

who has been nominated by President Bush to fill a vacancy in the Northern District of Florida as a Federal district court judge.

I would like to have the record reflect Mr. Smoak is a man of great integrity, a person who will distinguish himself on the bench, as he has in every other aspect of his life.

He is from Panama City, FL, where he has practiced law in a very distinguished fashion for quite a number of years. He is one of those people who folks speak about in superlative terms. And one can understand why.

Mr. Smoak graduated from the University of Florida in 1972, with a law degree; after having gone to the U.S. Military Academy at West Point, graduating in 1965. From 1965 to 1970, Mr. Smoak was an infantry officer, serving extensively in Vietnam, where he distinguished himself by receiving a Silver Star medal and a Bronze Star medal, among other military awards he received for his distinguished service to his Nation.

Mr. President, better than I, I think I should quote from among those who have known him and have practiced law with him, and those who have been in the community with him.

I will quote from Mr. Paul Anderson of Panama City, who speaks of Mr. Smoak in this fashion:

Dick Smoak is simply one of the finest lawyers and finest men I have ever had the privilege of knowing. Describing Dick requires the use of words such as integrity, character and professionalism. As a legal practitioner, Dick knows the law and applies it logically to each case he handles.

Mr. President, in addition to that, one of those things I believe I like about Mr. Smoak that speaks so highly of him is that Mr. Anderson speaks about the fact that he does not compromise his principles.

With that, Mr. President, I urge my colleagues to vote favorably on this nomination of Mr. Richard Smoak to serve as a Federal district court judge for the Northern District of Florida.

Mr. NELSON of Florida. Mr. President, I urge my colleagues to vote in favor of John Richard Smoak for appointment to the United States District Court for the Northern District of Florida. Mr. Smoak has long served his Nation, from his highly decorated service in Vietnam to his efforts to improve the judiciary system in Florida.

He has resided and has practiced civil law for over the last 30 years in Panama City, FL. During that time, he represented a wide variety of clients from doctors to small business owners to truckdrivers to national corporations in many areas of the law. This broad experience will serve him well as a Federal judge.

Mr. Smoak is a well-regarded and highly qualified attorney. I, along with Senator MARTINEZ, believe he will make a great addition to the Federal bench and urge our colleagues to vote in support of his nomination.

The PRESIDING OFFICER (Mr. COLEMAN). Is all time yielded back?

Mr. MARTINEZ. Mr. President, I yield back the remainder of my time.

Mr. FRIST. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of John Richard Smoak, of Florida, to be United States District Judge for the Northern District of Florida? The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—97

Akaka	Dole	McCain
Alexander	Domenici	McConnell
Allard	Dorgan	Mikulski
Allen	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Frist	Pryor
Bond	Graham	Reed
Boxer	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Salazar
Burns	Harkin	Santorum
Burr	Hatch	Sarbanes
Byrd	Hutchison	Schumer
Cantwell	Inhofe	Sessions
Carper	Isakson	Shelby
Chafee	Jeffords	Smith
Chambless	Johnson	Snowe
Clinton	Kennedy	Specter
Coburn	Kerry	Stabenow
Cochran	Kohl	Stevens
Coleman	Kyl	Sununu
Collins	Landrieu	Talent
Conrad	Lautenberg	Thomas
Cornyn	Leahy	Thune
Craig	Levin	Lieberman
Crapo	Lieberman	Lincoln
Dayton	Lincoln	Lott
DeMint	Lott	Voinovich
DeWine	Lugar	Warner
Dodd	Martinez	Wyden

NOT VOTING—3

Corzine Inouye Rockefeller

The nomination was confirmed.

NOMINATION OF SUSAN BIEKE NELSON TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Susan Bieke Neilson, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Mr. SPECTER. Mr. President, I ask unanimous consent that this vote be 10 minutes, with a 5-minute extra.

The PRESIDING OFFICER. The yeas and nays have not yet been ordered.

Mr. SPECTER. I 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. LOTT. Mr. President, I ask unanimous consent that this next vote be taken on a voice vote.

Mr. REID. Mr. President, reserving the right to object, Senator LEAHY is not on the floor; therefore, we would have to object.

Mr. LOTT. I thank the Chair.

The PRESIDING OFFICER. Is time yielded back? If so, the question is, Will the Senate advise and consent to the nomination of Susan Bieke Neilson to be United States Circuit Judge for the Sixth Circuit? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 277 Ex.]

YEAS—97

Akaka	Dole	McCain
Alexander	Domenici	McConnell
Allard	Dorgan	Mikulski
Allen	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Frist	Pryor
Bond	Graham	Reed
Boxer	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Salazar
Burns	Harkin	Santorum
Burr	Hatch	Sarbanes
Byrd	Hutchison	Schumer
Cantwell	Inhofe	Sessions
Carper	Isakson	Shelby
Chafee	Jeffords	Smith
Chambless	Johnson	Snowe
Clinton	Kennedy	Specter
Coburn	Kerry	Stabenow
Cochran	Kohl	Stevens
Coleman	Kyl	Sununu
Collins	Landrieu	Talent
Conrad	Lautenberg	Thomas
Cornyn	Leahy	Thune
Craig	Levin	Lieberman
Crapo	Lieberman	Lincoln
Dayton	Lincoln	Lott
DeMint	Lott	Voinovich
DeWine	Lugar	Warner
Dodd	Martinez	Wyden

NOT VOTING—3

Corzine Inouye Rockefeller

The nomination was confirmed. The PRESIDING OFFICER. The President is notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate returns to legislative session.