

who can, in fact, provide the kind of leadership that is essential to the rule of law in America.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEAHY. Mr. President, we are going to vote soon.

I would note that the chairman of the Senate Judiciary Committee is not here because of an illness. I know how personally disappointing that must be to him. We would not be here at this time without the leadership of Senator BIDEN, who has carefully brought these hearings to fruition, moved them through expeditiously, in a way so that all sides could be heard. I think the fact that this nomination is here in such good shape is a tribute to Senator BIDEN.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

The hour of 10:30 having arrived, the question is will the Senate advise and consent to the nomination of Anthony M. Kennedy, of California, to be an Associate Justice of the Supreme Court.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Delaware [Mr. BIDEN] and the Senator from Tennessee [Mr. GORE] would each vote "yea."

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

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

[Rollcall Vote No. 16 Ex.]

YEAS—97

Adams	Evans	Lugar
Armstrong	Exon	Matsunaga
Baucus	Ford	McCain
Bentsen	Fowler	McClure
Bingaman	Garn	McConnell
Bond	Glenn	Melcher
Boren	Graham	Metzenbaum
Boschwitz	Gramm	Mikulski
Bradley	Grassley	Mitchell
Breaux	Harkin	Moynihan
Bumpers	Hatch	Murkowski
Burdick	Hatfield	Nickles
Byrd	Hecht	Nunn
Chafee	Heflin	Packwood
Chiles	Heinz	Pell
Cochran	Helms	Pressler
Cohen	Hollings	Proxmire
Conrad	Humphrey	Pryor
Cranston	Inouye	Quayle
D'Amato	Johnston	Reid
Danforth	Karnes	Riegle
Daschle	Kassebaum	Rockefeller
DeConcini	Kasten	Roth
Dixon	Kennedy	Rudman
Dodd	Kerry	Sanford
Dole	Lautenberg	Sarbanes
Domenici	Leahy	Sasser
Durenberger	Levin	Shelby

Simpson	Symms	Weicker
Spencer	Thurmond	Wilson
Stafford	Trible	Wirth
Stennis	Wallop	
Stevens	Warner	

NOT VOTING—3

Biden	Gore	Simon
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So the nomination was confirmed.

Mr. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

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

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 30 minutes.

The majority leader.

RECESS UNTIL 11:45 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 45 minutes.

There being no objection, the Senate, at 11 a.m., recessed until 11:45 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SHELBY].

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, what is the pending business before the Senate, if any, at the moment?

The PRESIDING OFFICER. Morning business has expired.

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for an additional 30 minutes and that Senators may speak therein up to 5 minutes each.

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

SOVIET ARMAMENTS TO ORTEGA—UNITED STATES ARMS TO CONTRAS DOES NOT BRING PEACE

Mr. MELCHER. Mr. President, my continued and consistent opposition to U.S. money for the Contras is based on my strong feeling that throwing money at 15,000 or 20,000 armed troops will not bring peace. I have continuously evaluated President Reagan's Nicaraguan policy, and I have always concluded this policy simply is wrong. As long as we continue to send the Contras money, they will find ways to gobble it up.

Sending more money to solve the mess in Nicaragua ignores the basic

problem: as long as Nicaragua receives outside shipments of armaments, the Nicaraguans, with their war, will keep plodding on.

Is there anything wrong with President Reagan telling Gorbachev that the Soviets must stop supplying war materials to the Nicaraguan Government? That government is sick, and the continuous supply of Soviet armaments is the root of their sickness. To match that with U.S. supplies for the Contras does not treat the illness but only spread it.

My prescription is to have President Reagan notify Gorbachev that arms shipments to Nicaragua are unacceptable. That is the best U.S. contribution to the Arias peace plan. If the peace proposal is to succeed, it will be worked out gradually, without outside interference.

We have enough problems at home with a shaky economy that reflects the serious budget and trade deficits. The attention to Ortega and the Contras continually distracts attention from our major economic problems.

Nicaragua has been a continuous drain, both in dollars and time for the President and Congress. Meanwhile, America sinks deeper into its own economic swamp.

To make our position clear, the President should promptly notify the Soviets to halt Nicaraguan arms shipments and then permit the focus of our efforts to be turned to our own problems.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, the two requests I am about to make have been cleared with the distinguished Republican leader.

TRADITIONAL READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. BYRD. Mr. President, I ask unanimous consent that notwithstanding the resolution of the Senate of January 24, 1901, on Monday, February 15, 1988, immediately following the prayer and the disposition of the Journal, the traditional reading of Washington's Farewell Address take place, and that the chair be authorized to appoint a Senator to perform its reading.

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