

of Mississippi, Walter F. George of Georgia, Harry Flood Byrd of Virginia and Russell B. Long of Louisiana from the 75th Congress through the 91st Congress; and

Whereas the Committee on Finance will long remember the commitment, service and leadership of Jesse R. Nichols, Sr., as documented in an oral history posted on the Senate Historian's website: Now, therefore, be it

*Resolved*, That the United States Senate expresses its deep gratitude and sincere respect for Jesse R. Nichols for his unflinching service and his dedication to the United States Senate. The Senate hereby expresses condolences to the family due to the death of Jesse R. Nichols, Sr., on February 18, 2005.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### EXECUTIVE SESSION

#### NOMINATION OF THOMAS B. GRIFFITH TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and proceed to the consideration of Calendar No. 66, which the clerk will report.

The assistant legislative clerk read the nomination of Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

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

(The remarks of Mr. MCCONNELL are printed in today's RECORD under "Morning Business.")

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, is the Griffith nomination before the Senate?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. HATCH. Mr. President, I rise in support of the nomination of Thomas B. Griffith to serve as a judge on the United States Court of Appeals for the District of Columbia Circuit.

Because Tom Griffith served as Senate legal counsel from 1995 to 1999, many Members of this body are very familiar with his character, judgment, and record. For the benefit of those new members of this body and those members of the public who are not familiar with Tom Griffith, I want to spend the next few minutes detailing why his education, experience, and expertise make him an excellent nominee for this extremely important Federal court.

As I will set forth, Tom has broad support on both sides of the aisle. In

the far too often partisan debate over judicial nominations that has occurred over the last few years, it is refreshing to have before us a nominee whose past record of achievement has resulted in so many current supporters who are firmly convinced that his future service on the bench will be successful.

One of the many reasons why I am particularly proud to support Tom Griffith is because he is a constituent of mine. Mr. Griffith serves as assistant to the president and general counsel of Brigham Young University.

As might be expected, Tom has many supporters at BYU. Here is what associate dean and Professor Constance Lundberg at the J. Reuben Clark School of Law has to say about the nominee:

[Tom] is also a lawyer of unexcelled ability. He understands the differences between law and policy and has a deep understanding of the powers and prerogatives of each of the three branches of government. He is immensely fair and compassionate. The laws and Constitution of the United States could not be in better hands.

Tom also has his supporters among law school faculty off the BYU campus. For example, please listen to what Harvard Law Professor William Stuntz has said about the qualifications of Tom Griffith:

I know a great many of talented men and women in America's legal profession; I've taught more than three thousand students at three top law schools, and I have friends scattered across the country in various kinds of law practice and in academics. I do not know anyone whom I would rather see on the federal bench than Tom Griffith. If he is confirmed, he will not just be a good judge. He'll be a great one.

That is certainly strong praise and, as I remember law school, getting praise from law professors is never easy unless you truly earn it.

In order to become the lawyer he is today, Tom received a solid education.

Back in 1978, Mr. Griffith received his Bachelor's degree from BYU. I am proud to say that we both graduated from BYU. I am also proud to tell you that Tom graduated summa cum laude. For those of us who are proud to call Brigham Young University our alma mater, I want to note that BYU is our Nation's largest private university and is recognized by many as one of the finest institutions of higher learning anywhere in the world.

Tom Griffith was the valedictorian of the BYU College of Humanities. He was chosen as the recipient of the prestigious Edward S. Hinckley Scholarship.

Mr. Griffith pursued his legal studies at the University of Virginia School of Law. Once again, he distinguished himself by being selected as a member of the law review at the University of Virginia. This is an honor that very few law students achieve.

Upon graduation from law school in 1985, Tom commenced his legal career as an associate in the Charlotte, NC, law firm of Robinson, Bradshaw and Hinson. During this time, Mr. Griffith

was engaged in corporate, commercial, securities and employment litigation.

In late 1989 Tom Griffith joined the well-known and highly regarded Washington, DC, law firm of Wiley, Rein and Fielding, first as an associate. Tom specialized and excelled in complex environmental insurance litigation and regulatory investigations and was made a partner in the firm.

Between March, 1995 and March, 1999, Tom Griffith served as Senate legal counsel. This is a highly demanding job as the Senate legal counsel advises the Senate on all legal matters related to the Senate including Senate investigations, the work of Senate committees, and defending acts of Congress and Senate resolutions.

During his time as Senate legal counsel, Tom faced the many challenges of advising the Senate during the impeachment of President Clinton. If there was ever a circumstance to test the temperament of a lawyer, his ability to ascertain what the law is and what prudence dictates, and to provide objective legal advice in a fair and even-handed manner in a highly charged atmosphere, surely it was the unique circumstances of the impeachment trial. By all accounts, Tom Griffith came through in flying colors.

After the impeachment trial, Tom rejoined the firm of Wiley, Rein and Fielding for about one year before taking his current position in Utah as the general counsel of Brigham Young University.

As you can tell from this thumb nail sketch of Tom Griffith's career, he is an achiever. He has had a terrific education and has done very well at very demanding schools. He has also distinguished himself in the practice of law with one of the great law firms in this country, as Senate legal counsel, and in his current capacity as assistant to the president and general counsel at BYU.

Many have relied upon Tom Griffith for sound legal advice. That is because he is an excellent lawyer who provides excellent advice.

Despite the claims on his time made by the various legal positions Mr. Griffith has held, he still found the time to take on a number of voluntary assignments that demonstrate a commitment to serving those in need. For example, between 1991 and 1995 Mr. Griffith spent several hundred hours of his own time attempting to overturn the sentence of a death row inmate. Ultimately, the strategy devised by Mr. Griffith was successful in obtaining a pardon by then-Governor, now-Senator GEORGE ALLEN on the eve of the scheduled execution.

Tom has volunteered to represent disadvantaged public school students in disciplinary proceedings and has helped operate soup kitchens or people in need.

I would also like to make my colleagues aware of Tom's interest in, and commitment to, the emerging democracies in Central Europe. For the last