

Bob Dole

U.S. SENATOR FOR KANSAS



NEWS

FROM:

SENATE MAJORITY LEADER

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FOSTER NOMINATION

STATEMENT OF SENATE MAJORITY LEADER BOB DOLE

My remarks this morning will be brief. All that can be said about this nomination has been said. But there are a few points that bear repeating.

I begin with a little history. From 1987 to 1992, I served as Senate Minority Leader under Presidents Reagan and Bush. And there can be little doubt that during that time, the process of Senate confirmation became more contentious and more political than ever before. Some of the nominations that became political footballs are well known--Robert Bork, John Tower, and Clarence Thomas, to name a few.

But most of us here probably have forgotten about the others. While we may have forgotten, I can assure you that the nominees and their families have not.

Democrat Majority & 195 Republican Nominees

According to information provided by the Congressional Research Service, during the six years Democrats controlled the Senate under Presidents Reagan and Bush, eleven nominees were reported out of committee, but did not receive a vote on the floor of the Senate.

Eighteen nominees were allowed a committee hearing, but not a committee vote.

And a staggering 166 nominees were not even given the courtesy of a committee hearing.

I was just one of many Senators--Democrat and Republican alike--who said during those years that if the Senate continued to turn confirmations into inquisitions, then good men and women would no longer be interested in serving in government.

When President Clinton took office, my philosophy remained the same: absent unusual circumstances, a President's nominees should generally be confirmed. And Republicans cooperated to confirm President Clinton's cabinet in record time.

In fact, during his two and a half years in the White House, President Clinton has submitted 248 names to the Senate for confirmation to civilian positions. Several have been controversial, but not one has been defeated in committee or here on the floor.

Republicans Not Abusing Process

My point is this: when we were in the minority, Republicans did not abuse the nomination process. We will not abuse it now that we are in the majority. And we have not abused it with this nomination.

Nobody--including Dr. Foster--can question the fairness of the hearings chaired by Senator Kassebaum. At no time did the hearings become a media circus. Dr. Foster was asked tough questions, he gave his answers, and the committee voted 9-7 to send his nomination to the floor.

And now Dr. Foster's nomination will be handled here on the floor according to the Senate rules.

Yes, supporters of Dr. Foster must obtain 60 votes to move his nomination forward, but gaining cloture has certainly become the rule and not the exception here in the Senate.

And a cloture vote on a nomination is nothing new here in the Senate. According to the Congressional Research Service, 24 nominations have been subjected to cloture votes since 1968--and one of those votes occurred on the nomination of William Rehnquist to be Chief Justice.

I met with Dr. Foster earlier this week. We had a very frank discussion.

I told him that the Senate would not let him hang in limbo, and that his supporters would have the opportunity to gain cloture and to proceed to a final vote.

(more)

I also told him that I would oppose his nomination.
I do so for several reasons.

Americans Looking for Candor in Nation's Doctor

First, because if there's anything that Americans look for in their doctor, it's candor. And even Dr. Foster's supporters would have to admit that on several occasions, this nominee's candor has come into question.

All of these instances were not Dr. Foster's fault. We all know that the White House is due some blame for its mishandling of this nomination. Senators were routinely given false numbers and false assurances.

In his committee hearing, his public statements, and in his meeting with me, Dr. Foster had an explanation for every misstatement concerning the number of abortions he performed, or for every controversial action, including his alleged knowledge of the infamous Tuskegee syphilis study, and his role in sterilizing several mentally retarded women during the early 1970's.

Some explanations made sense. Some didn't. Some questions were answered. Many still remain.

And somewhere along the line, I think a line was crossed where no matter how hard Dr. Foster tries, there will always be questions in the minds of many Americans about this nominee's candor and credibility.

This is not just the opinion of Republicans or conservatives. I quote from an editorial in today's New York Times. "We continue to believe that Dr. Foster has forfeited any claim to the job by his initial lack of candor about his abortion record."

A Divisive Nomination

President Clinton has also been telling us recently that Americans are demanding a return to civility in our politics. He says that Americans want Republicans and Democrats to work together for the betterment of our country.

If that's true--and I think it is--then this nomination certainly does not further those goals. Without consulting with Senator Kassebaum or any other Senator, President Clinton selected a nominee who was all but guaranteed to cause a political controversy...a nominee who was all but guaranteed to divide the Senate and all America, as well. And that's just what this nomination has done.

Sadly, this divisive nomination was made in the wake of the forced resignation of a Surgeon General, whose tenure led many to believe that the time had come to abolish the office before it became even more politicized than she made it.

I admire Dr. Foster's military service and his obvious passion for his work. But somewhere out there among America's hundreds of thousands of physicians, there is a man or woman whose past actions and statements would not divide the American people and this chamber.

Surgeon General Should Be America's Doctor

The Surgeon General should be America's doctor.

He or she should not be the Democrats' doctor or the Republicans' doctor.

They should not be the liberals' doctor or the conservatives' doctor.

Ideally, their qualifications and experience should be so apparent that they would be confirmed by an overwhelming vote. That is most assuredly not the case here.

The bottom line is this: would Dr. Foster unite the American people?

Would his public pronouncements and speeches be regarded as medical and scientific fact rather than political rhetoric?

Would he be regarded as America's doctor?

I believe the answer to all these questions is no.

Dr. Foster may be a fine person. But he's the wrong person for this job.

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