

reasonable and accommodate Democratic Senators' request for information traditionally shared with the Senate by past administrations. That this is the fifth cloture vote on this matter is an indictment of Republican intransigence on this matter, nothing more. What is unprecedented is that there has been no effort on the Republican side to work this matter out as these matters have always been worked out in the past. What is unprecedented is the Republican insistence to schedule cloture vote after cloture vote without first resolving the underlying problem caused by the administration's inflexibility.

I urge the White House and Senate Republicans to end the political warfare and join with us in good faith to make sure the information that is needed to review this nomination is provided so that the Senate may conclude its consideration of this nomination. I urge the White House, as I have for more than 2 years, to work with us and, quoting from today's New York Times editorial:

The answer is not to try to twist the rules or demonize Democrats. It is for the White House to consult with the Senate and agree on nominees that senators from both parties can in good conscience confirm.

The President promised to be a uniter not a divider, but he has continued to send us judicial nominees that divide our nation and, in this case, he has even managed to divide Hispanics across the country. The nomination and confirmation process begins with the President, and I urge him to work with us to find a way forward to unite, instead of divide, the Nation as well as the Senate on these issues.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. HATCH. Mr. President, the Senator from Vermont made a point that the White House has seen these privileged documents in the Solicitor General's Office. If they have any evidence of that, I would like to see it because I know they haven't looked at those records. Those are the most highly privileged records in the Justice Department. I am not sure that a Solicitor General wouldn't resign before giving up those records.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, if I have any remaining time, I yield it.

Mr. HATCH. Likewise.

CLOTURE MOTION

The PRESIDING OFFICER. All time has been yielded. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 21, the nomination of Miguel A. Estrada to be United States Circuit Judge for the District of Columbia Circuit.

Bill Frist, Orrin Hatch, Judd Gregg, Norm Coleman, John E. Sununu, John Cornyn, Larry E. Craig, Saxby Chambliss, Lisa Murkowski, Jim Talent, Olympia Snowe, Mike DeWine, Michael B. Enzi, Peter G. Fitzgerald, Lindsey Graham, Jeff Sessions.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Miguel A. Estrada to be United States Circuit Judge for the District of Columbia Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. MILLER), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

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

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 39, as follows:

[Rollcall Vote No. 140 Ex.]

YEAS—52

Alexander	Craig	Kyl
Allard	Crapo	Lott
Allen	DeWine	Lugar
Bennett	Dole	McCain
Bond	Domenici	McConnell
Breaux	Ensign	Nelson (FL)
Brownback	Enzi	Nelson (NE)
Bunning	Fitzgerald	Nickles
Burns	Frist	Roberts
Campbell	Graham (SC)	Santorum
Chafee	Grassley	Sessions
Chambliss	Gregg	Shelby
Cochran	Hagel	Smith
Coleman	Hatch	Snowe
Collins	Hutchinson	
Cornyn	Inhofe	

Stevens	Talent	Voinovich
Sununu	Thomas	Warner

NAYS—39

Akaka	Dodd	Landrieu
Baucus	Dorgan	Lautenberg
Bayh	Durbin	Leahy
Biden	Edwards	Levin
Bingaman	Feingold	Lincoln
Boxer	Feinstein	Pryor
Byrd	Harkin	Reed
Carper	Hollings	Reid
Clinton	Inouye	Rockefeller
Conrad	Jeffords	Sarbanes
Corzine	Johnson	Schumer
Daschle	Kennedy	Stabenow
Dayton	Kohl	Wyden

NOT VOTING—9

Cantwell	Lieberman	Murkowski
Graham (FL)	Mikulski	Murray
Kerry	Miller	Specter

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

VOTE EXPLANATION

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Ms. CANTWELL. Mr. President, I have the great honor of being in Washington State today in order to welcome home the USS *Lincoln* and USS *Camden*. After a 10-month deployment, including valuable service in the recent war against Iraq, the men and women of the USS *Lincoln* and her carrier strike group will finally reach Everett and Bremerton, WA in the next few hours. Unfortunately, in order to be present for this important homecoming in my State—it was necessary to miss two votes today.●

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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.

MORNING BUSINESS

Mr. MCCONNELL. I ask unanimous consent that the Senate proceed to a period for morning business.

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

TRIBUTE TO DR. PAUL DIXON

Mr. DEWINE. Mr. President, I rise today to pay tribute to a fellow Ohioan, a leader in higher education, a dear friend, and a good neighbor: Dr. Paul Dixon. Dr. Dixon is the current president of Cedarville University, a Baptist liberal arts university located very near my home, my wife Fran's home in Greene County, OH. Dr. Dixon is planning to retire from that position in June of this year after a quarter of a century of great successful leadership. As the longest-serving president of any college or university in Ohio, Paul led the university through an unprecedented period of growth and has