

Republican campaign committees talking about Democrats treating the South unfairly on judges. Southern States comprise about 25 percent of the States, but 60 of the nominees, about one-third of the nominees, have come from the South. With my colleagues, I have moved to get virtually all of them through.

Today we are asked to consider the nomination of William S. Duffey, Jr., to the Northern District of Georgia. The ABA found Mr. Duffey to be well-qualified to be a district court judge. He also has the support of both of his home State Senators.

Mr. Duffey is currently serving as the United States Attorney for the Northern District of Georgia. Prior to this Presidential appointment, he was in private practice and served for a number of years under the Office of the Independent Counsel during the 1990s. In this capacity, Mr. Duffey had administrative and general oversight responsibility for investigative activities and staffing in Arkansas. I questioned Mr. Duffey about two speeches he gave about his involvement in the White-water investigation. For example, while serving as the United States Attorney in northern Georgia and using the seal of that office, Mr. Duffey recently gave a speech entitled "White-water, White Powder and White Paper" at a local university. Despite his use of pejorative editorial cartoons, Mr. Duffey claimed that this speech was really about the value of public service. I am somewhat reassured by Mr. Duffey's answers to my questions and hope that if he is confirmed, he will avoid appearances of impropriety and conduct himself in a manner beyond reproach.

I would also note that some have falsely alleged that Democratic Senators have treated Southern nominees unfairly. That is simply untrue. The truth is that Democrats have treated judicial nominees from the South very fairly: Southern States comprise about 25 percent of the States in the Nation, yet out of the 184 judicial nominees of President Bush that we have confirmed as of this vote, 60 nominees, or about one-third, have been appointed to judicial seats in the South. With this vote there will be no vacancies in the entire State of Georgia. Senators on this side of the aisle worked to fill the last vacancy in Georgia. Judge C. Ashley Royal was confirmed December 20, 2001, under Democratic leadership to be United States District Judge for the Middle District of Georgia.

It is very unfortunate that some extreme partisans have tried to divide the American people for political gain with their false accusations that Democratic Senators are anti this group or that group. Democrats have been fair to judicial nominees from all parts of the Nation. We have been far more fair to this President's judicial nominees than Republicans were to the last Democratic President's. Republican Senators blocked more than 60 of

President Clinton's judicial nominees, including several southerners.

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

Madam President, 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 William S. Duffey, Jr., of Georgia, to be United States District Judge for the Northern District of Georgia?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

Mr. REID. I announce that 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 97, nays 0, as follows:

[Rollcall Vote No. 121 Ex.]

YEAS—97

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

NOT VOTING—3

Edwards Kerry Lugar

The nomination was confirmed.

NOMINATION OF LAWRENCE F. STENGEL TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Lawrence F. Stengel, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. There will now be a period of 2 minutes of debate, equally divided.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I have sought recognition to speak in support of the nomination of Lawrence F. Stengel for the U.S. District Court for the Eastern District of Pennsylvania.

Lawrence Stengel, who is currently a State common pleas judge in Lancaster County, PA, comes to this nomination with an outstanding background. He has a bachelor's degree from St. Joseph College in 1974 and a law degree from the University of Pittsburgh in 1980. He has an outstanding record in the practice of law, having maintained a practice as a sole practitioner for some 5 years, which is something in this day and age.

For the past 14 years, he has been a State court judge and has established an enviable reputation in Lancaster County. In addition to his judicial duties, he serves as an adjunct professor at Franklin and Marshall, and also as an adjunct professor at Millersville University, demonstrating his versatility and capability.

I have every reason to expect a strong vote.

I yield back the remainder of my time.

Mr. HATCH. Madam President, I rise today to voice my strong support for the nomination of Judge Lawrence F. Stengel for the United States District Court in the Eastern District of Pennsylvania. Judge Stengel has an impeccable record as both a jurist and practitioner, and this body would be wise to confirm him to the Federal bench.

Judge Stengel comes to the floor with not only my strong support, but also the unanimous support of my colleagues on the Judiciary Committee. Before consideration in the committee, Judge Stengel received a "well qualified" rating from the ABA—the oft quoted "gold standard" for judicial nominees. An alumnus of my alma mater, University of Pittsburgh Law School, Judge Stengel has served with distinction for nearly fourteen years as a Court of Common Pleas Judge in Lancaster, PA. His service on the Court was preceded by 10 years of legal practice, where he focused primarily on civil litigation matters.

Judge Stengel exemplifies excellence in judicial decision making, yet his commitment to enhancing the legal profession does not merely begin and end at the courthouse door. He has had an incredibly positive impact on the legal community outside of the courtroom as well. As president of the Lancaster Bar Association, Judge Stengel formed a diversity task force to investigate ways to increase the number of minority attorneys practicing in Lancaster County. Additionally, Judge Stengel appointed a committee for the creation of the Lancaster Bar Association Foundation—a foundation whose

primary purpose is to raise funds for enhancing the delivery of services to underprivileged clients.

