

38

News from Senator

BOB DOLE



(R - Kansas) SH 141 Hart Building, Washington, D.C. 20510-1601

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CONTACT: WALT RIKER
DALE TATE (202) 224-3135

DOLE URGES SWIFT CONSIDERATION OF BORK NOMINATION: RECESS
APPOINTMENT AN OPTION

INDIANAPOLIS --In the face of unprecedented delaying tactics, Senate Minority Leader Bob Dole today urged speedy consideration of President Reagan's nomination of Judge Robert H. Bork to the Supreme Court.

Speaking on budget deficits, welfare reform and catastrophic health legislation to the National Conference of State Legislators in Indianapolis, Dole mentioned a recess appointment as an unlikely option.

"Don't misunderstand me. I think the recess appointment is not the route to be followed. But President Reagan sent us the Bork nomination on July 7, which gives the Senate 3 full months prior to the Court's October session to complete the confirmation process." Dole pointed out that there have been 15 Supreme Court recess appointments in U.S. History.

"Nevertheless, in the past 25 years, no nominee has waited for hearings to begin for longer than 42 days. Yet Senator Biden has proposed a schedule that would have us wait in excess of 70 days."

"There simply is no substantive reason why the Judiciary Committee must wait until September 15 to begin hearings on Judge Bork. The nominee is ready to begin the process now. Republicans on the Judiciary Committee are ready, and they are more than willing to stay through the August recess -- if that is what it takes -- to give the full Senate the opportunity to vote on the Bork nomination before the first week in October."

"That is when the court begins its new term -- and it should begin that term with a full bench. So I beseech Senator Biden to rethink his timetable on the Bork nomination.

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RECESS APPOINTMENTS

- 1) A recess appointment lasts until the end of the "next session of the Senate". Any appointment made during the August recess or after the October adjournment would last until the sine die adjournment of the 2nd Session of the 100th Congress--a date not determinable at this time but probably in mid-October, 1988.
- 2) Such an appointment can be made whenever the Senate is in recess, and the length of the recess is not stated in the Constitution. President Teddy Roosevelt made recess appointments during recesses that were only 1 second in duration.
- 3) The same person can be given repeated recess appointments.
- 4) Giving Bork a recess appointment would not affect the status of his nomination in the Senate; there would still be the opportunity to confirm the nomination, thus converting the recess appointment into a permanent one.
- 5) If the Senate disapproved the nomination, the recess appointee would remain on the bench until the end of the next session.
- 6) No new Court appointment could be made in the event of a recess appointment until Bork resigned or until the end of the next session, whichever is sooner.
- 7) If a recess appointment has been made, no new appointment could be made until the time for the recess appointment had expired; or the appointee resigned, thereby leaving a vacancy on the bench.