

in Beaumont where she has agreed she will make her home and stay for the duration of her term.

I know she will serve with distinction. Judge Crone is currently a U.S. Magistrate Judge in the Southern District of Texas serving in that capacity since 1992.

Marcia was valedictorian of her high school, Hillcrest High School in Dallas, a National Merit Scholar, and the valedictorian of the University of Texas class of 1973. She also graduated first in her class from the University of Houston Law Center in 1978.

Her outstanding educational accomplishments are also joined by accomplishments in her professional life. After graduating from law school, she joined the Houston-based firm Andrews & Kurth. Her specialties included product liability, breach of contract, oil and gas, and securities law. She became a partner in that firm where she remained until her appointment to the Federal bench.

Mr. President, is there another minute, or am I the only speaker?

The ACTING PRESIDENT pro tempore. One minute remains in opposition. The Senator's time has expired.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent, if there is no opposition, to take the final minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, as a U.S. Magistrate, Judge Crone has presided over a number of civil and criminal cases, ranging from employment discrimination to pretrial arraignments and detention hearings in felony cases. In her more than 10 years on the Federal bench, she has authored approximately 700 opinions, over 130 of which are published. She is an active member of the Houston community and bar association. She serves on the board of directors of the Garland Walker Inn of Court and is a mentor to Houston area law school students. She is also active in her church.

Marcia Crone meets the high standards to which we hold all Federal judges, and she has quite an impressive record. I am pleased that JOHN CORNYN, the other Senator from Texas, joins me in supporting the nomination of Marcia Crone, and I urge our colleagues to join us.

I yield the floor.

Mr. HATCH. Mr. President, I am pleased to speak in support of Marcia Crone, who has been nominated to the U.S. District Court for the Eastern District of Texas.

Judge Crone received a bachelor of arts degree, *summa cum laude*, from the University of Texas at Austin, graduating with a 4.0 grade point average and as valedictorian in 1973. She then graduated first in her class from the University of Houston Law Center in 1978, receiving a *juris doctor* degree, *summa cum laude*. After graduating from law school, she entered private practice, first as an associate and later

as a partner at the law firm of Andrews & Kurth, L.L.P. During her years in private practice Judge Crone represented both individuals and corporations, litigating primarily in the areas of labor law, employment law, products liability, and commercial litigation.

Judge Crone was appointed in 1992 as a Federal magistrate judge in the Southern District of Texas. She has presided over numerous trials in civil cases involving a wide range of issues, including securities fraud, employment discrimination, intellectual property rights, personal injury claims, contract disputes, admiralty, civil rights, insurance matters, social security appeals, and prisoner litigation. In her more than 10 years on the Federal bench, Judge Crone has authored approximately 700 opinions.

Judge Crone devotes substantial amounts of time to programs mentoring students from the three local law schools, giving them the opportunity to serve as interns in her chambers, judging mock trial and moot court competitions, and participating annually in the American Bar Association's Minority Judicial Externship Program. She previously served on the board of directors of the southeast Texas Chapter of the National Multiple Sclerosis Society and has performed volunteer work for a local adoption agency.

I have no doubt that Judge Crone's elevation to the district court will greatly benefit the Eastern District of Texas. I urge my colleagues to join me in supporting her nomination.

Mr. CORNYN. Mr. President, I rise in support of the nomination of Judge Marcia A. Crone to serve as U.S. District Judge in the Beaumont Division of the Eastern District of Texas.

Judge Crone is an outstanding nominee with a fine legal mind and fair judicial disposition. She has served as a U.S. magistrate judge in the Southern District of Texas since 1992. During her tenure on the Federal bench thus far, she has already authored approximately 700 opinions, over 130 of which are published. Prior to her service as a U.S. magistrate judge, she practiced law for 14 years.

She is an active member of several legal organizations in the Houston area. She is a native Texan and a mother of two. And she is an active participant in her community. She is a member of the Chapelwood United Methodist Church, the Houston World Affairs Council, and the P.T.A. at Second Baptist School, and a former member of the board of directors of the National Multiple Sclerosis Society.

In short, Judge Crone is an outstanding nominee with solid credentials and a reputation of fairness and impartiality. I support her nomination, and look forward to her distinguished service on the bench of the Eastern District of Texas, where the citizens of Beaumont need her good legal judgment and wisdom.

