

The PRESIDING OFFICER. Is there sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll with respect to the Bybee nomination.

The bill clerk called the roll.

Mr. FRIST. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from Texas (Ms. HUTCHISON), the Senator from Arizona (Mr. KYL), and the Senator from Kentucky (Mr. MCCONNELL) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. EDWARDS) would vote "no."

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

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

The result was announced—yeas 74, nays 19, as follows:

[Rollcall Vote No. 54 Ex.]

YEAS—74

Akaka	DeWine	Lugar
Alexander	Dodd	McCain
Allard	Dole	Miller
Allen	Domenici	Murkowski
Baucus	Dorgan	Nelson (FL)
Bayh	Ensign	Nelson (NE)
Bennett	Enzi	Nickles
Bingaman	Fitzgerald	Pryor
Bond	Frist	Reid
Breaux	Graham (FL)	Roberts
Brownback	Graham (SC)	Rockefeller
Bunning	Grassley	Santorum
Burns	Gregg	Schumer
Cantwell	Hagel	Sessions
Carper	Hatch	Shelby
Chafee	Hollings	Smith
Chambliss	Inhofe	Snowe
Cochran	Jeffords	Specter
Coleman	Johnson	Stevens
Collins	Kohl	Sununu
Conrad	Landrieu	Talent
Cornyn	Leahy	Thomas
Craig	Lieberman	Voivovich
Crapo	Lincoln	Warner
Daschle	Lott	

NAYS—19

Boxer	Feinstein	Murray
Byrd	Harkin	Reed
Clinton	Inouye	Sarbanes
Corzine	Kennedy	Stabenow
Dayton	Lautenberg	Wyden
Durbin	Levin	
Feingold	Mikulski	

NOT VOTING—7

Biden	Hutchison	McConnell
Campbell	Kerry	
Edwards	Kyl	

The nomination was confirmed.

CHANGE OF VOTE

Mr. DAYTON. Mr. President, on rollcall vote No. 54, I voted aye. It was my intention to vote no. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, following this vote, I ask that the majority leader be recognized; following that, that Senator LEAHY be recognized; following that, Senator KENNEDY.

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

NOMINATION OF WILLIAM H. STEELE, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ALABAMA

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of William H. Steele, of Alabama, to be the United States District Judge for the Southern District of Alabama?

The nomination was confirmed.

Mr. HATCH. Mr. President, I support the nomination of Judge William Steele to the United States District Court for the Southern District of Alabama.

Judge's Steele's professional record indicates that he is eminently qualified for the federal trial bench. Upon graduation from the University of Alabama School of Law, Judge Steele clerked for the Tuscaloosa County district court. As an Assistant District Attorney in Mobile, he handled hundreds of criminal matters, including more than 75 jury trials. Upon being promoted to Chief Assistant District Attorney, he was significantly involved in the creation of the Child Advocacy Center for physically and sexually abused children. He then served as an Assistant United States Attorney prosecuting mail fraud, public corruption, drug violations, firearms violations, and tax code violations.

In addition to his broad federal and state criminal experience, Judge Steele has considerable civil experience. In the private sector, while continuing to maintain a viable state and federal criminal trial and appellate practice, he also handled domestic relations matters, civil litigation in State and Federal court, representation of claimants in social security matters, and representation of the Alabama Department of Human Resources in child custody matters.

Since 1990, Judge Steele has served as a Federal magistrate judge. In this capacity, he has handled a wide range of civil matters, preliminary criminal matters, prisoner cases, and social security appeals.

I know that Judge Steele will be a credit to the Federal bench and will honorably serve the citizens of south Alabama. I thank my colleagues for voting for his confirmation.

Mr. SESSIONS. Mr. President, I am pleased to be able to make some remarks in support of the nomination of Judge William H. Steele to be U.S. dis-

trict judge for the Southern District of Alabama. He is one of America's finest magistrate judges—a magistrate judge who does a lot of the kind of legal work that goes on in every Federal courthouse in America. Magistrate judges are not title III Federal judges, but they do much the same work day after day that Federal judges do.

During his time as a magistrate judge, Judge Steele has had firsthand experience in the work, and he has won the respect of the bench and the bar in southern Alabama.

He has been in training now for 12 years for this position. In the Southern District of Alabama the magistrates are used to an extraordinary degree by the Federal judges who allow the magistrates to do as much work as possible. And they frequently preside over civil cases with the consent of the parties involved.

I have talked with other lawyers and judges in Alabama. They are very excited about his nomination and look forward to his confirmation.

