

does not involve any personal activity or action by either of the Senators.

Second, in my capacity as a member of the Senate Judiciary Committee and since Judge Massiah-Jackson is a constituent, I have vigorously sought to see that she received fair treatment, just as I did when the Judiciary Committee considered the nomination of Justice Clarence Thomas.

Third, I have made a public commitment to review all the matters submitted by her opponents before casting my vote on the Senate floor.

Fourth, I have been proactive in seeking all the facts against her confirmation as well as all of the facts of those who support her.

The charge has been made that I made a "deal" with the White House to appoint Judge Massiah-Jackson in exchange for the appointment of Judge Bruce Kauffman, who was sworn into the United States District Court on January 20. The facts are that I am party to an arrangement for Republicans to receive one nomination for the district courts for every three Democrats who are nominated, an arrangement identical with that now applicable to the State of New York. But I am not under any obligation to support any specific nominee, nor anybody submitted by the White House from the Democratic ranks. I am not under any obligation to support anyone, including Judge Massiah-Jackson, if I conclude the person is not qualified.

When Judge Massiah-Jackson's nomination was announced by the President on July 31, 1997, there were rumors of opposition, and in order to try to find out what the facts were in opposition, Senator SANTORUM, Senator BIDEN and I held a hearing in Philadelphia on October 3. All of the witnesses who testified favored Judge Massiah-Jackson, including five of her colleagues from the Common Pleas bench.

Mayor Rendell, who had been district attorney for 3 of her 7 years on the criminal bench, was enthusiastically in support of her nomination. Then the Judiciary Committee held its formal hearing on October 29, and again no witnesses opposed her. Senator KYL, Senator SESSIONS and I questioned her closely on her record, and on November 6 she was reported out of the Committee by a vote of 12 to 6.

Thereafter, when district attorneys from Pennsylvania raised objections, Senator SANTORUM and I took a proactive position to meet those district attorneys, and we heard them out on January 23. I then arranged to get all of their opposing cases by January 30, with an opportunity for Judge Massiah-Jackson to respond, and that is what we await at the present time. As a matter of fundamental fairness, she is entitled to that hearing.

So, I think the Senate has taken the appropriate stand to have the hearing, and those who object will hear what Judge Massiah-Jackson has to say and then I, as a juror, along with my colleagues, will take a look at all of the

facts and make a decision as to whether she is to be confirmed or whether she should be rejected. I thank the Chair for the courtesy and I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 10 a.m., Friday, February 13, 1998.

Thereupon, the Senate, at 5:31 p.m., adjourned until Friday, February 13, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 12, 1998:

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) KEITH W. LIPPERT, 0000
REAR ADM. (LH) PAUL O. SODERBERG, 0000

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) MARTIN E. JANCZAK, 0000
REAR ADM. (LH) PIERCE J. JOHNSON, 0000
REAR ADM. (LH) LARY L. POE, 0000
REAR ADM. (LH) MICHAEL R. SCOTT, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. (LH) KATHLEEN L. MARTIN, 0000

