Kennedy	Sununu
Cornyn	Kohl	Talent
Corzine	Kyl	Thomas
Craig	Landrieu	Voinovich
Crapo	Lautenberg	Warner
Daschle	Leahy	Wyden
Dayton	Levin	
DeWine	Lincoln	

NOT VOTING—3

Kerry Lieberman Miller

The nomination was confirmed.

#### NOMINATION OF PHILIP P. SIMON, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA

The legislative clerk read the nomination of Philip P. Simon, of Indiana, to be United States District Judge for the Northern District of Indiana.

Mr. LUGAR. Mr. President, we will soon vote on the nomination of Philip Simon to be considered for a position on the United States District Court of Northern Indiana. It is because of that I rise once again to commend this remarkable jurist.

Judge William Lee and Judge James Moody informed me of their decisions to assume senior status after distinguished careers of public service. Both of these individuals are remarkable leaders on the Federal bench, and I applaud their leadership to Indiana and to the legal profession.

Immediately upon hearing of these decisions, I notified the White House and was asked by the President to help find the most qualified candidates to fill these two important positions in Hammond and Fort Wayne. I took this role very seriously and selected the candidates who would best serve the Northern District of Indiana.

After sharing my selections with my friend and colleague Senator EVAN BAYH, I submitted the names and applications of three outstanding candidates to the White House for their consideration. The President recently selected Assistant United States Attorney Philip Simon and United States Magistrate Theresa Springmann.

Philip Simon has a remarkable record as an Assistant United States Attorney. As Chief of the Criminal Division, he is responsible for overseeing all criminal prosecutions in the Northern District of Indiana. He has supervised and participated in prosecutions involving large-scale drug distribution rings, illegal firearms trafficking, white collar fraud cases, environmental crime, and mob related racketeering cases. In addition, he is in charge of a public corruption task force in Lake County, Indiana.

Philip has been the recipient of a number of awards and commendations. In 1995, the Mutual Insurance Companies of Indiana presented the Sherlock Award to Philip for his work to combat insurance fraud. In 1999, Philip was given the Director's award by Janet Reno, the highest award given to an Assistant United States Attorney by the Justice Department.

Aside from his outstanding public service, he is a dedicated community leader with an interest in assisting children and families with autism.

I believe that Philip Simon will demonstrate remarkable leadership to Northern Indiana and will appropriately uphold and defend our laws under the Constitution. I encourage my colleagues to support his nomination.

Mr. HATCH. Mr. President, I am pleased to support Philip P. Simon, who has been nominated to the U.S. District Court for the Northern District of Indiana.

Our nominee has had a distinguished legal career. Upon graduation from Indiana University Law School, Mr. Simon joined the law firm of Kirkland & Ellis as an associate, where he focused on general commercial and construction-related litigation, products liability, and employment discrimination and issues.

He next began a long career with the United States Attorney's Office, serving first in the Northern District of Indiana, then in the District of Arizona, and finally returning to the Northern District of Indiana, where he currently serves as Chief of the Criminal Division. During his 13 years with the U.S. Attorney's Office, Mr. Simon has handled a variety of issues ranging from routine drug cases to large scale drug distribution rings, public corruption cases, firearms violations, kidnapping, and white collar fraud.

Mr. Simon is also a member of the Federal Bar Association, the Illinois State Bar Association, and the Chicago Bar Association.

I am confident that Mr. Simon's extensive litigation experience will make him an excellent addition to the Federal bench.

The PRESIDING OFFICER. All time having been yielded back, the question is, will the Senate advise and consent to the nomination of Philip P. Simon, of Indiana, to be United States District Judge for the Northern District of Indiana?

Mr. LUGAR. Mr. President, I ask that the yeas and nays be vitiated.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

The nomination was confirmed.

Mr. LUGAR. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

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#### JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, while there are continuing problems caused by the administration's refusal to work with Democratic Senators to select consensus judicial nominees who could be confirmed relatively quickly by the Senate, today we again demonstrate what can happen when the administration works with us.

In spite of the President's lack of cooperation, the Senate in the 17 months I chaired the Judiciary Committee was able to confirm 100 judges and vastly reduce the judicial vacancies that had built up and were prevented by the Republican Senate majority from being filled by President Clinton. Last year alone the Democratic-led Senate confirmed 72 judicial nominees, more than in any of the prior 6 years of Republican control. Not once did the Republican-controlled committee consider that many of President Clinton's district and circuit court nominees. In our efforts to turn the other cheek and treat this President's nominees better than his predecessor's had fared, we confirmed 100 judges in 17 months. Yet not a single elected Republican has acknowledged this tremendous bipartisanship and fairness. When Chief Justice Rehnquist thanked the committee for confirming 100 judicial nominees, this was the first time this accomplishment had been acknowledged by anyone from a Republican background. I thanked him last week when I appeared before the Judicial Conference.