Some people talk about public service, but throughout his life, Bill Steele has done more than just talk. Judge Steele has dedicated the better part of his life to public service and has served both this country and the State of Alabama well. After graduating summa cum laude from the University of Southern Mississippi in 1972, Judge Steele served in the U.S. Marine Corps as an officer, pilot, and instructor pilot. During his service in the Marine Corps, Judge Steele participated in the operation to evacuate American citizens from Lebanon in 1976. He also served in the Alabama National Guard as a pilot and as commanding officer of an assault helicopter company.

After serving his country in the Marine Corps, Judge Steele attended the University of Alabama School of Law. After law school, he was employed as an assistant district attorney in Mobile, AL, and worked for 6 years in the office of a Democrat district attorney.

I was U.S. attorney during that time. That is where I got to know Bill. Our staff worked closely with the district attorney's office, and they always came back with the most glowing opinions of Bill Steele and his integrity, his judgment, and his fidelity to truth and justice.

Later, Judge Steele became chief assistant district attorney in Mobile. I got to know him well during that time and developed great respect for him. I think he tried 100 or more trials as an assistant district attorney. Then, in 1987, given his reputation for excellence, I hired him as an assistant attorney in the U.S. Attorney's Office. I can say without reservation that during his service, while I was a U.S. Attorney in the Southern District of Alabama, Judge Steele did not disappoint. Judge Steele tried a number of cases while he was in the U.S. Attorney's Office, which is the Federal system in which he will now be a district court judge. He held that position for 2 years and

then went into private practice and did an excellent job there.

He was instrumental as a private practitioner and chief assistant district attorney, in the establishment of the Child Advocacy Center, an agency devoted to identifying and providing assistance to child victims of physical and sexual violence.

In 1990, the Federal court in the Southern District of Alabama commenced its search process for a U.S. magistrate. They usually have 60 or more applications. It is a very competitive process. The judges want the very finest lawyer—someone who would make a superb judge because the better work that magistrate does, the more relief the Federal district judges get. After all that competition, he won and was hired.

For 13 years now he has served as a magistrate judge. He has done so many different cases.

Bill Steele is one of Alabama's most outstanding magistrate judges, and I am confident that he will be an even better district court judge. I have followed Judge Steele's career since the time I worked with him at the U.S. Attorneys Office in the Southern district of Alabama, so I know from firsthand experience what kind of individual Judge Steele is. This statement will not do him justice. He is a nominee of the highest order, and it is an understatement when I say that I am pleased that President Bush has chosen to nominate Magistrate Judge William H. Steele for elevation to the Southern District of Alabama.

As a magistrate judge, Judge Steele has been training for a district court position for the last 12 years, and because the Southern District of Alabama utilizes magistrate judges to a greater extent than most other districts, he will be able to hit the ground running in his new position. I have had conversations with the other judges in the Southern district and I know that they are as excited about Judge Steele's nomination as I am, so I am glad that we can move forward with his confirmation.

Some people talk about public service, but throughout his life, Judge Steele has done more than just talk. Judge Steele has dedicated the better part of his life to public service and has served both this country and the great state of Alabama well. After graduating *summa cum laude*, from the University of Southern Mississippi in 1972, Judge Steele served in the United States Marine Corps as an officer, pilot, and instructor pilot. During his service in the Marine Corps, Judge Steele participated in the operation to evacuate American citizens from Lebanon in 1976. Judge Steele also served in the Alabama National Guard as a pilot and as the commanding officer of an assault helicopter company.

After serving his country in the Marine Corps, Judge Steele attended the University of Alabama School of Law, graduating in 1980. After law school,

Judge Steele was employed as an Assistant District Attorney in Mobile, Alabama, and worked for six years for a democrat District Attorney. At the District Attorney's Office, Judge Steele distinguished himself as an outstanding advocate, litigating close to, if not more, than 100 jury trials. In recognition of his legal skills and leadership qualities in the District Attorney's Office, Judge Steele was appointed as Chief Assistant District Attorney in 1985. As the Chief Assistant, Judge Steele was instrumental in establishing, the Child Advocacy Center, an agency devoted to identifying and providing assistance to, child victims of physical and sexual violence.

In 1987, given his reputation in the community for excellent legal abilities and personal skills, I was proud to hire Judge Steele as an Assistant U.S. Attorney in the Southern District of Alabama. I can say without reservation, that during his service, while I was the U.S. Attorney in that office, Judge Steele did not disappoint. I found him to be a first-rate lawyer who set the standard for integrity by treating all parties with respect.

In 1990, Judge Steele was appointed to the position, which he currently holds, as a United States Magistrate Judge. He has served in this position with distinction, handling a full array of criminal and civil matters in federal court. The Southern District of Alabama has a heavy caseload, and the judges there depend on magistrate judges to go beyond preliminary criminal matters and social security cases. The magistrate judges in the Southern District are in rotation to receive 25 percent of the civil docket, where the parties consent. So Judge Steele has been doing the job of a district judge, including presiding over civil jury trials in many instances. It is my understanding, from talking to lawyers who practice in the Southern District, that Judge Steele has managed his docket well and the numbers show it. This is simply an outstanding nominee.

