

## EXECUTIVE SESSION

the Central American band of countries. Colombia has shown the fortitude, the courage, the strength, the sacrifice to take on adversity and they have met with success. This is a very modest number increase in troops, essential at this time to keep that forward momentum going. I strongly urge that you vote against the Byrd amendment.

The PRESIDING OFFICER. All time having been yielded back, under the previous order, the question occurs on agreeing to the Byrd amendment on which the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL, I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

I further announce that if present and voting the Senator from Kansas (Mr. BROWNBACK) would vote "nay."

Mr. REID, I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

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

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 140 Leg.]

## YEAS—40

Akaka	Durbin	Levin
Baucus	Edwards	Lincoln
Biden	Feingold	Mikulski
Bingaman	Fitzgerald	Murray
Boxer	Harkin	Pryor
Breaux	Hollings	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Conrad	Kennedy	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Wyden
Dayton	Lautenberg	
Dorgan	Leahy	

## NAYS—58

Alexander	Dole	Miller
Allard	Domenici	Murkowski
Allen	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Feinstein	Nickles
Bond	Frist	Roberts
Bunning	Graham (FL)	Santorum
Burns	Graham (SC)	Sessions
Campbell	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hagel	Snowe
Clinton	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Kyl	Talent
Cornyn	Lieberman	Thomas
Craig	Lott	Voivovich
Crapo	Lugar	Warner
DeWine	McCain	
Dodd	McConnell	

## NOT VOTING—2

Brownback Kerry

The amendment (No. 3423) was rejected.

Mr. WARNER, I move to reconsider the vote.

Mr. SANTORUM, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

# NOMINATION OF JUAN R. SANCHEZ TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. Under the previous order, the Senate will now move to executive session.

The clerk will report.

The legislative clerk read the nomination of Juan R. Sanchez, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate on the nomination equally divided.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the first nomination is Juan Sanchez. He was born in Puerto Rico. He immigrated to the United States. This is a great Horatio Alger's success story. He was educated at City College of New York, bachelor's degree with cum laude. He is a graduate of the University of Pennsylvania Law School. He has been in the private practice of law and has performed community service in the Legal Aid Society for the last 5 years. He has been a common pleas judge in Chester County, PA.

He brings outstanding credentials and is a product of the nominating panel organized by my distinguished colleague, Senator SANTORUM, and myself.

I yield to my colleague.

The PRESIDING OFFICER. The junior Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I am pleased to support the confirmation of Judge Juan R. Sanchez to the U.S. District Court, Eastern District of Pennsylvania. I thank the President for his nomination of this excellent candidate and to congratulate Judge Sanchez and his family.

Judge Sanchez is a cum laude graduate of the City College of the City University of New York. He received his law degree from the University of Pennsylvania Law School in 1981. Since 1998, he has served as a judge on the Court of Common Pleas, 15th Judicial District of Pennsylvania in West Chester, PA.

Judge Sanchez brings to the bench wide-ranging legal experience. He served as a staff attorney for Legal Aid of Chester County in West Chester, PA, from 1981 to 1983. He had a general legal practice and was a partner with Nester, Nester & Sanchez from 1983 to 1990. He as a sole practitioner from 1990 to 1997. Judge Sanchez also served as a senior trial attorney at MacElree, Harvey, Gallagher, Featherman & Sebastian. Judge Sanchez serves as an adjunct professor at West Chester University, Immaculata University, and Villanova University School of Law.

Judge Sanchez has served his community in numerous ways. He has

served on the board of Centro Guayacan, a multicultural educational community center, Riverside Care of Chester County, Chester County Hospital, the YMCA of Central Chester County and the YMCA of Brandywine Valley, the Volunteer English Program in Chester County, and Community Volunteers in Medicine. He has also served as a commissioner for the Housing Authority of Chester County and as an advisor to the United Way of Chester County. He has received several awards for his service as a judge and his service to the community.

Again, I express my strong support for his nomination. I thank Judge Sanchez for his willingness to serve Pennsylvania on the Federal bench. I look forward to his approval by the Senate and urge my colleagues to support his confirmation.

In addition to what Senator SPECTER said, this man has made a tremendous contribution to the Hispanic community in Chester County and has done a lot in the strengthening and building of that community. He has great legal talent to go along with it. He is truly an extraordinary person, will be an extraordinary judge, and has been an extraordinary judge in Chester County.