The ACTING PRESIDENT pro tempore. All time has expired. The ques-

tion is, Will the Senate advise and consent to the nomination of Marcia Crone, of Texas, to be United States District Judge for the Eastern District of Texas?

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 369 Ex.]

YEAS—91

Akaka	Dodd	McConnell
Allard	Dole	Mikulski
Allen	Dorgan	Miller
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Fitzgerald	Nickles
Boxer	Frist	Pryor
Breaux	Graham (SC)	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Chambliss	Inouye	Smith
Clinton	Johnson	Snowe
Cochran	Kennedy	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Corzine	Leahy	Thomas
Craig	Levin	Voinovich
Crapo	Lincoln	Warner
Daschle	Lott	Wyden
Dayton	Lugar	
DeWine	McCain	

NOT VOTING—9

Alexander	Durbin	Jeffords
Biden	Edwards	Kerry
Domenici	Graham (FL)	Lieberman

The nomination was confirmed.

NOMINATION OF RONALD A. WHITE, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF OKLAHOMA

The PRESIDING OFFICER (Mr. SMITH). Under the previous order, the clerk will report the next nomination.

The assistant legislative clerk read the nomination of Ronald A. White, of Oklahoma, to be United States District Judge for the Eastern District of Oklahoma.

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes for debate equally divided.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I am happy to recommend, along with Senator INHOFE, the nomination of Ron White to be United States District Judge for the Eastern District of the State of Oklahoma.

Ron White has been a partner in a prestigious law firm in Tulsa, OK, for 17 years. He is eminently qualified.

He has considerable experience in major corporate litigation in Tulsa with sixty percent of his court appearances taking place in Federal court. He is a man of outstanding individual character, and the President could not have picked a more qualified person for this job.

A native of Sapulpa, Ron is a 1983 Phi Beta Kappa graduate of the University of Oklahoma. He earned his Juris Doctorate (Cum Laude) from the University of Oklahoma College of Law in 1986, where he was a member of the Order of the Coif Honor Society.

Ron is also very active in his community as a member of both the Philbrook Museum of Art Masters Society and the Tulsa Ballet Founders Society. In addition, he is on the Board of Directors of the Margaret Hudson Program, an organization that helps pregnant teens and young mothers finish high school.

Ron has been admitted to the Oklahoma Supreme Court, the U.S. District Court for Northern, Western, and Eastern Districts of Oklahoma, and the U.S. Court of Appeals. Furthermore, he has been rated "unanimously qualified" by the American Bar Association.

Ron is exceptionally qualified to serve as Eastern District Judge for the State of Oklahoma. The judicial system and our nation as a whole will benefit from his service. Senator INHOFE and I are pleased to recommend confirmation of Ronald A. White to the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I don't think there is any doubt but Ronald White is one of the most qualified nominees that we have been able to act on and confirm.

In addition to that, he comes from my hometown of Tulsa. I know him well and I know what he does. This is a generous person. He is famous for taking indigent cases and not charging fees.

The Margaret Hudson Program is a program to give alternatives to pregnant teens, and he gives his free legal counsel to that.

He is the type of person certainly deserving from his own personal lifestyle as well as his professional qualifications.

I heartily endorse him.

Mr. HATCH. Mr. President, I rise today to express my unqualified support for the nomination of Ronald White to the Eastern District of Oklahoma and to urge my colleagues to confirm this fine nominee.

Mr. White is a distinguished litigator. After graduating from the University of Oklahoma law school in 1986, Mr. White joined the law firm of Hall, Estill, Hardwick, Gable, Golden & Nelson in Tulsa. His practice has focused on litigation in the areas of tort and insurance defense, medical malpractice, corporate litigation, ERISA, and telecommunications. Mr. White is a well respected legal practitioner in his home State and he will make a fine addition to the Federal bench.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, with our votes on two more judicial nominees today, the Senate will have confirmed 60 judges in the 15 months that Republicans have controlled the Senate majority. In 17 months, when the Democrats were in the majority, we confirmed 100 judges. So that means between those confirmed under Republican leadership—60—and the 100 under Democratic leadership, we now have confirmed 160 in less than 3 years.

Incidentally, it approaches the 4-year total of President Reagan's first term.

I have expedited confirmation of another Oklahoma nominee, as I accommodated Senator NICKLES with four nominees when I was chairman, and I am happy to accommodate him now.

I hope the leadership will look to the two much needed nominees for the Southern District of California. That is the most overworked district in the entire Nation. For some reason, the leadership has not brought them up.

