

Bob Dole



NEWS

U. S. SENATOR FOR KANSAS

FROM:

SENATE REPUBLICAN LEADER

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Contact: Clarkson Hine
(202)224-5358

CLINTON JUDGES

DOLE URGES WITHDRAWAL OF CLINTON JUDICIAL NOMINEE; CHARLES "BUD" STACK FLUNKS TEST FOR COURT OF APPEALS

Last Friday, I outlined some of my views on the issue of judicial nominations, one of the most lasting legacies of any President. I said that federal judges should respect the clear language of the Constitution as it is written; that judges should understand that society is not to blame for crime, criminals are; that judges should protect the rights of crime victims, not invent new and more expansive "rights" for criminal defendants.

Today, let me make another point: those who seek to sit on the federal bench should be well-grounded in the basics of constitutional law.

Unfortunately, Charles "Bud" Stack, one of President Clinton's nominees to the 11th Circuit Court of Appeals, does not meet this standard.

The Hearing Record

During his recent confirmation hearing, Mr. Stack was unable to cite any Fourth Amendment case concerning the law of search and seizure. He demonstrated little knowledge about Supreme Court precedent on capital punishment. And despite the Supreme Court's highly-publicized decision in the Adarand case, Mr. Stack was unable to discuss any Supreme Court or federal case concerning discrimination or affirmative action.

When asked how he would remedy his own ignorance of key aspects of the law, Mr. Stack said he could attend some courses or ask other judges for help.

Yet Mr. Stack has been nominated to sit on one of the nation's most influential judicial panels, the court that effectively serves as the court of last resort for the citizens of Florida, Georgia, and Alabama.

Apparently, Mr. Stack's most important qualification is his prowess as a political fundraiser. According to news reports, administration aides had discussed offering Mr. Stack an ambassadorship and a seat on the federal district court as a reward for his fundraising efforts, but that Mr. Stack "had his heart set on" a Court of Appeals position.

Don't Rely on ABA

I understand that the American Bar Association has given Mr. Stack a "qualified" rating, but in my judgement, this rating is yet another example of why we should not rely on the ABA to review the qualifications of our judicial nominees.

Although I do not know Mr. Stack personally, I have no reason to challenge his integrity. I'm sure he is a fine man who has contributed much to his community and to his country. But that's not the point. The question we must ask is whether Mr. Stack is, in fact, qualified to sit on the 11th Circuit Court of Appeals, the second highest court in the land? The answer, of course, is "no." President Clinton should withdraw the Stack nomination without delay.

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* Remarks delivered on the Senate floor, approximately 2:10 p.m.