

SUMMARY
Executive Business Meeting
Senate Judiciary Committee
226 Dirksen Senate Office Building
Friday, February 27, 2003
9:30 a.m.

I. Nominations

Deborah Cook to be U.S. Court of Appeals Judge for the Sixth Circuit

[Reported favorably by a vote of 13 yeas, 2 nays, 4 present]

John Roberts to be U.S. Court of Appeals Judge for the D.C. Circuit

[Reported favorably by a vote of 14 yeas, 3 nays, 2 present]

Jay S. Bybee to be U.S. Court of Appeals Judge for the Ninth Circuit

[Reported favorably by a vote of 12 yeas, 6 nays, 1 present]

Timothy M. Tymkovich to be U.S. Court of Appeals Judge for the Tenth Circuit

[Held over]

Ralph R. Erickson to be U.S. District Judge for the District of North Dakota

[Reported favorably by a vote of 19 yeas, 0 nays]

William D. Quarles, Jr. to be U.S. District Judge for the District of Maryland

[Reported favorably by a vote of 19 yeas, 0 nays]

Gregory L. Frost to be U.S. District Judge for the Southern District of Ohio

[Reported favorably by a vote of 19 yeas, 0 nays]

J. Daniel Breen to be U.S. District Judge for the western District of Tennessee

[Held over]

Thomas A. Varlan to be U.S. District Judge for the Eastern District of Tennessee

[Held over]

William H. Steele to be U.S. District Judge for the Southern District of Alabama

[Held over]

Jeremy H. G. Ibrahim for the foreign Claims Settlement Commission

Edward F. Reilly for the U.S. Parole Commission

Cranston J. Mitchell for the U.S. Parole Commission

Marian Blank Horn to be Judge for the Court of Federal Claims

Timothy C. Stanceu to be Judge for the Court of the International Trade

Peter J. Elliott to be U.S. Marshal for the Norther District of Ohio

[Ibrahim, Reilly, Mitchell, Horn, Stanceu and Elliott were reported favorably by unanimous consent en bloc]

II. Bills

S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

[Campbell/Leahy/Hatch/Grassley/DeWine/Kyl/Sessions/Craig/Corny/Graham/Feinstein/Schumer/Edward]

S. 113, a bill to exclude United States persons from the definition of “foreign power” under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism.

[Kyl/Hatch/DeWine/Schumer/Chambliss]

II. Bills

S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

[Campbell/Leahy/Hatch/Grassley/Dewine/Kyl/sessions/Craig/Corryn/Graham/Feinstein/Schumer/Edwards]

[Held over]

S. 113, a bill to exclude United States persons from the definition of “foreign power: under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism.
[Kyl/Hatch/DeWine/Schumer/Chambliss]

ATTENDANCE LIST

SENATE JUDICIARY COMMITTEE

DATE OF MARKUP: February 27, 2003

MEMBERS	PRESENT
Mr. Grassley	X
Mr. Specter	X
Mr. Kyl	X
Mr. DeWine	X
Mr. Sessions	X
Mr. Graham	X
Mr. Craig	X
Mr. Chambliss	X
Mr. Cornyn	X
Mr. Leahy	X
Mr. Kennedy	X
Mr. Biden	X
Mr. Kohl	X
Mrs. Feinstein	X
Mr. Feingold	X
Mr. Schumer	X
Mr. Durbin	X
Mr. Edwards	X
Mr. Hatch, Chairman	X

SENATE JUDICIARY COMMITTEE

DATE: February 27, 2003

VOTE ON: To hold over the nomination of Timothy M. Tymkovich to be U.S. Court of Appeals Judge.

**APPROVED BY UNANIMOUS CONSENT
MEMBERS INDICATED WERE PRESENT WHEN THE MOTION OCCURRED**

MEMBERS	PRESENT
Mr. Grassley	X
Mr. Specter	
Mr. Kyl	X
Mr. DeWine	X
Mr. Sessions	X
Mr. Graham	X
Mr. Craig	X
Mr. Chambliss	X
Mr. Cornyn	
Mr. Leahy	X
Mr. Kennedy	
Mr. Biden	
Mr. Kohl	
Mrs. Feinstein	X
Mr. Feingold	
Mr. Schumer	
Mr. Durbin	
Mr. Edwards	
Mr. Hatch, Chairman	X

SENATE JUDICIARY COMMITTEE

DATE: February 27, 2003

VOTE ON: To report favorably the nomination of Ralph R. Erickson to be U.S. District Judge for the District of North Dakota.

[Reported favorably by a vote of 19 yeas, 0 nays.]