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN R. ABEL, 0000
JOAN M. ABELMAN, 0000
GRANT O. ADAMS, 0000
ELIZABETH Z. ANDERSON, 0000
EDWARD L. ANGEL, 0000
ENRIQUE ARROYO, 0000
SISSAY AWOKE, 0000
GARY M. BAGLIEBTER, 0000
HILMAR H. BARTELS, 0000
JOHN BARTUS, 0000
MARK R. BASSETT, 0000
JAMES B. BECHTEL, 0000
JAMES A. BOUSKA, 0000
MICHAEL D. BRATLIEN, 0000
DONALD C. BROWN, 0000
JEFFERY W. BRYANT, 0000
MICHAEL J. BUNDSHUH, 0000
ROBERT E. BURG, 0000
JOHN B. BURROUGHS, JR., 0000
BENTON L. BUSBEE, 0000
SUSAN T. BUSLER, 0000
FRANK L. BUTLER III, 0000
JAMES R. CALLARD, 0000
BLANCHE A. CASEY, 0000
JOE E. CASLER, 0000
PATRICIA S. CHRISTIE, 0000
RANDALL B. CLARK, 0000
THOMAS A. CLARKE, 0000
SYLVIA L. COLEMAN, 0000
GEORGE R. COOK, 0000
GEORGE J. COYLE, JR., 0000
ERIC W. CRABTREE, 0000
EDWARD F. CROWELL, 0000
WILLIAM E. CULVER, 0000
JAMES H. DEATLEY, 0000
JAMES D. DESHEFFY, 0000
EDWARD D. DINGIVAN, 0000
DONNA K. DOUGHERTY, 0000
JAMES M. EITEL II, 0000
MARC I. EPSTEIN, 0000
MARIANNE G. FARRAR, 0000
DONALD E. FLETCHER, JR., 0000
JOHN C. FOBIAN, 0000
KEITH R. GABRIEL, 0000
ANITA R. GALLENTE, 0000
DANIEL D. GAMMAGE, 0000
JAMES A. GEBHARDT, 0000
STEVEN J. GENTLING, 0000
DANIEL P. GILLEN, 0000
LARRY N. GOFF, 0000

MARIO GOICO, 0000
JAMES W. GRAVES, 0000
ROBERT S. GRAVES, 0000
ROBERT A. GUALTIERI, 0000
LYNN M. GULICK, 0000
ADELINE F. HAMMOND, 0000
REDMOND H. HANDY, 0000
JOHN S. HANSEN, 0000
ALBERT S. HARTMAN III, 0000
THOMAS W. HARTMANN, 0000
THOMAS B. HAYTHORN, 0000
ROSEMARY A. HEREDY, 0000
PATRICIA HOLDERNESS, 0000
RICHARD C. HOLLOMAN, 0000
KENNETH K. HSU, 0000
GARY C. HUCKABAY, 0000
DORIS E. HUNOLT, 0000
WILLIAM W. HURD, 0000
PHILIP D. INSCOE, 0000
JEFFREY W. IPPOLITO, 0000
CANDACE A. JACOBS, 0000
DANIEL G. JARLENSKI, JR., 0000
ARMAS J. JASKEY, JR., 0000
DAVID E. JOHNSON, 0000
PERRY C. JOHNSON, 0000
KENNETH I. JOHNSTON, 0000
ALLAN M. JONES III, 0000
LEONARD R. KIGHT, 0000
RAYMOND F. KNAPP, 0000
ELAINE L. KNIGHT, 0000
ROBERT E. KOENEN, 0000
MARK V. KOLLEDA, 0000
CRAIG W. KUEBKER, 0000
HUGH K. LANCASTER, JR., 0000
FREDERICK K. LANGE, 0000
CAROL A. LEE, 0000
ALAN F. LEHMAN, 0000
RALPH F. LIEBHABER, 0000
JOHN L. LITZENBERGER, JR., 0000
DENNIS E. LUNDQUIST, 0000
ROBERT W. MARCOTT, 0000
DEBRA L. MATTHEW, 0000
SHERYL M. MAY, 0000
MARYJO MAZICK, 0000
NEAL F. MCBRIDE, 0000
LINDA L. MCHALE, 0000
CHRISTOPHER C. MEARS, 0000
JEFFREY S. MEINTS, 0000
KATHY S. MEISETSCHLEAGER, 0000
NELSON L. MELLITZ, 0000
GERALD F. MICHELLETTI, 0000
DONALD R. MICHELIS, 0000
JIMMY W. MILLER, 0000
WILLIAM F. MORGAN, JR., 0000
KENNETH J. MORRIS, 0000
GEOFFREY C. MORRISON, 0000
PATRICIA A. MORRISON, 0000
RAFIK D. MUDD, 0000
ERAN D. MUDD, 0000
CARLYN R. MUNN, 0000
KATHLEEN M. MURAY, 0000
MARK D. NICKERSON, 0000
MAUREEN OMALLEY, 0000
JON M. OWING, 0000
LOUIS E. PAPER, 0000
JAMES L. PARTINGTON, 0000
GREGORY B. PAVLIN, 0000
LINDA K. PEARCE, 0000
WAYNE F. PETITTO, 0000
SUSAN J. POTTER, 0000
THOMAS G. POTTS, 0000
PAMELA E. PRETTE, 0000
GARY P. PRICE, 0000
WILLIAM. PRICE, 0000
RODOLFO C. PRUNEDA, 0000
ROCKY R. QUINTANA, 0000
SANDRA B. RAUSCH, 0000
CHARLES E. REED, JR., 0000
JOHN D. REED, 0000
HAROLD G. REPASKY, 0000
CLAIR D. REPPELE, 0000
SHIRLEY RIBAK, 0000
WILLIS T. RICHE, JR., 0000
DAVID C. RIDE, 0000
BARBARA U. RILEY-CUNNINGHAM, 0000
CRAIG M. RIRIE, 0000
BARRY K. ROBERTS, 0000
JAMES B. ROBERTS, JR., 0000
JULIO E. ROLDAN, 0000
WILLIAM F. ROLLIN, 0000
ROBERT F. ROSENBLUM, 0000
DAVID B. ROSS, 0000
ROARK M. ROSSON, 0000
KENTON E. RUDIGEL, 0000
JAMES H. RUFFNER, 0000
DIANE M. RUSSELL, 0000
RONALD A. RUTLAND, 0000
RICHARD S. SCHMIDT, 0000
HARRY W. SCHONAU III, 0000
KEVIN M. SCHROEDER, 0000
RONALD R. SEE, 0000
JAMES L. SELZER, 0000
KENNETH R. SETTLE, 0000
ROBERT D. SHANKS, JR., 0000
RICHARD V. SHAWLEY, 0000
JEFFREY J. SHORT, 0000
CARL M. SKINNER, 0000
JOHN W. SMILEY, 0000
GARY W. SMITH, 0000
SANDRA E. SMITHPOLING, 0000
GREGORY K. SPACKMAN, 0000
MICHAEL C. STAMPLEY, 0000
NORMAN P. STEELE, JR., 0000
EDWARD S. STOKES III, 0000
WILLIAM H. STRYKER, 0000
WILLIAM N. STRYKER, 0000
LAURA A. TALBOT, 0000

