

issue is not about getting more judges, it is about confirming quality judges who will uphold the Constitution. Isn't this our clear constitutional responsibility?

Part of the reason I decided to run for the Senate was my desire to see judicial nominees receive an up-or-down vote and my desire to restore a restrained judiciary, bound by our Constitution, laws and treaties. Too often fundamental liberties and important decisions are taken away from the American people by judicial fiat. The Constitution gives the American people, through their elected officials, the right of self-determination by allowing legislative bodies closest to the people decide the important issues of the day.

You don't have to look far to find examples of judges overriding the people's will—one recent example affected my home state of Oklahoma. Last month, in a 5-4 decision, the Supreme Court held that the death penalty is an unconstitutional punishment for the rape of a child. The majority assumed a "national consensus" that the death penalty for child rape was unconstitutional and then substituted its own independent judgment for that of the people and the law, declaring it inconsistent with "evolving standards of decency." Yet Oklahoma, along with five other States, had laws permitting the death penalty for such offenses. Congress had even adopted the penalty, a fact somehow overlooked by the Court. One decision by five unelected judges struck those laws down.

Americans are right to be outraged by this kind of judicial activism. Oklahomans chose to protect their children by allowing the death penalty for anyone convicted twice of rape, sodomy or lewd molestation involving children under 14. Now, because a handful of judges halfway across the country declared the state's decision to be inconsistent with so-called "evolving standards of decency," their sound judgment has been overruled.

Given this example and many others like it, it is clear that Americans are concerned about the Senate's treatment of judicial nominees. If further evidence is needed to prove the point, a recent Rasmussen poll shed light on the issue. It found that, by a 69 percent to 20 percent margin, voters believe that judges should interpret the law as it is written. Sixty-one percent say they trust voters more than judges or elected officials to decide important decisions facing the country.

The obstruction that has occurred in the 110th Congress is unacceptable. It is time to break this stalemate and confirm more of the President's highly qualified nominees.

I ask unanimous consent that the letters to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I am incensed by the U.S. Senate's lack of action on the federal judicial nominees

President Bush has proposed for seats on district and appeals courts. For this reason, I am urging you to use your influence to urge the Judiciary Committee and the Majority Leader to prioritize this important issue.

Many of the nominees for these important positions are well-qualified and have already gone through the Senate's confirmation process before. There is no reason not to consider their candidacy for a federal judgeship. As a member of the Center for Moral Clarity, a national Christian grassroots organization, I hope you will take action in the coming weeks on an issue that has already seriously damaged the Senate's reputation.

Thank you for considering my opinion.

LOU BABER,
Oklahoma City, OK.

Please make a vote for the judicial nominees in the confirmation process. They deserve fair treatment in this. We need good judges.

SAMANTHA JONES,
Claremore, OK.

DEAR DR. COBURN, will you please press the other senators to give the judicial nominees an up or down vote pronto? That is their job and so overdue. Thank you for all your good work on behalf of the unborn and for our country.

Sincerely,

PEGGY LOW,
Yukon, OK.

Please push to have the judicial nominees to come to the full Senate for a vote. Thank you.

BARBARA TIPTON,
Chandler, OK.

I want to applaud and thank Senator Coburn for boldly standing up for the many judicial nominees that are blocked in the senate. KEEP IT UP! That is what you are elected to do. We in Oklahoma that understand this are 1000 percent behind you.

Go with our blessings!

JOHN and PAM RAWLINS,
Ponca City, OK.

Mrs. CLINTON. Mr. President, I am pleased that the Senate today confirmed the nomination of two New Yorkers to the Federal bench.

Kiyo Matsumoto had served as a magistrate judge in the Eastern District of New York since 2004. Prior to her appointment, Judge Matsumoto served in the U.S. Attorney's Office for the Eastern District of New York for more than two decades and held the position of deputy chief of the civil division in that office. Judge Matsumoto has taught as an adjunct law professor at the New York University School of Law as well as worked as a legal research and writing instructor at the Brooklyn Law School. Judge Matsumoto has also served as a member of the Federal Court Committee of the City of New York Bar. Now that she has been confirmed, Judge Matsumoto becomes only the eighth active Asian-Pacific American Senate-confirmed judge on the Federal bench out of approximately 850 judges nationwide.

Paul Gardephe was most recently a partner and chair of the Litigation Department at the New York law firm of Patterson, Belknap, Webb & Tyler LLP. Previously, Mr. Gardephe was a

special counsel for the U.S. Department of Justice Inspector General's Office. He has also worked for the law department of Time Inc., where he held the positions of vice president, litigation deputy general counsel, and Associate General Counsel. Prior to this work, Mr. Gardephe served in the U.S. Attorney's Office for the Southern District of New York for nearly 10 years. For the past 15 years, Mr. Gardephe has taught trial advocacy at New York Law School as an adjunct professor.

The careers of both nominees have been marked by a record of achievement and a commitment to public service. I am certain that each of these individuals will be a credit to the Federal judiciary and will continue to exhibit the qualities that have defined their entire careers: devotion to justice and respect for the rule of law. I am proud to have supported each of their nominations, and I commend Senator SCHUMER and the members of the Judiciary Committee on their diligence in ensuring that our Federal courts are served by men and women of such distinction.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Pennsylvania is recognized for up to 1 hour.

CONFIRMATION PROCESS

Mr. SPECTER. Mr. President, I ask unanimous consent that the résumés of the two nominees who have been confirmed be printed in the RECORD. The résumés show these two individuals to be well qualified.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PAUL GARDEPHE

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

Birth: 1957, Fitchburg, Massachusetts.

Legal Residence: New York.

Education: B.A. and M.A., magna cum laude, University of Pennsylvania, 1979; J.D., Columbia Law School, 1982—Articles Editor, Columbia Journal of Law and Social Problems.

Employment:

Law Clerk, Honorable Albert J. Engel, United States Circuit Judge for the Sixth Circuit, 1982-1983.

Litigation Associate, Patterson Belknap Webb & Tyler LLP, 1983-1987.

Assistant United States Attorney, United States Attorney's Office, Southern District of New York, 1987-1996—Assistant United States Attorney, 1987-1992; Chief, Appeals Unit, Criminal Division, 1992-1995; Senior Litigation Counsel, 1995-1996.

Consultant (Special Counsel), Inspector General's Office, United States Department of Justice, 1996-2000, 2001-2003.

Time Inc. Law Department, 1996-2003—Associate General Counsel, 1996-1998; Deputy