

talked to me about this on several occasions. We are trying to get through these calendars as quickly as we can. As I say, I have only been here as chairman for 5 months. Actually, there were a number of nominees prior to my becoming chairman who never got a hearing at the beginning of this year.

We will have had far more courts of appeals judges than I think have ever been, or I can remember going through in a President's first year in office. We are going way beyond what the Senate usually does. It is certainly a much faster pace than the Senate has had in the last 4, 5, 6 years.

If we can slow down a little bit the things that are happening around here—anthrax, September 11, all the things we wish we did not have—if the chairman of the committee could deal with just a few less death threats—not from my friend from Oklahoma. The anthrax letter did not have an Oklahoma return address, nor would I expect it to.

Mr. NICKLES. I appreciate it.

Mr. LEAHY. We are moving through them. We have done Fifth Circuit Judge Clement, Second Circuit Judge Parker, Fourth Circuit Judge Gregory. I mentioned from New Mexico a circuit judge.

Mr. NICKLES. If the Senator will yield, we have confirmed six circuit court judges, but in this particular instance, the President has made many more circuit court nominees during his first year in office than any recent time in history. In fact, 28 have been nominated. I urge my colleague—and I will stop here—to have more hearings, especially for some of these individuals nominated in May. They are outstanding individuals.

I am more than certain that once they have their hearings, they will be confirmed by an overwhelming majority, both in the committee and on the floor of the Senate. I urge the chairman to have hearings on those individuals as soon as possible.

Mr. LEAHY. The Senator from Oklahoma asks an appropriate question. I can assure him we are trying to move through as many as we can. I hope, for example, the President will nominate more district judges, too. There are about 77 percent district court vacancies; about 77 percent do not even have a nominee. There is a real problem and we will work with the administration.

Some of the slowdowns have been taken care of, as the Senator from Oklahoma knows. We had a number of judges who were held up because the White House did not directly answer the question whether they had been arrested or convicted in the last 10 years. We thought that was at least a worthwhile thing to know for someone getting a lifetime appointment. I think the White House might have realized it made sense and allowed them to answer the question, and it broke a log-

jam. We had 10 nominations, 5 judges, that went through this morning. My intention is to keep moving as rapidly as we can.

I ask the distinguished acting Republican leader, we could have rollcalls on the next two judges, or if he has no objection, I would ask we do them by voice vote. If he would like rollcalls, that is his right.

Mr. NICKLES. Senators want to get to the Defense authorization bill. There is no reason we cannot. I am sure it is not necessary to have a recorded vote. A voice vote is more than acceptable for the other two judges. I thank my friend and colleague and look forward to having a hearing on Mr. Estrada. Forty-nine Senators have requested a hearing on Mr. Estrada and on Mr. Roberts and other nominees for the circuit court. As soon as we get hearings, it would be much appreciated.

Mr. HATCH. Mr. President, since the topic of the Judiciary Committee's record on judicial confirmations was raised, I would like to take just a minute to make an observation.

As everyone here knows, I do not like to engage in the typical statistics judo that seems to be intrinsic to this issue. But I do want everyone to understand that, despite the progress that was just mentioned, we really have a lot more work to do.

Look at the percentages: The Senate has exercised its advice and consent duty on only 21 percent of President Bush's circuit nominees this year. The other 79 percent of our work remains unfinished. And our overall record is not much better: the Senate has confirmed only 37.5 percent of all judicial nominations we received from President Bush. We will conclude our work by leaving nearly 100 vacancies in the judicial branch.

Now, these facts are not escaping wider attention outside the Judiciary Committee. Last week, Vice President CHENEY sent a letter noting that "vacancies on the Federal bench are occurring at a faster pace than the confirmations of new judges, and barely one in four of President Bush's nominees has received a hearing and a vote." The Washington Post editorialized on November 30 that the committee should hold more judicial nominations hearings, concluding that, "[f]ailing to hold them in a timely fashion damages the judiciary, disrespects the President's power to name judges and is grossly unfair to often well-qualified nominees." And the Wall Street Journal observed on November 27 that there is a "pattern of judicial obstruction that has left 108 current vacancies on the Federal bench. . . . With only days to go before the Senate adjourns for the year, only 28 percent of George W. Bush's nominees have been confirmed."

Of course, the reason why people are taking notice is that the process of ad-

vice and consent on the President's judicial nominations is not a game. This is not football or baseball, and the goal here is not a particular set of numbers. These are nominations for very important positions in the Federal Government, and it is the Senate's constitutional obligation to review them. Despite the work that we have done, there is simply no escaping the fact that we are about to stop work for the year with a judicial vacancy rate of 11.3 percent, which I believe is unacceptable by any measure. And, by the way, there is absolutely no point in accusing the administration of not sending more nominations to us, when we have made it clear that we will not devote any effort at all to reviewing 30 of the nominations the President did send.

All this being said, however, I have reason to look forward to hitting the ground running next year. The Judiciary Committee's obvious focus on confirming nearly the same number of judges as we did President Clinton's first year, reassures me. After all, during President Clinton's second year in office, the Senate confirmed 100 of his judicial nominees. I fully expect that we will do the same for President George W. Bush, in fact, I take it as a pledge that we will confirm 100 Bush nominees in 2002.

Mr. LEAHY. I did not request a roll-call vote. I ask for a voice vote.

The PRESIDING OFFICER (Ms. STABENOW). The question is, Will the Senate advise and consent to the nomination of William P. Johnson to be United States District Judge for the District of New Mexico?

The nomination was confirmed.

#### NOMINATION OF CLAY D. LAND, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF GEORGIA

The legislative clerk read the nomination of Clay D. Land, of Georgia, to be United States District Judge for the Middle District of Georgia.

Mr. LEAHY. I ask for a voice vote.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Clay D. Land, of Georgia, to be United States District Judge for the Middle District of Georgia?

The nomination was confirmed.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

#### ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent under the previous order we allow the