Mr. LEAHY. Mr. President, I note by this vote that 20 of the 44 active Federal circuit court district judges from Pennsylvania will be made up of nominees of President Bush. I mention this because some think that somehow he has not been able to get a lot of nominations through. This is a 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. Republicans denied votes to nine districts and one circuit court nominee of President Clinton in Pennsylvania. That was notwithstanding the very honest due diligence of the senior Senator from Pennsylvania, Mr. SPECTER, who tried to get them confirmed. Others in his party blocked a vote. I do not want to see that happen again in Pennsylvania.

Today the Senate considers the nomination of Juan Ramon Sanchez to be a United States District Judge for the Eastern District of Pennsylvania. I am glad that the Republican majority has finally decided to proceed to this well-qualified Hispanic nominee, since they departed from the order of the Executive Calendar last week and did not schedule a confirmation vote for Mr. Sanchez, despite the fact that he would have received unanimous Democrat support.

Judge Sanchez has served as a judge on the Court of Common Pleas in Chester County, PA since 1998. Prior to that, he worked for Legal Aid of Chester County, in private practice, and as a senior trial attorney with the Chester County Public Defender's Office. Judge Sanchez has devoted a substantial amount of time to pro bono work in his community and, in particular, to assisting Latino individuals and groups

in various legal matters, including housing, employment, and immigration. He has also served on the Pennsylvania Supreme Court's Committee on Racial and Gender Bias in the Justice System and the Racial Ethnic Bias Implementation Committee of the Judicial Council.

While some people have accused Democrats of being anti-Hispanic, our record of confirming Hispanic nominees is excellent. Judge Sanchez is the 18th Latino confirmed to the Federal courts in the past three years. With the exception of Mr. Estrada, who failed to answer many questions and provide the Senate with his writings and views, we have pressed forward to confirm all of the other Latinos whose nominations have been reported to the floor. Democrats have supported the swift confirmation of 18 of President Bush's 22 Latino nominees.

While President Clinton nominated 11 Latino nominees to Circuit Court positions, three of those 11 were blocked by the Republican Senate and never given a vote. President Bush has only nominated four Latino nominees to Circuit Court positions, three of whom have been confirmed with Democratic support. President Bush's 22 Latino nominees constitute less than 10 percent of his nominees, even though Latinos make up a larger percentage of the U.S. population.

It is revealing that this President has nominated more people associated with the Federalist Society than Hispanics, African Americans and Asian Americans, combined. While President Clinton cared deeply about diversity on the Federal bench, this President is more interested in narrow and slanted judicial ideology. Forty-five of President Bush's nominees to the Federal courts have been actively involved, either as members or speakers, in the Federalist Society.

The Federalist Society is sometimes mischaracterized as a mere debating society, but according to its own statement of purpose, it is a group with a point of view: "The Federalist Society for Law and Public Policy Studies is a group of conservatives and libertarians interested in the current state of the legal order." One of the goals of the Federalist Society is the "reordering of priorities within the legal system."

The administration wants to have it both ways. They want to take credit with the Federalist Society and hard-right conservatives when they nominate ideological nominees, but they want to pretend that ideology does not matter. If ideology does not matter to the President, why has he nominated more members of the Federalist Society than he has members of minority groups? The President has shown that he is steadfastly committed to packing the courts with individuals who will shape the bench according to his ideological goals rather than creating courts that are fair, balanced, independent, and reflective of the diversity within our country.

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 this confirmation, 20 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 20 of the 44 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 now hold 17 of the 36 active seats. In other words, 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. Republicans denied votes to nine district and one 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 records that showed these to be well-qualified nominees, 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 shape the bench according to his partisan and ideological goals.

New 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, observed 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."

Like other nominees of President Bush, Judge Sanchez has been very involved in the Republican party. He has assured me that he will be fair to all those who come before him. I hope that he will follow the law and treat all who appear before him fairly regardless of their ideology or party affiliation.

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

Mr. HATCH. Mr. President, I am pleased today to speak in support of Juan Sanchez, who has been nominated to be a United States District Judge for the Eastern District of Pennsylvania.

Judge Sanchez is exceptionally qualified for the Federal bench. He presently serves on the Court of Common Pleas in the 15th Judicial District of Pennsylvania, having been elected to that position in 1997.

