

In California, we have developed a bipartisan process for selecting Federal district court nominees. Under this system, a committee of lawyers, including Democrats and Republicans, recommends qualified applicants to the President.

The fact that Judge O'Neill's nomination was a product of this commission gives me confidence that he comes to the bench without an ideological agenda and is prepared to serve all the people of California.

NOMINATION OF VALERIE L. BAKER

Mr. President, it is my pleasure to support Judge Valerie Baker, a distinguished nominee to the U.S. District Court for the Central District of California.

The Central District of California, based in Los Angeles, is the largest and busiest Federal judicial district in the Nation. Judge Baker would be a welcome addition to this important court.

Judge Baker has been a trial court judge on the Los Angeles County Superior Court for nearly 20 years and previously served on Los Angeles Municipal Court.

In 1994, she was awarded the Alfred J. McCourtney Trial Judge of the Year Award from the Consumer Lawyers of Los Angeles.

Judge Baker is also a seasoned litigator, with Federal experience in criminal and civil cases. With the law firm of Lillick, McHose & Charles she specialized in Federal business litigation and antitrust law. As an assistant U.S. attorney, Judge Baker prosecuted bank robberies, major drug violations, and fraudulent enterprises.

At the University of California at Santa Barbara, she earned a bachelor of arts degree and a master's degree in English, and she received a law degree from UCLA.

Off the bench, Judge Baker has devoted herself to charities helping the Los Angeles community.

As a board member of the UCLA Law School Alumni Association, she chaired a committee to recruit qualified minority students. She also served on the board of a non-profit shelter for homeless teenagers and sat on the board of directors of the Braille Institute of Los Angeles.

The American Bar Association has given Judge Baker a unanimous "well qualified" rating, the Association's highest mark.

I am proud of the bipartisan process for selecting Federal district court nominees that we have developed in California. Under this system, a committee of lawyers, including Democrats and Republicans, recommends qualified applicants to the President.

Judge Baker came through this committee, which gives me confidence that she comes to the bench without an ideological agenda and is prepared to serve all the people of California.

Mr. LEAHY. Mr. President, today the Senate continues to make significant progress in its consideration of judicial nominations. The Senate will consider

and, I believe, confirm the nominations of Lawrence Joseph O'Neill for the Eastern District of California, Valerie L. Baker for Central District of California, and Gregory Kent Frizzell for the Northern District of Oklahoma.

When they are confirmed, the Senate will have granted its consent to 263 of President Bush's nominations for lifetime appointments to our Federal courts. Moreover, with these three confirmations today, we will have confirmed more of President Bush's nominations in the 18 months I have served as Judiciary Committee chairman with a Democratic majority in the Senate than in the more than 2 years when Senator HATCH chaired the committee with a Republican Senate majority or during the last Congress with a Republican Senate majority. This is the 105th confirmation during my time as Judiciary chairman.

I know some on the other side of the aisle have tried to raise a scare since I, again, became chairman of the Judiciary Committee. They rant as if the sky is falling and we would not proceed on any judicial nominations. We have proceeded promptly and efficiently. Last Thursday, the Judiciary Committee held its first business meeting of the year. We might have met earlier but for the delay in organizing the Senate from January 4, when this session first began, until the Republican caucus finally agreed to the resolutions assigning Members to Senate committees on January 12.

The three nominations we consider today were among the five nominations for lifetime appointments Federal judges that I included on the agenda at our first meeting. Like the two judges confirmed on Tuesday, Judge O'Neill's nomination is for a vacancy that has been designated a judicial emergency by the Administrative Office of the U.S. Courts. All five were among those returned to the President without Senate action at the end of last year when Republican Senators objected to proceeding with certain nominees in September and December last year.

Before proceeding, I inquired of each member of the committee whether a hearing was requested on these nominations this year. I, again, thank all, members of the Judiciary Committee for working with me to expedite consideration of these nominations this year. In particular, I extend thanks to our new members, the Senators from Maryland and Rhode Island.

These nominations were not even sent to the Senate until January 9. They were considered by the committee in a little over 2 weeks and are being approved by the Senate in a little over 3 weeks from their nomination.