YEAS	NAYS	
X		Mr. Grassley
P		Mr. Specter
X		Mr. Kyl
X		Mr. DeWine
X		Mr. Sessions
X		Mr. Graham
X		Mr. Craig
X		Mr. Chambliss
P		Mr. Cornyn
X		Mr. Leahy
P		Mr. Kennedy
P		Mr. Biden
P		Mr. Kohl
X		Mrs. Feinstein
P		Mr. Feingold
P		Mr. Schumer
P		Mr. Durbin
P		Mr. Edwards
X		Mr. Chairman
19	0	TOTAL

SENATE JUDICIARY COMMITTEE

DATE: February 27, 2003

VOTE ON: To report favorably the nomination of William D. Quarles, Jr. to be U.S. District Judge for the District of Maryland.

[Reported favorably by a vote of 19 yeas, 0 nays.]

YEAS	NAYS	
X		Mr. Grassley
P		Mr. Specter
X		Mr. Kyl
X		Mr. DeWine
X		Mr. Sessions
X		Mr. Graham
X		Mr. Craig
X		Mr. Chambliss
P		Mr. Cornyn
X		Mr. Leahy
P		Mr. Kennedy
P		Mr. Biden
P		Mr. Kohl
X		Mrs. Feinstein
P		Mr. Feingold
P		Mr. Schumer
P		Mr. Durbin
P		Mr. Edwards
X		Mr. Chairman
19	0	TOTAL

SENATE JUDICIARY COMMITTEE

DATE: February 27, 2003

VOTE ON: To report favorably the nomination of Gregory L. Frost to be U.S. District Judge for the Southern District of Ohio.

[Reported favorably by a vote of 19 yeas, 0 nays.]

YEAS	NAYS	
X		Mr. Grassley
P		Mr. Specter
X		Mr. Kyl
X		Mr. DeWine
X		Mr. Sessions
X		Mr. Graham
X		Mr. Craig
X		Mr. Chambliss
P		Mr. Cornyn
X		Mr. Leahy
P		Mr. Kennedy
P		Mr. Biden
P		Mr. Kohl
X		Mrs. Feinstein
P		Mr. Feingold
P		Mr. Schumer
P		Mr. Durbin
P		Mr. Edwards
X		Mr. Chairman
19	0	TOTAL

SENATE JUDICIARY COMMITTEE

DATE: February 27, 2003

VOTE ON: To hold over the nomination of J. Daniel Breen to be U.S. District Judge for the western District of Tennessee.

**APPROVED BY UNANIMOUS CONSENT
MEMBERS INDICATED WERE PRESENT WHEN THE MOTION OCCURRED**

MEMBERS	PRESENT
Mr. Grassley	X
Mr. Specter	
Mr. Kyl	X
Mr. DeWine	X
Mr. Sessions	X
Mr. Graham	X
Mr. Craig	X
Mr. Chambliss	X
Mr. Cornyn	
Mr. Leahy	X
Mr. Kennedy	
Mr. Biden	
Mr. Kohl	
Mrs. Feinstein	X
Mr. Feingold	
Mr. Schumer	
Mr. Durbin	
Mr. Edwards	
Mr. Hatch, Chairman	X

SENATE JUDICIARY COMMITTEE

DATE: February 27, 2003

VOTE ON: To hold over the nomination of Thomas A. Varlan to be U.S. District Judge for the Eastern District of Tennessee.

**APPROVED BY UNANIMOUS CONSENT
MEMBERS INDICATED WERE PRESENT WHEN THE MOTION OCCURRED**

MEMBERS	PRESENT
Mr. Grassley	X
Mr. Specter	
Mr. Kyl	X
Mr. DeWine	X
Mr. Sessions	X
Mr. Graham	X
Mr. Craig	X
Mr. Chambliss	X
Mr. Cornyn	
Mr. Leahy	X
Mr. Kennedy	
Mr. Biden	
Mr. Kohl	
Mrs. Feinstein	X
Mr. Feingold	
Mr. Schumer	
Mr. Durbin	
Mr. Edwards	
Mr. Hatch, Chairman	X

SENATE JUDICIARY COMMITTEE

DATE: February 27, 2003

VOTE ON: To hold over the nomination of William H. Steele to be U.S. district Judge for the Southern District of Alabama.

**APPROVED BY UNANIMOUS CONSENT
MEMBERS INDICATED WERE PRESENT WHEN THE MOTION OCCURRED**

MEMBERS	PRESENT
Mr. Grassley	X
Mr. Specter	
Mr. Kyl	X
Mr. DeWine	X
Mr. Sessions	X
Mr. Graham	X
Mr. Craig	X
Mr. Chambliss	X
Mr. Cornyn	
Mr. Leahy	X
Mr. Kennedy	
Mr. Biden	
Mr. Kohl	
Mrs. Feinstein	X
Mr. Feingold	
Mr. Schumer	
Mr. Durbin	
Mr. Edwards	
Mr. Hatch, Chairman	X

SENATE JUDICIARY COMMITTEE

DATE: February 27, 2003

VOTE ON: To report favorably the nominations of Jeremy H.G. Ibrahim; Edward F. Reilly; Cranston J. Mitchell; Marian Blank Horn; Timothy C. Stanceu and Peter J. Elliott.

