

Thank you for your work for Indian Country, and thank you for your support on this issue.

Sincerely,

TEX HALL,  
President, NCAI.

Mr. REID. Mr. President, the staff indicates we have 10 minutes prior to the vote on the judges. That should be more than enough to talk about the three judges. I ask unanimous consent that the 1 minute between the judges, which is unnecessary, be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Have the yeas and nays on the Cantwell amendment been ordered?

The PRESIDING OFFICER. No, they have not.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 3261. The clerk will call the roll.

Mr. McCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 48, nays 48, as follows:

[Rollcall Vote No. 107 Leg.]

#### YEAS—48

Akaka	Durbin	Lincoln
Bayh	Feingold	McCain
Biden	Feinstein	Mikulski
Bingaman	Graham (FL)	Murray
Boxer	Harkin	Nelson (FL)
Breaux	Hollings	Nelson (NE)
Byrd	Inouye	Pryor
Cantwell	Jeffords	Reed
Carper	Johnson	Reid
Clinton	Kennedy	Rockefeller
Conrad	Kohl	Sarbanes
Corzine	Landrieu	Schumer
Daschle	Lautenberg	Smith
Dayton	Leahy	Specter
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden

#### NAYS—48

Alexander	DeWine	Lugar
Allard	Dole	McConnell
Allen	Domenici	Miller
Bennett	Ensign	Murkowski
Bond	Enzi	Nickles
Brownback	Fitzgerald	Roberts
Bunning	Frist	Santorum
Burns	Graham (SC)	Sessions
Chafee	Grassley	Shelby
Chambliss	Gregg	Snowe
Cochran	Hagel	Stevens
Coleman	Hatch	Sununu
Collins	Hutchison	Talent
Cornyn	Inhofe	Thomas
Craig	Kyl	Voinovich
Crapo	Lott	Warner

#### NOT VOTING—4

Baucus	Edwards
Campbell	Kerry

The amendment (No. 3261) was rejected.

Mr. ALLARD. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. I ask the next vote be a 10-minute vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, could we make all of them 10-minute votes?

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. The next vote will be a 10-minute vote.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, I ask unanimous consent that the next votes all be 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF SANDRA L. TOWNES TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session for the consideration of three nominees. The clerk will report.

The assistant legislative clerk read the nomination of Sandra L. Townes, of New York, to be United States District Judge for the Eastern District of New York.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes equally divided between the two leaders or their designees prior to three consecutive votes.

Mr. HATCH. Mr. President, I am pleased today to speak in support of Justice Sandra Townes, who has been nominated to the United States District Court for the Eastern District of New York.

Justice Townes comes to us with an impressive record of public service and accomplishment. She left a successful teaching career to attend Syracuse University College of Law. Following her graduation, she went to work in the Onondaga County District Attorney's Office, where she had a long and successful career as prosecutor. She left the district attorney's office in 1987, when she was elected judge of the Syracuse City Court—becoming the first African American woman to do so. She made history again in 1999, when she became the first African American to be elected locally to the New York State Supreme Court. Two years later, Gov. George Pataki appointed her to associate justice of the Appellate Division of that court, where she now sits.

I applaud President Bush for his nomination of Justice Townes and am confident that she will continue her outstanding record of public service on the Federal bench in the Eastern District of New York.

I yield the floor.

Mr. LEAHY. Mr. President, today the Senate is proceeding to confirm Sandra

Lynn Townes to the U.S. District Court for the Eastern District of New York. Justice Townes is currently an associate justice of the New York State Supreme Court, Appellate Division, where she has served for several years. She previously served as a judge in the Fifth Judicial District of the New York State Supreme Court. According to press reports, Justice Townes is the first African-American woman to serve on the appellate bench in New York and the first African-American Judge elected to the New York Supreme Court in the Fifth District. She was also a judge of the City Court of Syracuse from 1988 to 1999.

Her extensive record of judicial experience commends her for this lifetime appointment, and I am pleased to join her home-State Senators in support of her nomination.

Today's confirmation will make the 178th judicial nominee to be confirmed for this President. With 78 judicial confirmations in just the past year and a half alone, the Senate has confirmed more Federal judges than were confirmed during all of 1995 and 1996, when Republicans controlled the Senate and President Clinton was in the White House. It also exceeds the 2-year total for the last Congress of the Clinton administration, when Republicans were in the Senate majority. We have already exceeded the totals for the last two Congresses leading up to presidential elections.

When Democrats controlled the Senate for 17 months in 2001 and 2002, we worked diligently to confirm 100 of President Bush's judicial nominees. We are now confirming the 78th in the other 24 months that have transpired during this most divisive presidency. With 178 total judicial confirmations in 3½ years, the Senate has confirmed more lifetime judicial appointees of this President than were allowed to be confirmed in President Clinton's entire term from 1997 through 2000. We have already surpassed the number of judicial confirmations during President Reagan's entire term from 1981 through 1984, and he is acknowledged to have appointed more Federal judges than any other president in our history.

The Republican Senate leadership has again chosen to avoid debate of the nomination of J. Leon Holmes and Judge Dora Irizarry. Just so that there is no confusion, it is the choice of the Republican Senate leadership to skip those nominations.