Judge Steele has not only been a leader in the workforce, but has been a leader and a active participant in his community as well, serving on the board of the Child Advocacy Center that he helped establish. And for the record, Judge Steele does not shy away from the arts. Judge Steele often volunteers his time to support First Night Mobile, a family-oriented, New Year's Eve, alcohol-free celebration of the arts, and he regularly performs with the Mobile Symphonic Pops as a saxophone player.

I acknowledge, that all of these accolades would be futile, if Judge Steele had not demonstrated commitment to the rule of law and to the Constitution, during his service as a magistrate judge. In my view, this is the first and foremost requirement for a federal judge. This is what our democracy hinges upon, and I know that Judge Steele is committed to that requirement. Judge Steele has a reputation

for being eminently fair and impartial throughout the bar association. And having worked with him personally, I know that he is an individual with unquestioned integrity and the utmost character.

I will just say this: when it comes to serving with the distinction, it is the lawyers in the community who know a judge the best. Here is what Fred Gray, former counsel to the late Reverend Dr. Martin Luther King, Jr., had to say about Judge Steele in a letter to the Senate Judiciary Committee supporting his confirmation:

I have practiced law in the State of Alabama and before all the federal district courts . . . I realize that it is important that all the judges who serve on the courts . . . are one[s] who possess the necessary personal characteristics, experience, practical knowledge, legal skills and professional background, so they will administer justice in a fair and impartial manner.

I have discussed [Judge Steele's] qualifications generally and specifically with reference to intelligence, honesty, morality, integrity, maturity, stability, demeanor and temperament with members of the bar who know him and have practiced before him and other judges who sit on some of the courts in Mobile. Based upon their representations to me, Judge Steele possess all the necessary qualities for a [federal judgeship].

I have had the opportunity to meet with Judge Steele personally . . . I believe he will be fair to all litigants who appear before him . . . regardless of color or national origin or the type of litigation. I believe he will administer justice tempered with mercy.

I do not believe that you could receive a better endorsement than this one.

The lawyers and individuals who know Judge Steele best, because they have worked with him and practiced in front of him, have all voiced support. Since his nomination has been pending, Judge Steele has been endorsed by a number of individuals including the current President and 16 former presidents of the Mobile Bar Association, several former president of the Birmingham Bar, and several former presidents of the Alabama Bar Association.

The Vernon Z. Crawford Bay Area—African-American—Bar Association of Mobile, AL gave its unanimous endorsement:

The . . . Association strongly recommends Magistrate Bill Steele for this position because he recognizes and is sensitive to the issues facing African American lawyers and the African American community. . . . We give Magistrate Steele our highest recommendation.

Major General Gary Cooper, USMC—Ret., former Ambassador to Jamaica, president of a Commonwealth National Bank in Mobile, AL, and an African American:

As an African American citizen of Mobile and as a retired Marine, I appreciate what William Steele has done for his community as a county and federal prosecutor and federal magistrate, and what he has done for his country as a Marine helicopter pilot. His record indicates that he will make a fine . . . Judge.

Joy Williams, former law clerk to Magistrate Judge Steele and an African American:

[W]hile I was the only person of color clerking on the court at the time, I truly felt comfortable and accepted from the moment I interviewed with Judge Steele. He has never given me a reason to question the sincerity of his support of me and my endeavors both professionally and personally.

Merceria Ludgood, Assistant County Attorney for Mobile County, former Director of Program Services for Legal Services Corporation in Washington, D.C., and former Executive Director of Legal Services Corporation of Alabama:

Magistrate Judge Steele is one of the finest men I have ever known. Never once have I believed his actions to be motivated by politics or ambition. He simply wants to do the right thing for the right reasons.

Robert D. Segall, attorney for the American Civil Liberties Union in the case opposing the display of the Ten Commandments in an Alabama courtroom:

Judge Steele is an outstanding selection, is very highly qualified, and I respectfully urge his prompt confirmation.

Carlos A. William, Southern District of Alabama Federal Defenders Organization:

During the years I have practiced in [Judge Steele's] court, I have come to know a jurist of integrity, professionalism and compassion, and I have grown to respect his judgment. . . . [I] note that every lawyer in my office, Kristen Gartman Rogers, K. Lyn Hillman Campbell and Christopher Knight, in unsolicited comments, have expressed their support for Magistrate Steele's nomination. It is therefore without hesitation that I send this letter in support of Magistrate William Steele's nomination.

