

NAYS—11

Allard	Grassley	Santorum
Ashcroft	Kyl	Smith (NH)
Coats	McConnell	Warner
DeWine	Nickles	

NOT VOTING—9

Bennett	Gramm	Hutchinson
Enzi	Hatch	Inhofe
Faircloth	Helms	Kerry

The nomination was confirmed.

THE NOMINATION OF EDWARD F. SHEA, OF WASHINGTON, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON

The PRESIDING OFFICER. Pursuant to the previous order, Executive Calendar No. 504, Edward F. Shea, of Washington, is confirmed as United States District Judge for the Eastern District of Washington.

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

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I understand both nominees are now confirmed?

The PRESIDING OFFICER. That is correct.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The Senator from Washington.

THE CONFIRMATION OF JUDGES MARGARET MCKEOWN AND ED SHEA

Mrs. MURRAY. Mr. President, this is really a great morning. After 2 years, I have the immense pleasure of voting with the majority of my colleagues to confirm two judges that I have worked very hard to get through this often difficult process. I thank my colleagues for their support of these two fine individuals, Ms. Margaret McKeown and Mr. Ed Shea. In particular, I thank our chairman, Senator HATCH, our ranking member, Senator LEAHY, and my colleague, Senator GORTON, for their perseverance on behalf of these two individuals.

I would first like to tell my colleagues about the newest judge to the Ninth Circuit, Ms. McKeown. Before coming to the Senate, I had heard across the spectrum that Ms. McKeown was one of the finest business lawyers in the northwest. Now that she and I have spent time together, I have come to understand why she had that reputation: she is tenacious, does outstanding work, is an accomplished advocate, and has the patience of Job.

Let me summarize some of the high points of Ms. McKeown's career:

She was the first woman partner at the 70-year-old, prestigious firm of Perkins Coie;

She has served for 11 years on the Perkins Coie executive and management committees;

She is a nationally recognized litigator who was named in Top Players in High Tech Intellectual Property;

Her range of litigation is amazing: one day she is litigating about the typeface in personal computers, the next day she is defending a securities case, the next day she might be litigating avionics in military aircraft;

She was president of the Federal Bar Association for the Western District of Washington and a lawyer representative to the Ninth Circuit Judicial Conference;

She has worked as an aide to United States Senator Cliff Hansen of Wyoming, as a special assistant under President Carter to Interior Secretary Andrus, and as White House Fellow under President Reagan;

She is on the executive committee of the Washington State Council on International Trade; and

She has served as counsel for the Downtown Seattle Business Association.

While who you know is important, and what you do as a lawyer is critical, where you put your priorities is also vital. One of the reasons I so strongly supported Ms. McKeown's nomination is because of her commitment to her community and family.

I am amazed that the same person who represented Boeing in a multi-billion dollar merger and who has successfully defended Citibank in a complex leverage buy out case has also served in virtually every position in the Girl Scouts. She has been a Brownie leader, troop consultant, committee member, and for nine years, member of the National Board of Directors of Girl Scouts of the USA and a member of the Executive Committee. Even with her national commitments, Ms. McKeown makes time for the girls themselves, leading her daughter, Megan's, Junior Girl Scout Troop #1091.

Ms. McKeown is active in other arenas as well. She volunteers in the schools, with YMCA, with the Children's Museum, and on abused children projects. I want to point out something else special about Ms. McKeown: She has received the Good Housekeeping seal of approval. That magazine several years ago named Ms. McKeown as one of the "100 Women of Promise in America."

Mr. President, Margaret McKeown is a highly-qualified lawyer with a diverse background, who has demonstrated her commitment to community and family. Now, finally, after surviving the political and judicial battles for two years, she will take her seat on the Ninth Circuit and become an outstanding judge. Congratulations, Margaret, we finally made it!

Mr. President, I also want to thank my colleagues for confirming Mr. Shea this morning to serve on Washington's Eastern District Court. While Mr. Shea's road to confirmation has not

been as filled with hurdles as Ms. McKeown's, it is a great pleasure to see this fine lawyer move onto the Federal bench.

Mr. Shea will make an excellent judge. He is a highly respected member of the legal profession. He has served with distinction as a trial lawyer, including national recognition as a Fellow of the American College of Trial Lawyers.