The Holmes nomination will take some significant debate. The nomination was sent by the Judiciary Committee to the floor without recommendation, a highly unusual circumstance. That means that there was not a majority vote in committee to report the nomination favorably. The committee disserved the Senate by not doing its job of fully vetting the nomination and reaching a consensus or even a vote on the merits.

It is also the decision of the Republican leadership to skip the nomination

of Judge Irizarry, which has been pending on the Senate floor since last October. She is one of many Bush nominees with a "not qualified" or partial "not qualified" rating from the ABA. With the support of Senator SCHUMER, her nomination was considered and favorably reported by the committee. For months Democrats have been ready to vote on that district court nomination. The delay in considering her nomination since last October, a delay of 7 months, is attributable to the reluctance of the Republican Senate leadership to consider her nomination.

It is reminiscent of the way the Republican leadership treated the nomination of other Hispanics. For example, President Clinton's nomination of Judge Sonia Sotomayor to the 2nd Circuit was delayed for 16 months and was likewise stalled by Republicans on the Senate calendar for 7 months. Judge Richard Paez's nomination to the 9th Circuit was delayed for more than 4 years and was stalled by Republicans on the Senate calendar for more than 18 months alone. More recently, Republican Senate leadership even delayed Senate consideration of President Bush's nomination of Judge Edward Prado of Texas to the 5th Circuit for a month on the calendar, until we called them on it. Considering Judge Prado's nomination in a timely fashion would not have fit with the partisan political characterizations that Republicans wanted to draw of Democrats so they just left him on the shelf for a time.

The Republican leadership must be accountable for its scheduling priorities and the delays that it is causing in the consideration of the President's judicial nominations.

I congratulate Justice Townes and her family on her confirmation today.

Mr. President, I thank the Senators on both sides of the aisle who have worked with me and others in the past few weeks to get through this logjam on judges.

I yield back any remaining time.

The PRESIDING OFFICER. Is all time yielded back?

Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Sandra Townes, of New York, to be United States District Judge for the Eastern District of New York.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 108 Ex.]

YEAS—95

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

NOT VOTING—5

Baucus	Edwards	Miller
Campbell	Kerry	

The nomination was confirmed.

#### NOMINATION OF KENNETH M. KARAS TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the next nomination.

The assistant legislative clerk read the nomination of Kenneth M. Karas, of New York, to be United States District Judge for the Southern District of New York.

#### NOMINATION OF KENNETH M. KARAS

Mr. HATCH. Mr. President, I am pleased today to speak in support of Kenneth Karas, who has been nominated to the United States District Court for the Southern District of New York.

Mr. Karas, a graduate of Columbia University School of Law, is a distinguished veteran of the U.S. Attorney's Office for the Southern District of New York, where he is co-chief of that office's unit specializing in terrorism cases. He is known among his peers as an "al-Qaida expert," for his assistance in successfully prosecuting four of Osama bin Laden's followers for the 1998 embassy bombings in East Africa. He is currently the lead prosecutor in the case against alleged al-Qaida terrorist Zacarias Moussaoui.

Mr. Karas is, by all accounts, a gifted prosecutor whose familiarity with Federal trial procedure will benefit him immensely on the Federal bench.

I applaud President Bush for his nomination of Mr. Karas and am con-

fident that he will serve on the bench with compassion, integrity and fairness.

Mr. LEAHY. Mr. President, this evening the Senate considers the nomination of Kenneth Karas to be a United States District Judge for the Southern District of New York. For the past 11 years, Mr. Karas has served as an assistant United States attorney for the Southern District of New York. He received a favorable rating from the American Bar Association and he has the support of both Senators from his home State.

In sharp contrast to so many judicial nominees of this President, apparently selected for their political viewpoint, Mr. Karas appears to be a well-qualified, moderate nominee. He has advocated for civil rights and the rights of the indigent and has served the public as an assistant U.S. attorney for 11 years.

Mr. Karas's testimony and answers to my questions have made me confident that he will treat all who appear before him with respect. The nomination of Mr. Karas is an example of how effectively Democrats and Republicans can work together when we have qualified, moderate nominees.

Mr. Karas will be the ninth of President Bush's nominees confirmed to Federal court vacancies in New York, leaving only one vacancy on the Federal judiciary in the State. The nominee to that vacancy was favorably reported by the Judiciary Committee to the Senate 7 months ago. It has been the decision of the Republican leadership not to move the nomination of Judge Dora Irizarry, a Latina nominee. Democrats have been ready to vote on Judge Irizarry's nomination.

With 79 judicial confirmations in just the past year and a half, the Senate has confirmed more Federal judges than were confirmed during either Congress leading to a presidential election with a Democratic President and Republican Senate majority in 1996 and 2000.

This marks the 179th judicial confirmation since President Bush took office. That is more than President Reagan, the acknowledged all-time champion, achieved in his entire 4-year presidential term from 1981 through 1984 working hand in hand with a Republican Senate majority. It is more than President Clinton was able to achieve in his entire 4-year presidential term from 1993 through 1996, having to work with a Republican Senate majority during 1995 and 1996.

I congratulate Mr. Karas and his family on his confirmation today.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Kenneth M. Karas, of New York, to be United States District Judge for the Southern District of New York?