I have worked cooperatively with Members from both sides of the aisle on our committee and in the Senate to move quickly to consider and report judicial nominations so that we can fill vacancies and improve the administration of justice in our Nation's Federal courts. I appreciate the interests of

Senator CHAMBLISS and Senator ISAAKSON in the confirmation of Judge Wood, the first judge confirmed this year. Likewise, I was pleased to be able to respond to the needs of Senator INHOFE and Senator COBURN by expediting consideration of Judge Frizzell. I thank Senator FEINSTEIN and Senator BOXER of California for their efforts on some of these nominations and for working to fill the vacancies in California.

I have long urged the President to fill vacancies with consensus nominees. The Administrative Office of the U.S. Courts list 57 judicial vacancies, 28 of them have been deemed to be judicial emergencies. So far this Congress, the President has yet to send us nominees for 17 of those judicial emergency vacancies.

I have also scheduled a confirmation hearing for next week for additional judicial nominees and another business meeting at which the committee may consider still more judicial nominations. When a Republican chaired the committee in 1999 and there was a Democratic President, the first hearing on a judicial nominee was not held until June 16. We intend to hold a hearing on February 6.

I had initially thought that we would include the nomination of Norman Randy Smith of Idaho to the Ninth Circuit at that hearing next week. However, with the cooperation of the Senators from California and the members of the Judiciary Committee, I now hope to be able to avoid another hearing on the Smith nomination.

I was pleased when the White House changed course and nominated Randy Smith for the Idaho seat on the Ninth Circuit. I had urged President Bush to take this action last year when he insisted on resubmitting the Smith nomination for a California seat on the Ninth Circuit. I thank the President for finally doing the right thing. I will urge the Senate to confirm his nomination of Randy Smith to the vacant seat on the Ninth Circuit from Idaho. At long last Senator CRAIG and Senator CRAPO will then have a judge on that important court from their home State.

Each of the nominees we consider today has the support of home State Senators.

Lawrence Joseph O'Neill is nominated to the U.S. District Court for the Eastern District of California, another seat deemed to be a judicial emergency by the Administrative Office of the U.S. Courts. He is a well-qualified nominee who has over 15 years of experience on the bench, seven of them as a magistrate judge on the district court to which he is now nominated. Before becoming a magistrate judge, Judge O'Neill spent 9 years as a Fresno County superior court judge and, before that, a decade in private practice. Judge O'Neill will bring a valuable perspective to the Federal bench, having served as a police officer for 5 years in

the city of San Leandro, CA. He graduated from law school at the University of California, Hastings and then clerked for Judge Robert F. Kane on the California Court of Appeals.

Valerie L. Baker, who is nominated to the U.S. District Court for the Central District of California, already has over 20 years of experience on the bench. As a Los Angeles County municipal and then superior court judge, she has handled thousands of cases and has been the recipient of the Alfred J. McCourtney Trial Judge of the Year Award by Consumer Lawyers of Los Angeles. After graduating from UCLA Law School, Judge Baker served as an assistant U.S. attorney and as a commercial litigator in private practice. Judge Baker was rated unanimously well qualified by the American Bar Association and has the support of both her home State Democratic Senators.

As a courtesy to Senator INHOFE, I included the nomination of Gregory Kent Frizzell on the agenda for Judiciary Committee's first executive business meeting last week. I was glad to see Senator INHOFE say that he was "pleased with the committee action" and that Judge Frizzell was "fast-tracked through." Judge Frizzell is nominated to the U.S. District Court for the Northern District of Oklahoma. He has a decade of experience on the bench as an Oklahoma district judge in Tulsa County. In his 23 years as a lawyer, Judge Frizzell has served as general counsel to the Oklahoma Tax Commission and tried more than 25 cases in private practice as a sole practitioner and an attorney at Jones, Givens, Gotcher & Bogan, P.C., representing community colleges, insurance companies, and other businesses. After graduating from the University of Tulsa and the University of Michigan Law School, Judge Frizzell served as a law clerk to Judge Thomas R. Brett on the court to which he has now been nominated.

I congratulate the nominees and their families on their confirmations today. We continue to make progress towards filling longstanding judicial vacancies. I intend to do what I can to ensure that the Federal judiciary remains independent and able to provide justice to all Americans.