Larry C. Moorer, long time practitioner in Mobile, Alabama and an African American:

Over the years, I have handled several legal matters before Magistrate Judge Steele . . . He has shown over the years that he is fair and impartial, and will rule according to the law regardless of public opinion or possibly his own personal feelings. . . . Magistrate Judge Steele provides a level playing field . . . [and] he possesses the attributes for being an outstanding appellate judge.

Larry Sims, President of the Mobile Bar Association and 16 former presidents.

Numerous officers and members of the Women of the Mobile Bar Association.

Hodge Alves, President of the Mobile Chapter of the Federal Bar Association.

Several former presidents of the Montgomery Bar Association.

Bruce Rogers, incoming president of the Birmingham Bar Association, and a number of former presidents.

Warren Lightfoot, former president of the Alabama Bar Association, and managing partner of one of the most respected litigation firms in Birmingham, AL.

Jim North, a prominent Democrat in Birmingham, former clerk for Justice Hugo Black, and former President of the Alabama Bar Association.

Rosemary Chambers, Circuit Judge of Mobile County.

Chris Galanos, a Democrat and former District Attorney of Mobile

County who employed Steele as a prosecutor for several years.

Alex Bunin, Federal Public Defender, Districts of Northern New York and Vermont.

Greg Breedlove, on behalf of the unanimous firm of Cunningham, Bounds, Yance, Crowder and Brown, L.L.C. in Mobile, Alabama—prominent Democratic, plaintiffs' firm.

John Morrow, former president of the Birmingham Bar Association and long-time practicing attorney with one of the largest firm's in Birmingham, AL.

Ed Allen, 38-year practitioner with one of the largest firms in Birmingham, Alabama, and former member of the Executive Committee of the Birmingham Bar Association, and the Labor and Employment sections of the American Bar Association and the Alabama Bar Association.

Henry Brewster, Mobile, AL, Democrat plaintiff's lawyer whose practice focuses on employment discrimination cases.

Jerry McDowell, long-time practitioner from Mobile, AL.

This support, in my view, confirms that President Bush made the right decision in nominating Judge Steele.

Judge Steele has the professional qualifications, integrity, professional competence and judicial temperament to serve on the federal bench in the Southern District of Alabama. The ABA has acknowledged such, rating him unanimously qualified. As a magistrate judge in the Southern District of Alabama, he is practically already doing the job. Judge Steele will make an excellent addition to the federal bench, and deserves to be confirmed by this Senate. I look forward to supporting Judge Steele and to casting my vote in favor of his confirmation. I urge my colleagues to support Judge Steele.

I yield the floor.

I want to say I don't know that I have met a finer individual, a more dedicated patriot than Judge Bill Steele. He is someone I admire and someone who is admired by people I admire. People who have good judgment of character think he is first rate.

The Bar Association in the Southern District of Alabama has unanimously told me time and again how much they appreciate him and how well they think he will do as a Federal judge. And I am very pleased for him.

He has received support from a large number of different sources. Of course, the established bar in the Southern District of Alabama speaks very highly of him.

You ask what about others? What do they say about him? The President of the Alabama Bar Association for the State is Mr. Fred Gray. He was former counsel for the late Rev. Dr. Martin Luther King, Jr., and has tried some of the most historic cases in the history of the United States.

He was involved in *New York Times v. Sullivan* and *Chameleon v. Light Foot* and was the attorney on the Rosa

Parks bus boycott case. He worked directly with Dr. Martin Luther King, Jr., at that time. He has written an excellent book describing the bus ride to justice.

He writes to me his strong support for Judge Steele. He realizes he said it is important that all judges who serve on the courts possess the necessary personal character, experience, knowledge, legal skills, and professional background so they will administer justice in a fair and impartial way.

He went on to explain his meeting with Judge Steele—his knowledge of him, and his support for him. Group after group has written on Judge Steele's behalf.

I believe this Senate will make a wise decision if Judge Steele is confirmed. I have absolutely no doubt that this fine nominee will serve with distinction. He will serve and treat every party before the court with courtesy. He will control his court with firmness but fairness. He will demonstrate integrity. And, most of all, every day that he goes to work, Bill Steele will sit there and try to do what he can to produce justice.

I am delighted he has been able to move through the process. I thank my colleagues in the Senate for their help. I saw Senator LEAHY earlier. I congratulated him and thanked him for allowing this nomination to move forward.

I thank Senator HATCH for his determination to move nominees, who are qualified, forward to confirmation.

As I said, I am confident in Judge Bill Steele. The courts of the United States will have a superstar who will do a super job.

NOMINATION OF J. DANIEL BREEN, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of J. Daniel Breen, of Tennessee, to be United States District Judge for the Western District of Tennessee?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from Texas (Ms. HUTCHISON), the Senator from Arizona (Mr. KYL), and the Senator from Kentucky (Mr. MCCONNELL) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announced that, if present and voting, the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) would each vote "aye".