Upon graduating from the University of Pennsylvania Law School in 1981, he became a staff attorney for Legal Aid of Chester County. Two years later, he joined the Chester County Public Defender's Office as a senior trial attorney—a position that he retained until 1997. During that period, Judge Sanchez also worked for two law firms and as a sole practitioner, representing Spanish-speaking individuals in a wide variety of legal areas.

Judge Sanchez has dedicated his career to serving the disadvantaged in Chester County, PA, and his impressive credentials are reflected in his unanimous "Well Qualified" rating by the American Bar Association.

Judge Sanchez is an extremely well-qualified nominee. I am confident that he will be a fine addition to the bench and urge my colleagues to join me in supporting his confirmation.

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

The PRESIDING OFFICER (Mr. CORNYN). Is there a sufficient second? There is a sufficient second.

The question is, will the Senate advise and consent to the nomination of Juan R. Sanchez, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

Mr. MCCONNELL. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

I further announce that if present and voting the Senator from Kansas (Mr. BROWNBACK) would vote "yea".

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 141 Ex.]

#### YEAS—98

Akaka	Conrad	Hagel
Alexander	Cornyn	Harkin
Allard	Corzine	Hatch
Allen	Craig	Hollings
Baucus	Crapo	Hutchison
Bayh	Daschle	Inhofe
Bennett	Dayton	Inouye
Biden	DeWine	Jeffords
Bingaman	Dodd	Johnson
Bond	Dole	Kennedy
Boxer	Domenici	Kohl
Breaux	Dorgan	Kyl
Bunning	Durbin	Landrieu
Burns	Edwards	Lautenberg
Byrd	Ensign	Leahy
Campbell	Enzi	Levin
Cantwell	Feingold	Lieberman
Carper	Feinstein	Lincoln
Chafee	Fitzgerald	Lott
Chambliss	Frist	Lugar
Clinton	Graham (FL)	McCain
Cochran	Graham (SC)	McConnell
Coleman	Grassley	Mikulski
Collins	Gregg	Miller

Murkowski	Rockefeller	Stabenow
Murray	Santorum	Stevens
Nelson (FL)	Sarbanes	Sununu
Nelson (NE)	Schumer	Talent
Nickles	Sessions	Thomas
Pryor	Shelby	Voinovich
Reed	Smith	Warner
Reid	Snowe	Wyden
Roberts	Specter	

## NOT VOTING—2

Brownback Kerry

The nomination was confirmed.

# NOMINATION OF WALTER D. KELLEY, JR. TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA

The PRESIDING OFFICER. The clerk will state the nomination.

The assistant legislative clerk read the nomination of Walter D. Kelley, of Virginia to be United States District Judge for the Eastern District of Virginia.

Mr. WARNER. Mr. President, the chairman of the Judiciary Committee is here. Senator ALLEN and I need to have a few minutes together.

There is no greater responsibility as a Senator than selecting for recommendation to a President our nominees to the Federal judiciary. I have known Mr. Kelley for many years. He graduated cum laude from my alma mater, Washington and Lee University. After working for a year as a press secretary to a member of the U.S. House of Representatives, he returned to Washington and Lee and earned his law degree magna cum laude.

Subsequent to law school, Mr. Kelley served as a law clerk to a judge on the U.S. Court of Appeals for the Second Circuit in New York City. We are fortunate that when he completed his clerkship, Mr. Kelley returned home to Norfolk, VA, where he practiced law with great distinction.

Article II, Section 2 of the Constitution provides the President with the authority to nominate, with the "Advice and Consent of the Senate," individuals to serve as judges on the Federal courts. Thus, the Constitution provides a role for both the President and the Senate in this process. The President has the power to nominate, and the Senate has the power to render "Advice and Consent" on the nomination.

In fulfillment of this constitutional responsibility, after Judge Morgan of the Eastern District of Virginia bench took senior status, Senator ALLEN and I had the honor of recommending Walter Kelley to President Bush to fill that vacancy. After reviewing our recommendations, President Bush nominated Mr. Kelley.

Mr. Kelley's nomination was subsequently received by the Senate, and in a timely fashion, the Senate Judiciary Committee provided its unanimous approval of this nominee. I am grateful to Chairman HATCH and Senator LEAHY for their hard work in moving this nomination forward. And, I am grateful

to the leadership on both sides of the aisle for bringing Mr. Kelley's nomination before the full Senate.

When Senator ALLEN and I first learned of the vacancy on the Eastern District of Virginia bench, we began our search to find the most qualified and well-respected individual to fill that vacancy. During that process, one name repeatedly was brought up. That name was Walt Kelley.