I applaud the President for nominating Judge Stengel and am confident he has the requisite judicial temperament, integrity, compassion, and legal expertise to serve with distinction on the Federal bench. I urge my colleagues to support his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, today, I vote to support Lawrence Stengel to be a United States District Court Judge for the Eastern District of Pennsylvania. Judge Stengel has served for more than 13 years as a Judge on the Lancaster County Court of Common Pleas, where he has presided over hundreds of civil and criminal cases. In light of his significant judicial experience, it is not surprising that a substantial majority of the American Bar Association found him "Well-Qualified" for a lifetime position on the Federal court.

A look at the Federal judiciary in Pennsylvania demonstrates yet again that President Bush's nominees have been treated far better than President Clinton's and shows dramatically how Democrats have worked in a bipartisan way to fill vacancies, despite the fact that Republicans blocked more than 60 of President Clinton's judicial nominees. With today's confirmation, 18 of President Bush's nominees to the Federal courts in Pennsylvania will have been confirmed, more than for any other State.

With this confirmation, President Bush's nominees will make up 18 of the 43 active Federal circuit and district court judges for Pennsylvania—that is more than 40 percent of the Pennsylvania Federal bench. On the Pennsylvania district courts alone, President Bush's influence is even stronger, as his nominees will hold 15 of the 34 active seats—or more than 44 percent of the current active seats. With the additional Pennsylvania district court nominees pending on the floor and likely to be confirmed soon, nearly half of the district court seats in Pennsylvania will be held by President Bush's appointees. Republican appointees will outnumber Democratic appointees by nearly two to one.

This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate when President Clinton was in the White House. Although Republicans now decry Democratic filibusters of a mere handful of the most extreme nominees, Republicans denied votes to 10 judicial nominees, 9 district and 1 circuit court nominees of President Clinton in Pennsylvania alone. Despite the efforts and diligence of the senior Senator from Pennsylvania, Senator SPECTER, to secure the confirmation of all of the judicial nominees from every part of his home State, there were 10 nominees by President

Clinton to Pennsylvania vacancies who never got a vote. Despite how well-qualified these nominees were, many of their nominations sat pending before the Senate for more than a year without being considered. Such obstruction provided President Bush with a significant opportunity to reshape the Federal bench and the law.

News articles in Pennsylvania have highlighted the way that President Bush has been able to reshape the Federal bench in Pennsylvania. For example, The Philadelphia Inquirer noted that the significant number of vacancies on the Pennsylvania courts "present Republicans with an opportunity to shape the judicial makeup of the court for years to come." Despite this, I do hope Judge Stengel will be fair to all who come before him.

Madam President, I yield back my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the Senate advise and consent to the nomination of Lawrence F. Stengel, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Indiana (Mr. LUGAR) is necessarily absent.

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

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

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

[Rollcall Vote No. 122 Ex.]

YEAS—97

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

NOT VOTING—3

Edwards

Kerry

Lugar

The nomination was confirmed.

NOMINATION OF PAUL S. DIAMOND TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Paul S. Diamond, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. There will be 2 minutes equally divided on the nomination.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, Paul Diamond is a distinguished Philadelphia attorney who holds a bachelor's degree from Columbia magna cum laude, demonstrating an excellent academic background, a law degree from the University of Pennsylvania, 2 years experience in the Philadelphia district attorney's office, a law clerk to a supreme court judge in Pennsylvania, a partner in a very distinguished law firm, Obermayer Rebmann Maxwell & Hippiel, for more than a decade, and is currently an adjunct professor at Temple University.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I was tied up in a meeting for the prior vote on Judge Stengel. I have the highest respect for the two gentlemen and urge the confirmation of Judge Diamond.

Mr. HATCH. Mr. President, I am pleased today to speak in support of Mr. Paul S. Diamond, who has been nominated to the United States District Court for the Eastern District of Pennsylvania. He is a fine choice for the Federal bench.

Mr. Diamond received his bachelor of arts degree, magna cum laude, from Columbia University, and his juris doctor from the University of Pennsylvania School of Law. Following law school, he spent several years working in the Philadelphia District Attorney's Office as a Assistant District Attorney. He then served as a law clerk to the Honorable Justice Bruce W. Kauffman of the Pennsylvania Supreme Court, now a judge serving on the United States District Court for the Eastern District of Pennsylvania. At the conclusion of his clerkship, he returned to the Philadelphia District Attorney's Office.

In 1983, Mr. Diamond joined Dilworth, Paxson, Kalish & Kauffman LLP., as an associate and in 1986, he was made a partner. Paul S. Diamond is currently a partner in the venerable Philadelphia law firm of Obermayer, Rebmann, Maxwell & Hippiel LLP., where he practices in the area of complex criminal and commercial litigation. He is also administrative partner of the firm's litigation department.