I wish they would. They should be considered on an expedited basis.

Last night, the Senate unanimously confirmed Judge Carlos Bea of California to a lifetime position on the United States Court of Appeals for the Ninth Circuit. He is the 29th circuit court nominee of President George W. Bush to be confirmed. With this number of confirmations, we have reduced the number of vacancies we inherited in the summer of 2001 in 8 of the 13 circuit courts and the number of vacancies in the other 5 courts has not increased, despite more than a dozen additional vacancies that have arisen since then. In contrast, during the Clinton administration, Republicans allowed the number of circuit court vacancies to more than double, increasing the number of vacancies on 9 of the 13 circuit courts.

As I mentioned last night, the Senate has confirmed 12 circuit court nominees of President Bush in this year alone, which is more circuit court confirmations than Republicans allowed in 5 of the 6 full years they controlled the Senate during the Clinton administration. Last night, the Senate confirmed the 58th judicial nominee of President

Bush this year, which is the same number as Republicans allowed in all of 1995. With the two confirmations we expect this morning, we will have confirmed more judicial nominees of this President this year than in 5 of the 6 years of Republican control of the Senate.

At the conclusion of the confirmation votes today, a total of 60 judicial nominees of President Bush will be confirmed this year, in addition to the 100 confirmations during 17 months of the Democratic majority in the Senate. This number of confirmations, 160, is significantly higher than Republicans allowed by the third year of President Clinton's second term, the most recent Presidential term, when they allowed 135 judicial nominees of that President to be appointed from 1997 through the end of 1999. That year, because the Republican chairman insisted that President Clinton nominate Utahan Ted Stewart to the district court, no nomination hearings were even held until the summer. In all, during the prior 6 years of Republican control of the Senate, 248 of President Clinton's district and circuit court nominees were confirmed but more than 60 were blocked from getting confirmation votes.

Despite this recent history, Democrats have supported the confirmation of 160 of President Bush's judicial nominees. As Senator FRIST observed on the floor of the Senate last week when six additional judicial nominees were confirmed: "Again, steady progress has been made with respect to these judicial nominations." The number of confirmations in the two home States of the nominees being voted on today supports that observation of the majority leader.

We have already confirmed 13 district court judges to the State of Texas and today we vote on the 14th judge appointed to the Federal trial courts in Texas, Magistrate Judge Marcia Crone. Despite her 11 years of service in the Southern District of Texas, Magistrate Judge Crone earned a partial "Not qualified" rating from the American Bar Association, ABA. In all, 23 of President George W. Bush's judicial nominees have received minority or majority ratings of "Not qualified" from the ABA, which is cause for concern. Sometimes we are able to deduce the basis of those ratings, but sometimes we cannot. It is too bad that the ABA will not provide us with the facts and factors behind such ratings. Without that information and based on the record we have before us, Magistrate Judge Crone garnered the bipartisan support of the Judiciary Committee.

Magistrate Judge Crone is nominated to 1 of the 15 new seats Democrats created to address increased caseloads around the country, and once she is sworn in there will be no vacancies in the district courts in Texas, a situation that Republicans would not allow when a Democrat was in the White House. In fact, had Democrats not created 15 new seats on the Federal courts when we

were in the majority last year, there would be fewer than 30 vacancies in the Federal courts today. As it stands, with the confirmations today, there will be 44 vacancies on the Federal bench, the lowest level reached for this President and indeed the lowest number of vacancies since 1990.

Similarly, with the confirmation of Ronald White to the district court in Oklahoma, Democrats will have supported the confirmation of a judge to a vacancy that arose last Thursday. Senator NICKLES has been eager to fill this vacancy, which occurred just four business days ago and we are accommodating him. When I chaired the committee we similarly worked hard to confirm four judicial nominees to vacancies in Oklahoma.

I must express concern, however, that the Republican leadership has chosen to move Mr. White's nomination to such a short-lived vacancy ahead of the nominees to the Southern District of California, seats that have been greatly needed for years. During the last period of Republican control of the Senate, they refused to create seats in California to address the growing crisis to that border court. As a consequence, this Federal court in San Diego has the highest caseload per judge in the Nation, by a significant margin; senior judges have been called into continued service handling a large number of cases; and one retired judge even passed away in the midst of the stressful and pressing caseload of that court. Republican neglect was part of their efforts to deny a Democratic President and any opportunity to fill those much-needed judgeships. I hope that the Republican leadership will turn to the southern California nominees it has now skipped without more delay.

