

Senator wishing to be recognized, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair thanks the senior Senator from Kentucky, the longest serving Senator from the great State of Kentucky, and joins in the admiration of those who spoke of him.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. McCONNELL. Mr. President, today marks another milestone in the extraordinarily successful tenure of my friend and colleague from Kentucky, WENDELL FORD. He becomes the longest serving Senator in Kentucky history. I remember well when Senator FORD got his start; I was in law school at the University of Kentucky. I remember reading a story about a State Senate primary in Owensboro, KY, in which the Senate majority leader of the Kentucky State Senate was upset in the primary by an impressive young man named WENDELL FORD, who had been involved in politics some time and had been in fact national president of the Jaycees.

Then in my senior year in law school, I remember this young State senator, who obviously didn't want to stay in the State senate too long, running for Lieutenant Governor and defeating the attorney general of Kentucky in that primary.

Then that November, an unusual thing happened in Kentucky—they elected a Republican Governor. It has not happened since. It is a fairly rare occurrence in our State. But State Senator Wendell Ford was elected Lieutenant Governor, so he beat one of those rare Republican tides in our State.

Then, as if that were not enough, 4 years later everybody in Kentucky thought that former Gov. Bert Combs, who subsequently had a distinguished career as a U.S. court of appeals judge, was a lead pipe cinch to be the next Governor of Kentucky and at the very least to win the Democratic primary. But Lt. Gov. Wendell Ford defeated, against everybody's expectations, former Governor Combs in the primary, and the rest is, as they say, history.

He came to the Senate, beating a Republican incumbent in 1974, and is into the final days of his fourth term. He has served Kentucky long and well, having had an extraordinarily successful public career. I join with all of my colleagues in congratulating him for his not only lengthy service but his excellent service on behalf of the Commonwealth of Kentucky and the people of the United States.

Mr. President, I suggest the absence of a quorum.

Mr. FORD. Will the Senator withhold?

Mr. McCONNELL. I withhold.

Mr. FORD. Mr. President, it is hard to take all these kind words that are being said about me, and I think I will notify my grandchildren to listen in. But I do thank my colleague for a bit of history as it relates to my political career. His is somewhat akin to mine. When he ran for office, he was not expected to win, and he did. So I think we can relate to those periods in our lives and our political tenure. I do thank him for his kind words today, and I look forward to working with him to accomplish things for our Commonwealth and this country in the next few months we will serve together. I am grateful to him.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF JEREMY D. FOGEL

Mr. McCONNELL. Mr. President, on behalf of the Republican leader, as in executive session, I ask unanimous consent that at 5:20 today the Senate proceed to executive session and there be 10 minutes of debate in the usual form on Executive Calendar No. 505, the nomination of Jeremy D. Fogel, of California, to be U.S. district judge.

I further ask unanimous consent that immediately following the debate, the Senate proceed to a vote on the confirmation of the nomination, and following the vote, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

Mr. McCONNELL. I now ask unanimous consent that it be in order at this time to ask for the yeas and nays on the nomination.

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

Mr. McCONNELL. I therefore ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. McCONNELL. All Senators should now be aware that at 5:30 today there will be a rollcall vote on Jeremy Fogel to be U.S. district judge.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

NOMINATION OF JUDGE MASSIAH-JACKSON

Mr. HATCH. Madam President, Judge Massiah-Jackson has made the right decision in withdrawing her nomination to the Federal bench, given the strong bipartisan opposition from law enforcement groups, her demonstrated leniency in sentencing convicted criminals, and the Judiciary Committee's concerns about her lack of candor throughout the nomination process. I believe withdrawing the nomination was the right thing for her to do. Despite the fact that the committee afforded two hearings for this nominee, and gave her ample opportunity to answer criticisms of her record, her responses were found to be unconvincing. After having heard the nominee's testimony and having considered the information provided to the committee by law enforcement officials about her treatment of police officers in court and her flawed judicial rulings, I would not have voted to confirm this nominee to a lifetime appointment to the Federal bench.

The events surrounding Judge Massiah-Jackson's nomination demonstrate the need for the Senate to scrutinize the President's nominees carefully. That is what we have been doing. This is not a numbers game. We have to look at these people very carefully. They are nominated and, if confirmed, are confirmed for lifetime positions. Some people say the closest thing to God put in this life is being put on the Federal bench, because nobody can criticize you under those circumstances once you make it there. So this particular nomination does demonstrate the need for scrutiny of any President's nominees.

Unfortunately, I think many in the legal community do not understand the Senate's role in the confirmation process. The Constitution obligates the Senate to advise the President with respect to his choice in nominees and ultimately consent to their appointment. No one has the right to a Senate confirmation anymore than he or she has the right to be nominated by the President. Federal judges serve for what amounts to life terms. They wield enormous power in our society, power that must be exercised fairly and impartially. When the President sends us nominees who lack the necessary qualifications to be elevated to the Federal bench, the Senate's duty is to bring these deficiencies to light.

In this case, given the bipartisan opposition of law enforcement and the nominee's problematic record, I believe withdrawal of the nominee was appropriate. But let me add, had this nominee come to a vote today, she would have been overwhelmingly defeated by both sides of the aisle. There were many Democrats who were going to vote against Massiah-Jackson, and I think most all Republicans were going to vote against her as well. And there were reasons to do so with regard to this nomination.