

News from Senator

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AMERICA DESERVES FULL SUPREME COURT BENCH:
LET'S EXPEDITE BORK HEARING

STATEMENT BY SENATE REPUBLICAN LEADER BOB DOLE

MR. PRESIDENT:

YESTERDAY I HAD THE PLEASURE OF SPEAKING TO THE NATIONAL CONFERENCE OF STATE LEGISLATORS IN INDIANAPOLIS. DURING MY REMARKS ON BUDGET DEFICITS, WELFARE REFORM, AND CATASTROPHIC HEALTH LEGISLATION, I SPENT SOME TIME FOCUSING ON WHAT I BELIEVE WILL BE THE MAIN EVENT OF THE 100TH CONGRESS -- THE NOMINATION OF ROBERT H. BORK TO THE SUPREME COURT.

THE PEOPLE EXPECT ACTION

IN MY VIEW, THE AMERICAN PEOPLE DESERVE -- AND EXPECT -- A FULL AND OPEN DEBATE ON THIS VERY IMPORTANT ISSUE. THEY ALSO DESERVE -- AND EXPECT -- A SPEEDY RESOLUTION OF THE NOMINATION. AND COME OCTOBER 5TH, WHEN THE SUPREME COURT BEGINS ITS NEXT TERM, THE AMERICAN PEOPLE DESERVE -- AND EXPECT -- A FULL BENCH ON THE NATION'S HIGHEST COURT.

YET WHAT WE HAVE SEEN SO FAR IS AN UNPRECEDENTED DELAY BEFORE COMMITTEE HEARINGS EVEN START; A DELAY OF 72 DAYS FROM THE TIME THE PRESIDENT SENT THE BORK NOMINATION TO THE HILL ON JULY 7 TO THE TIME SENATOR BIDEN SCHEDULED HEARINGS TO BEGIN ON SEPTEMBER 15.

WE ARE NOT TALKING ABOUT CONFIRMING A BUREAUCRAT -- EVEN A CABINET SECRETARY. ANY DEPARTMENT IN THIS GOVERNMENT CAN FUNCTION WITHOUT A LEADER FOR AT LEAST A WHILE.

SERIOUS BUSINESS

BUT THIS IS SERIOUS BUSINESS. NOTHING COMING BEFORE THE SENATE IN THE NEXT FEW MONTHS SHOULD HAVE A HIGHER PRIORITY. WE ARE TALKING ABOUT THE VERY PRECARIOUS BALANCE OF THE HIGHEST COURT IN THE LAND. THE BALANCE OF JUSTICE IS A FRAGILE THING, AND IS ILL-SERVED BY A COURT WITH A VACANT SEAT.

POTENTIAL FOR A RECESS APPOINTMENT

YESTERDAY, I MADE THE OBSERVATION THAT THE PRESIDENT HAS FULL AUTHORITY TO MAKE A RECESS APPOINTMENT TO THE COURT. THIS PROCEDURE, BACKED BY THE CONSTITUTION, HAS BEEN USED 15 TIMES IN THE PAST. WHILE I AM NOT PROMOTING THAT SUCH A PROCEDURE BE USED, IN THE ABSENCE OF TIMELY ACTION IT IS AN OPTION THE PRESIDENT SHOULD CONSIDER SERIOUSLY.

THE CHAIRMAN OF THE JUDICIARY COMMITTEE HAS SUGGESTED THAT POLITICS ARE BEING PLAYED WITH THE BORK NOMINATION. I COULD NOT AGREE MORE, BUT IT IS NOT THE SUGGESTION OF THE NECESSITY OF USING A RECESS APPOINTMENT THAT DESERVES THIS CHARGE. WAS GEORGE WASHINGTON PLAYING POLITICS WHEN HE MADE TWO RECESS APPOINTMENTS TO THE SUPREME COURT? WAS DWIGHT EISENHOWER PLAYING POLITICS WHEN HE MADE THREE SUCH APPOINTMENTS, INCLUDING THAT OF CHIEF JUSTICE EARL WARREN? THE AMERICAN PEOPLE CAN JUDGE WHETHER IT IS POLITICAL TO ASSURE AN EIGHT MEMBER COURT IN OCTOBER WITH THE GREAT POTENTIAL FOR EVENLY SPLIT DECISIONS, OR WHETHER IT IS POLITICAL TO ASSURE A FULL COMPLEMENT ON THE SUPREME COURT FOR THE FIRST MONDAY IN OCTOBER?

THE BOTTOM LINE

MR. PRESIDENT, THE BOTTOM LINE ON THE BORK NOMINATION IS THIS: LET'S HAVE FULL HEARINGS. LET'S HAVE A FULL DEBATE. LET'S HAVE AN UP AND DOWN VOTE.

BUT LET'S DO IT IN A TIMELY MANNER. THERE'S SIMPLY TOO MUCH AT STAKE. THE AMERICAN PEOPLE WILL PROFIT FROM A VIGOROUS DEBATE. THEY WILL BE SHORT-CHANGED BY A POLITICAL FILIBUSTER.