Walt Kelley graduated with his bachelor's degree, cum laude, in 1977 from my alma mater, Washington & Lee University. Then, after working for a year as a Press Secretary to a member of the United States House of Representatives, he returned to Washington & Lee and earned his law degree, magna cum laude.

Subsequent to law school, Mr. Kelley served as a law clerk to a judge on the United States Court of Appeals for the Second Circuit, in New York City. We are fortunate in Virginia that after he completed his clerkship, Mr. Kelley returned to his home town of Norfolk, VA to practice law.

Since then, for the past 22 years, Walt Kelley has practiced law for two of Virginia's best law firms, Wilcox & Savage PC, and Troutman Sanders LLP. During these two decades plus of his legal career, his practice has focused primarily on complex business litigation before the Federal courts.

Moreover, during these 22 years, Mr. Kelley has earned a reputation for not only being one of the best lawyers in Virginia, but also being one of the best lawyers in America. Each year, since 1997, he has been listed in The Best Lawyers in America for business litigation. This is a publication that lists the "best" lawyers in America based on the recommendations of other lawyers all across America.

But, not only is Mr. Kelley dedicated to his family and to his legal career, he also has taken the time to give back to his community. In addition to other community activities, he is a member and the former rector of the Old Dominion University Board of Visitors in Norfolk, VA, and he is a member of the Virginia Business Higher Education Council.

Mr. President, Walt Kelley has my strong support and the strong support of Senator ALLEN. In addition, he has the support of Virginia's legal community. The Virginia State Bar; Virginia Bar Association; the Virginia Association of Defense Attorneys; and the Norfolk & Portsmouth Bar Association all support Mr. Kelley's nomination. Furthermore, the American Bar Association has unanimously rated Mr. Kelley as "well qualified" for this judgeship.

I know that Walt Kelley is a fine nominee. If confirmed, he will serve on the bench in Virginia with distinction.

I urge my colleagues to support his nomination.

The PRESIDING OFFICER. The junior Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, I join my colleague and friend, Senator WARNER,

in endorsing Walt Kelley for this judgeship for the U.S. District Court for the Eastern District of Virginia. I have known him for many decades. He is a patient man and an outstanding lawyer.

Senator WARNER and I interviewed many highly qualified candidates for that judgeship in the Eastern District of Virginia. Walt Kelley has extensive trial experience and, most importantly, has the right philosophy as a judge and will not invent the law but interpret it according to the facts.

I hope my colleagues will support his nomination.

Mr. HATCH. Mr. President, I rise today to express my strong support for the confirmation of Walter D. Kelley Jr. to serve as a judge for the United States District Court for the Eastern District of Virginia.

Mr. Kelley received both his undergraduate and his law degree, magna cum laude, from Washington and Lee University. Upon graduation from law school, he clerked for Judge Ellsworth Van Graafeiland on the Second Circuit.

In 1982, he joined the Norfolk, VA, law firm of Wilcox and Savage. Since 2001, he has been a partner at Troutman Sanders in Norfolk, where he practices in the area of business litigation with an emphasis on intellectual property and antitrust law.

Aside from his private practice, Mr. Kelley has devoted significant time to improving the legal community as a leader in bar activities. He has served as a mentor to younger attorneys, a quasi-judge of the Norfolk Circuit Court, and as a law professor. He also served on the Virginia Attorney General's Task Force on Higher Education; as rector and a member of Old Dominion University Board of Visitors; as a chairman and director of the Hampton Roads Board of the Salvation Army; and as a trustee of the Norfolk Collegiate School.

Walter Kelley is an extremely well-qualified nominee with a significant amount of litigation experience. The American Bar Association unanimously bestowed on him its highest rating of "Well Qualified," in recognition of his outstanding legal skills and reputation. He will make an excellent addition to the Federal bench and I urge my colleagues to join me in supporting his confirmation.

Mr. LEAHY. Mr. President, today we are asked to consider the nomination of Walter Kelley, Jr. to the Eastern District of Virginia. Mr. Kelley is currently a partner with the Norfolk office of the Troutman Sanders law firm. He has significant civil litigation experience. The ABA unanimously found Mr. Kelley to be well-qualified to be a district court judge. He also has the support of both of his home-State Senators.

It should be noted that Mr. Kelley has been very active in Republican politics over the past several decades. Mr. Kelley recently served as the Chairman of the Republican Party of Norfolk for