PAUL M. TORPEY, 0000
 SHEILA LYNN BUCKLEY TOW, 0000
 JOHN W. TURNER, 0000
 THOMAS J. UNDERWOOD, 0000
 MAUREEN A. VACCARO, 0000
 DANIEL J. VICIAN, 0000
 CHARLES T. VONG, 0000
 TAKESHI WAJIMA, 0000
 DAVID D. WALLS, JR., 0000
 JANE D. WEAVER, 0000
 SUSAN J. WENTZELL, 0000
 RONALD E. WHITCOMB, 0000
 KENNETH F. WIEGAND, JR., 0000
 DAVID W. WOLLENBURG, 0000
 TIMOTHY W. WROTEN, 0000
 LINDA J. WYSE, 0000
 MICHAEL J. YASZEMSKI, 0000
 HELENE R. YOSKO, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate February 12, 1998:

THE JUDICIARY

MICHAEL B. THORNTON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE.

DEPARTMENT OF THE TREASURY

DONALD C. LUBICK, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

THE JUDICIARY

L. PAIGE MARVEL, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER SHE TAKES OFFICE.

EXECUTIVE OFFICE OF THE PRESIDENT

RICHARD W. FISHER, OF TEXAS, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

The above nominations were approved subject to the nominees' commitment to respond to requests to ap-

pear and testify before any duly constituted committee of the Senate.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on February 12, 1998, withdrawing from further Senate consideration the following nominations:

THE JUDICIARY

LYNNE R. LASRY, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE JOHN S. RHODES, SR., RETIRED, WHICH WAS SENT TO THE SENATE ON FEBRUARY 12, 1997.
 JOHN H. BINGLER, JR., OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE MAURICE B. COHILL, JR., RETIRED, WHICH WAS SENT TO THE SENATE ON JULY 31, 1997.