**APPROVED BY UNANIMOUS CONSENT
MEMBERS INDICATED WERE PRESENT WHEN THE MOTION OCCURRED**

MEMBERS	PRESENT
Mr. Grassley	X
Mr. Specter	
Mr. Kyl	X
Mr. DeWine	X
Mr. Sessions	X
Mr. Graham	X
Mr. Craig	X
Mr. Chambliss	X
Mr. Cornyn	
Mr. Leahy	X
Mr. Kennedy	
Mr. Biden	
Mr. Kohl	
Mrs. Feinstein	X
Mr. Feingold	
Mr. Schumer	
Mr. Durbin	
Mr. Edwards	
Mr. Hatch, Chairman	X

DATE: February 27, 2003

VOTE ON: To report favorably the nomination of Deborah Cook to be U.S. Court of Appeals Judge for the Sixth Circuit.

[Reported favorably by a vote of 13 yeas, 2 nays, 4 present]

YEAS	NAYS	
P		Mr. Grassley
X		Mr. Specter
X		Mr. Kyl
X		Mr. DeWine
X		Mr. Sessions
X		Mr. Graham
X		Mr. Craig
X		Mr. Chambliss
X		Mr. Cornyn
		Mr. Leahy**
	X	Mr. Kennedy
P		Mr. Biden
P		Mr. Kohl
		Mrs. Feinstein**
		Mr. Feingold**
		Mr. Schumer**
X		Mr. Durbin*
	X	Mr. Edwards
X		Mr. Chairman
13	2	TOTAL

*Mr. Durbin changed vote. **Present – Feinstein & Schumer by Proxy.

DATE: February 27, 2003

VOTE ON: To report favorably the nomination of John Roberts to be U.S. Court of Appeals Judge for the D.C. Circuit.

[Reported favorably by a vote of 14 yeas, 3 nays, 2 present]

YEAS	NAYS	
P		Mr. Grassley
X		Mr. Specter
X		Mr. Kyl
X		Mr. DeWine
X		Mr. Sessions
X		Mr. Graham
X		Mr. Craig
X		Mr. Chambliss
X		Mr. Cornyn
		Mr. Leahy*
	P	Mr. Kennedy
P		Mr. Biden
P		Mr. Kohl
X		Mrs. Feinstein
		Mr. Feingold*
	P	Mr. Schumer
	P	Mr. Durbin
P		Mr. Edwards
X		Mr. Chairman
14	3	TOTAL

*Present

DATE: February 27, 2003

VOTE ON: To report favorably the nomination of Jay S. Bybee to be U.S. Court of Appeals Judge for the Ninth Circuit.

[Reported favorably by a vote of 12 yeas, 6 nays, 1 present]

YEAS	NAYS	
P		Mr. Grassley
X		Mr. Specter
X		Mr. Kyl
X		Mr. DeWine
X		Mr. Sessions
X		Mr. Graham
X		Mr. Craig
X		Mr. Chambliss
X		Mr. Cornyn
		Mr. Leahy*
	P	Mr. Kennedy
	P	Mr. Biden
P		Mr. Kohl
	X	Mrs. Feinstein
	X	Mr. Feingold
P		Mr. Schumer
	P	Mr. Durbin
	P	Mr. Edwards
X		Mr. Chairman
12	6	TOTAL

*Present

SENATE JUDICIARY COMMITTEE

DATE: February 27, 2003

VOTE ON: Motion to hold over S. 253.

**APPROVED BY UNANIMOUS CONSENT
MEMBERS INDICATED WERE PRESENT WHEN THE MOTION OCCURRED**

MEMBERS	PRESENT
Mr. Grassley	
Mr. Specter	X
Mr. Kyl	X
Mr. DeWine	X
Mr. Sessions	X
Mr. Graham	X
Mr. Craig	X
Mr. Chambliss	X
Mr. Cornyn	X
Mr. Leahy	X
Mr. Kennedy	
Mr. Biden	
Mr. Kohl	
Mrs. Feinstein	
Mr. Feingold	X
Mr. Schumer	
Mr. Durbin	
Mr. Edwards	
Mr. Hatch, Chairman	X

SENATE JUDICIARY COMMITTEE

DATE: February 27, 2003

VOTE ON: Motion to hold over S. 113.

**APPROVED BY UNANIMOUS CONSENT
MEMBERS INDICATED WERE PRESENT WHEN THE MOTION OCCURRED**

MEMBERS	PRESENT
Mr. Grassley	X
Mr. Specter	
Mr. Kyl	X
Mr. DeWine	X
Mr. Sessions	X
Mr. Graham	X
Mr. Craig	X
Mr. Chambliss	X
Mr. Cornyn	
Mr. Leahy	X
Mr. Kennedy	
Mr. Biden	
Mr. Kohl	
Mrs. Feinstein	X
Mr. Feingold	
Mr. Schumer	
Mr. Durbin	
Mr. Edwards	
Mr. Hatch, Chairman	X