Finally, I note that Mr. White is receiving far more favorable bipartisan consideration than the last Ronald White to be nominated to the U.S. District Court. Mr. White of Oklahoma is being confirmed within 4 months of his nomination, while Missouri Supreme Court Justice Ronnie White waited 28 months for a confirmation vote. Justice White, who now serves with distinction as the Chief Justice of the Missouri Supreme Court, was nominated by President Clinton to the Federal district court in June of 1997. The White House consulted at length with the home-state Senators and other officials in Missouri to find a consensus nominee and chose Justice White who was the first African American to serve on the highest court in Missouri. Senator BOND supported Justice White's confirmation and then-Senator Ashcroft advised that he would not hold his nomination.

However, the Republican chairman did not schedule a hearing for this district court nominee for almost a year. Then, after Justice White's nomination was reported favorably by the Judiciary Committee, which occurred almost a year after his nomination, the Repub-

lican leader refused to schedule a vote on the nomination. Justice White's nomination languished on the floor from May 1998 until the end of that year. He was renominated by President Clinton in January 1999, and the Republican chairman refused to place his name on the calendar for a vote for 6 months. Once his nomination was reported out favorably a second time the Republican leader again delayed a vote on his nomination for about 3 months.

Then, in a surprise move following a Republican caucus meeting in October 1999, Justice White nomination was defeated with every Republican voting in lock-step against his confirmation, without warning and even though some of these Senators had previously voted to report his nomination favorably to the Senate. Senator Ashcroft maligned Justice White as "pro-criminal," even though Justice White's record in criminal and death penalty cases on the Missouri Supreme Court was better than some of Senator Ashcroft's appointees to that court when he was governor. When President Bush nominated John Ashcroft to be Attorney General the outrageousness of the attack on Justice White was one of the issues we explored. Senator SPECTER apologized to Justice White for the way he was treated by the Senate.

Of course, more than 60 of President Clinton's other judicial nominees were never allowed a confirmation vote of any kind. Those 63 other nominations were scuttled by Republicans in the dark of night, through secret or anonymous objections. This was their preferred modus operandi. Republicans perfected the art of delay by defeat for President Clinton's circuit and district court nominees, blocked 63 while confirming 248 in the 6½ years of Senate control.

I think it is time that fair-minded Republicans acknowledge those Clinton nominees who were blocked from getting votes, nominations that constituted 20 percent of all judicial nominees in those 6 years. That record stands in stark contrast to ours, with 160 of President Bush's judicial nominees confirmed in less than 3 years, with only three blocked so far. The Senate's record on President Bush's judicial nominations is now 160 to 3. The Republican record on President Clinton's judicial nominees is 248 to 63. The facts demonstrate how effectively Republicans prevented confirmation votes on judicial nominees, behind closed doors and in secret. Democrats have voted and continue to vote on President Bush's judicial nominees in the light of day, with full discussion of the serious concerns that surround the extreme nominees of this President.

With a Republican making nominations, the Senate votes today to confirm Mr. White of Oklahoma to a seat that has been vacant for less than a week. With the delay and attack on President Clinton's nominee Justice White, Republicans were content to allow the Missouri District Court to re-

main vacant for 5½ years, like many other judicial vacancies that arose when a Democrat was in the White House and Republicans last controlled the confirmation process.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Ronald A. White, of Oklahoma, to be United States District Judge for the Eastern District of Oklahoma.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

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

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 370 Ex.]

YEAS—93

Akaka	DeWine	Lugar
Allard	Dodd	McCain
Allen	Dole	McConnell
Baucus	Dorgan	Mikulski
Bayh	Durbin	Miller
Bennett	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (SC)	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Byrd	Hagel	Rockefeller
Campbell	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carper	Hollings	Schumer
Chafee	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Clinton	Inouye	Smith
Cochran	Johnson	Snowe
Coleman	Kennedy	Specter
Collins	Kohl	Stabenow
Conrad	Kyl	Stevens
Cornyn	Landrieu	Sununu
Corzine	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Voinovich
Daschle	Lincoln	Warner
Dayton	Lott	Wyden

NOT VOTING—7

Alexander	Graham (FL)	Lieberman
Domenici	Jeffords	
Edwards	Kerry	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.