Mr. REID. Mr. President, I ask unanimous consent that all time be yielded back and the vote begin.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

VOTE ON THE NOMINATION OF LAWRENCE JOSEPH O'NEILL

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Lawrence Joseph O'Neill, of California, to be United States District Judge for the Eastern District of California?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Virginia (Mr. WARNER).

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

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

[Rollcall Vote No. 40 Ex.]

YEAS—97

Akaka	Domenici	Menendez
Alexander	Dorgan	Mikulski
Allard	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Graham	Pryor
Bond	Grassley	Reed
Boxer	Gregg	Reid
Brown	Hagel	Roberts
Brownback	Harkin	Rockefeller
Bunning	Hatch	Salazar
Burr	Hutchison	Sanders
Byrd	Inhofe	Schumer
Cantwell	Isakson	Sessions
Cardin	Kennedy	Shelby
Carper	Kerry	Smith
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Clinton	Kyl	Stabenow
Coburn	Landrieu	Stevens
Cochran	Lautenberg	Sununu
Coleman	Leahy	Tester
Collins	Levin	Thomas
Conrad	Lieberman	Thune
Corker	Lincoln	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
DeMint	McCain	Wyden
Dodd	McCaskill	
Dole	McConnell	

NOT VOTING—3

Inouye Johnson Warner

The nomination was confirmed.

VOTE ON NOMINATION OF VALERIE L. BAKER

Mr. LEAHY. Mr. President, regarding the Baker of California nomination, we are perfectly willing to have a voice vote. I understand the Senators from Oklahoma want to have a recorded vote on Frizzell. Valerie Baker is next on the list.

I yield back the remaining time.

Mr. SPECTER. We yield back the remaining time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Valerie L. Baker, of California, to be United States District Judge for the Central District of California?

The nomination was confirmed.

VOTE ON NOMINATION OF GREGORY KENT FRIZZELL

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the Gregory Frizzell nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. LEAHY. Mr. President, I yield back whatever time we have remaining on this side.

The PRESIDING OFFICER. Is all time yielded back?

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I was honored a few minutes ago to talk about this very outstanding young man, Greg Frizzell. Unfortunately, as the senior Senator from Vermont knows, we tried our best to get him in last year. We were unable to do it. But thanks to him and helping us to expedite the confirmation of this fine young man, we will be voting now.

This gentleman comes from a background that is unusual and unique. I know of no one who has said anything negative about him in our State of Oklahoma. So I think justice will be served with the confirmation of Greg Frizzell for the Northern District of Oklahoma.

I am proud to stand here today in support of Judge Greg Frizzell's nomination to be the U.S. District Judge for the Northern District of Oklahoma. After his Judiciary Committee hearing in September, I was certain that he would be confirmed before the end of the year. However, due to some regrettable political wrangling, his nomination was stalled.

Fortunately, over the past few weeks, I have spoken to my colleagues on both sides of the aisle to help expedite Judge Frizzell through the committee process and bring his nomination to the Senate floor. I am convinced that he is the most capable and well-qualified person for this position.

His family is no stranger to the legal field—I can remember his father, Kent Frizzell. He served as attorney general for the State of Kansas—that is when I first got to know his family. Later on, when they moved to Oklahoma, we became very close friends.

He has had all kinds of experience in the past—serving the Under Secretary of Interior, and he has taught at the University of Tulsa Law School for almost 20 years. So given his father's distinguished work, it is no surprise that Judge Frizzell felt compelled to pursue a career in public service, and his friends and colleagues have praised his professional qualifications and personal integrity, as well as his ability to rule fairly from the bench.

Someone who has been around as long as this young judge has been around, you would think you would hear negative things—I have never heard anything negative about him. Robert Sartin, member of the board of governors of the Oklahoma Bar Association said, "Judge Frizzell is a man of extremely good character and high integrity, with a deep sense of personal responsibility toward his fellow man." Judge Claire Egan, praised him and talked about the urgency to fill vacant spots on the bench—she emphasized the fact that the court right now has three judges doing the work of six.

One of the prominent and well-respected attorneys in Oklahoma, Joe Wohlgemuth of a distinguished law firm in Tulsa, called Judge Frizzell "a man of integrity and a straight arrow".