The five superior court judges in Benton and Franklin counties, where Mr. Shea has lived and practiced for more than 25 years, have written a letter describing him as having a "well-earned reputation, not only in our community but throughout the Northwest, as an outstanding trial lawyer." His fellow Washington state lawyers honored him by electing him president of the Washington State Bar Association, where he served with distinction. Many of them have approached me to congratulate me on my role in promoting Mr. Shea's judicial candidacy.

While we must look first to his legal qualifications, I believe the best judges are those who have worked in their communities to make them better places. Mr. Shea is well-qualified in that arena, too. He has been an advocate of equal access to the law, volunteering and working to get free or reduced legal services to local organizations, such as the March of Dimes, the Sexual Assault Response Center, and the Faith Christian Academy.

Mr. Shea also worked hard in an area nearest to my heart: education. He pushed to improve access to education in his community by helping establish a branch campus of the Washington State University in the Tri-Cities. He too has been a stalwart supporter of the March of Dimes, recently being named the Chapter Counsel of the Year by the national March of Dimes.

Mr. Shea is a well-respected member of the business community. He has the unanimous support of the board of the Tri-City Industrial Development Council. Mr. Shea has received two strongly-supportive editorials in the Tri-City Herald. Numerous members of the business community have thanked me for championing his nomination.

Mr. President, Mr. Shea was selected by a bi-partisan Judicial Merit Selection Committee comprised of a diverse group of lawyers and community leaders. I have faith in that selection process and believe Mr. Shea will be an outstanding member of the Federal bar.

Let me close by saying a few words about judicial nominations and the process we have developed in Washington. As I travel around my state, people ask me why we have so many judicial vacancies. I haven't been able to give them a good answer, but can only point to political one-upmanship as the culprit.

After this morning, I can happily report we are finally moving forward and that two excellent judicial candidates have been confirmed.

Let me also add that while I have been the Senator of the same party as the President, I have invited and encouraged Senator GORTON to participate in judicial nominations. I recognize this is a tremendous break in tradition, but I know our citizens are best served when we work together.

I intend to continue working with Senator GORTON to find the very best and most able members of the Washington bar to recommend to President Clinton. I will fight to ensure our citizens have their day in court and that justice is not denied because nominations are delayed.

Mr. President, I appreciate the endorsement of my colleagues for Ms. McKeown and Mr. Shea. There are many other qualified judges waiting to move through the process. I urge the Senate to move quickly to hear and confirm them so the crisis our judiciary faces will come to an end.

Mr. LEAHY. Mr. President, I wish to applaud the distinguished Senator from Washington State. Senator MURRAY has stated the reasons why the Senate voted the right way on Margaret McKeown and on Ed Shea. I would also note for the record that the Senator from Washington has been extraordinarily diligent in working very hard for these two highly qualified nominees. I know the frustration she has felt with the delay, especially on Margaret McKeown and with so many vacancies on the Ninth Circuit and given that this has been 2 years—in fact, 2 years this Sunday.

This delay is the result of a process that has become a little bit crazy. I commend the distinguished Senator, and I thank her for her help on this. I think it would have been impossible for us to be here for this vote without her help, and I applaud her for that.

Mr. GORTON. Mr. President, I am pleased to congratulate the two judicial nominees from Washington state. The federal bench will be enriched by the addition of Margaret McKeown to the Ninth Circuit Court of Appeals, as it will by Edward Shea's presence on federal district court for the Eastern District of Washington.

Both Margaret McKeown and Edward Shea are deservedly respected within the legal community and in the community at large, and well qualified to perform the important jobs for which they have been chosen.

Ed Shea has been in private practice in Pasco, Washington for many years. He has handled a wide range of cases, both civil and criminal, and his experience will have prepared him well for the job he's about to undertake. As testament to the respect he commands within the Washington legal community, Ed served as President of the Washington State Bar Association in 1996. Equally impressive as his commitment to his profession is his commit-

ment to his community. Over the years, he has contributed his time and talent to a host of worthy causes, including the March of Dimes, the Tri-Cities Sexual Assault Response Center, and the Association of Retarded Citizens.