Almost all of the judges confirmed are conservatives, many of them quite to the right of the mainstream, and many are pro-life. Many of these nominees have been active in conservative political causes or groups, but we moved fairly and expeditiously on as many as we could.

We cut the number of vacancies on the courts from 110 to 50, despite an additional 60 new vacancies that had arisen. I recall that the chairman said in September of 1997 that 103 vacancies, during the Clinton Administration, did not constitute a "vacancy crisis." He also repeatedly stated that 67 vacan-

cies meant "full employment" on the Federal courts. Even with the vacancies that have arisen since we adjourned last year, we remain below the "full employment" level that Senator HATCH used to draw for the Federal courts with only 50 vacancies remaining on the district courts and courts of appeals, according to the Judiciary Committee website. Unfortunately, the President has not made nominations to a number of those seats, and on more than half of the current vacancies he has missed his self-imposed deadline of a nomination within 180 days. Of course, several of the nominations he has made are controversial.

This year the President has taken the truly unprecedented action of renominating candidates voted down in committee in spite of the serious concerns expressed by fair-minded members of this committee. That is a significant problem.

This year we have had a rocky beginning with a hearing that has caused a great many problems we might have avoided. The chairman's insistence on terminating debate on the Cook and Roberts nominations is another serious problem. Of course, the administration's unwillingness to work with the Senate so that we may be provided the documents and information needed to proceed with a final vote on the Estrada nomination has already proved to be a significant problem. The opposition to the Sutton nomination is also extensive.

Nonetheless, the Senate has proceeded to confirm 113 of President Bush's judicial nominees, including 13 this year alone. The Senate confirmed the controversial nomination of Jay Bybee to the Ninth Circuit, another pro-life judicial nominee. Already this year the Senate has confirmed more circuit court judges than Republicans allowed to be confirmed in the entire 1996 session. In addition, I note that it was not until September, 1999, that 13 of President Clinton's judicial nominees were confirmed in the first session of the last Congress in which Republicans controlled the Senate majority. This year we are 6 months ahead of that schedule.

The California nominee comes from the bipartisan selection commissions Senator FEINSTEIN and Senator BOXER have established in California and the Indiana nominee has the bipartisan support of his home State Senators. I congratulate the nominees and their families.

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#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

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#### DANIEL PATRICK MOYNIHAN

Mr. SCHUMER. Mr. President, I know there are a group of us who wish to speak about Senator Moynihan. I think that would be the next order of business, and so I will proceed.

Let me say that yesterday all of us were caused great sorrow when we heard the terrible news that Senator Daniel Patrick Moynihan, a giant among us, had passed from our midst. While the sadness is still there, today I rise to pay tribute to Pat Moynihan and to the extraordinary life that he led.

It can rarely be said about someone that they changed the world and made it a better place just with their ideas. Senator Moynihan was such an individual. He was a font of ideas. He was not afraid to utter them and he uttered them in such a way that people listened, paid attention, and changed the way they lived for the better.

Pat Moynihan was a friend to me, a mentor. I first met him when I attended his course at Harvard while I was a student and he was a professor. Throughout the many years, he extended me so many kindnesses I can't even count them. But beyond the personal—and every one of us has our personal stories about Pat—is what he did for all of us. He was known in the Senate as a unique individual, as a person of ideas in a body that, frankly, has always needed more of them. He was the kind of Senator that the Founding Fathers, as they look down on this body, would look at and smile and say: That's the kind of person we wanted to serve in the Senate.

I think the Washington Post editorial said it very well today. It said:

He pursued with distinction enough careers for half a dozen men of lesser talents and imagination—politician, Presidential adviser, diplomat, author, professor and public intellectual.

As someone who is barely managing to pursue only one of those many careers, I can't help but observe that, as you look around, there are no more Pat Moynihans in part because of the man—Pat Moynihan's vision, erudition, intellect, dazzling wit, and moral conviction were second to none—and in part because of the times. Pat Moynihan was one of the preeminent public intellectuals in a time when such figures and their ideas could command the Nation's attention in a way that I fear is now all but gone from American life. I hope and pray that is not true.

But we mourn his passing. We mourn the passing of his time from the national stage and from this beloved institution that he loved so well and served so well in for 24 years, the Senate.

In the coming days, many will pay tribute to Pat Moynihan's leadership and vision on so many ideas where his mark on policy and his mark on individuals are well known. There are children born in this country and in foreign countries whose lives are better, who will live better lives because Pat Moynihan lived and worked on this Earth.

His leadership in Social Security, in welfare reform, in poverty, in tax policy, in trade, in education, in immigration, in foreign policy, and most recently in government secrecy—any one