Margaret McKeown also comes to the bench from private practice. She is a high technology litigator of national repute, with a particular expertise in antitrust and intellectual property. She was also the first woman partner at the prestigious Seattle law firm, Perkins Coie, where she practices today. Her remarkable intellect, and the accomplishments that evidence speak to her ability to perform the job with which she has been entrusted. There is no question that Margaret McKeown is familiar with the law. But, as her statement to the graduating class of the University of Washington Law School last year reflects, in this case familiarity did not breed contempt. Her mastery and understanding of the legal process rang through her commencement address. As did her continued respect for the law. She also urged the new lawyers to bear in mind her own formula for survival, a formula composed of five elements: humor, humility, hubris, humanity and home. The formula is one that has made Margaret an excellent lawyer. I am confident it will make her an excellent judge.

I thank my colleagues for joining me in supporting both of these nominees. And I congratulate them again.

THE NOMINATION OF MARGARET MCKEOWN AND THE JUDICIAL EMERGENCY AMONG THE FEDERAL COURTS OF APPEALS

Mr. LEAHY. Mr. President, let me speak a little bit about Margaret McKeown. She was reported favorably by the Judiciary Committee on a vote of 16 to 2. She has the support of Chairman HATCH, a number of Republican Senators, is supported by both Senators from her State. Why this was held up for 2 years, I cannot understand. And then she is confirmed 80 to 11. How many of us have ever won an election with those kinds of percentages? Yet, apparently somebody held her up for 2 years because she was supposed to be controversial. How controversial is 80 to 11? Those are pretty good numbers. Perhaps her secret critics will explain their views, the reason she has been held up for 2 years.

I have been urging action on judicial nominees for many months. This week, faced with 5 continuing vacancies on a 13-member court, Chief Judge Winter of the United States Court of Appeals for the Second Circuit certified a "judicial emergency" and took the unprecedented step of authorizing panels including only one Second Circuit judge and two visiting judges. In addition he has had to cancel hearings.

The Judiciary Committee has reported to the Senate the nomination of

Judge Sonia Sotomayor to the Second Circuit, but that nomination continues to sit on the Senate calendar. This is another woman who has sat here and had to wait and wait and wait, while the Senate holds her up. Her nomination was received back in June 1997. She was finally favorably reported by a committee vote of 16 to 2—pretty good odds. She is strongly supported by both New York Senators, one Republican, one Democrat. But the nomination continues to languish without consideration. And three more Second Circuit nominees are pending before the Judiciary Committee, and await their confirmation hearings.

I mention the Second Circuit because that is my Circuit. It is the Circuit to which my State resides. I have been urging action on the nominees for this Circuit for many months. The Senate is failing in its obligations to the people of the Second Circuit—to the people of New York, Connecticut and Vermont. We should call an end to this stall and take action. We should consider the nomination of Judge Sotomayor. We should do it today. We should hold hearings on the three other Second Circuit nominees next week and confirm them before the upcoming recess. Our delay is inflicting harm and giving proof to the warning that the Chief Justice of the U.S. Supreme Court gave in his 1997 Year End Report that continuing vacancies would harm the administration of justice. I urge the Republican leadership to proceed now.

Earlier this week, the distinguished majority leader indicated that he feels he has proceeded too quickly with respect to judicial nominations. I strongly disagree. No reference to the number of judges the Senate has begrudgingly confirmed over the past 2 years excuses the delay on any of the nominees pending on the Senate Calendar. There is no excuse or justification for the judicial emergency the Senate is inflicting on the Second Circuit.

The distinguished majority leader says there is no clamor for Federal judges. I recognize that there are no vacancies on the Federal bench in Mississippi, but there are numerous, long-standing vacancies in other places, vacancies that are harming the Federal administration of justice.

The people and businesses in the Second Circuit and other circuits and districts need additional Federal judges. Indeed, the Judicial Conference of the United States recommends that in addition to the almost 80 vacancies that need to be filled, the Congress authorize an additional 55 judgeships throughout the country, as set forth in S.678, the Federal Judgeship Act that I introduced last year.

Must we wait for the administration of justice to disintegrate further before the Senate will take this crisis seriously and act on the judicial nominees pending before us? I hope not.

We are sworn to uphold the Constitution, we are sworn to uphold the laws,