

Bob Dole



NEWS

U.S. SENATOR FOR KANSAS

FROM:

SENATE MAJORITY LEADER

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FOSTER NOMINATION

SECOND CLOTURE VOTE STATEMENT OF SENATE MAJORITY LEADER BOB DOLE

I want to begin with a few facts.

During his two and half years in the White House, President Clinton has submitted 251 names to the Senate for confirmation to civilian positions. Of these 251, 115 have been confirmed, one has been withdrawn, and none have been defeated. The rest are now in the confirmation pipeline.

Dr. Foster's nomination was reported out of the Labor Committee on May 26. We began this debate yesterday, on June 21. So, Dr. Foster has been treated fairly: the Labor Committee has acted promptly and his nomination has been placed before the full Senate for debate and a vote.

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

Precedent for Cloture Vote on Nominations

As I said yesterday, there is plenty of precedent for subjecting a nomination to a cloture vote. According to the Congressional Research Service, 24 nominations, including the nomination of William Rehnquist to be Chief Justice of the Supreme Court, had to face the cloture-vote hurdle.

Overnight, I've done a little research on the Rehnquist nomination. And I've learned that 19 of my Democratic colleagues who are still in the Senate today voted against invoking cloture on this nomination--Senators Baucus, Biden, Bradley, Byrd, Dodd, Exon, Glenn, Harkin, Inouye, Johnston, Kennedy, Kerry, Lautenberg, Levin, Moynihan, Pryor, Rockefeller, Sarbanes, and Simon. Then-Senator Al Gore also voted against cloture.

Rehnquist Nomination: Double Standard Alive & Well

In fact, I filed a cloture petition on the Rehnquist nomination in 1986 because my colleague from Massachusetts, Senator Kennedy, was apparently unwilling to end debate. Don't take my word for it. Just take a look at page 23336 of the Congressional Record for September 15, 1986. Senator Kennedy also urged his colleagues to follow the Abe Fortas example: defeat cloture so that the Rehnquist nomination will be withdrawn. That can be found on page 22805 of the Congressional Record for September 11, 1986.

So, we hear a lot of talk about fairness. We hear a lot of talk about the need for an up-or-down vote. But I don't remember all the handwringing about fairness or up-and-down votes back in 1986, when Chief Justice Rehnquist's nomination was on the line.

What does history tell us? History tells us that 31 of my colleagues on the other side of the aisle were prepared to filibuster a nominee to one of the highest positions in our government. And, today, many of those who supported this filibuster allege unfairness when Republicans exercise their right to vote against cloture on a nominee to an office with a budget of under \$1 million.

In fact, I remember my colleague from Massachusetts arguing against Justice Rehnquist's confirmation because, and I quote: he "lacked candor in testifying before the Senate Judiciary Committee" and because of Justice Rehnquist's alleged "pattern of explanations...that are contradicted by others or are misleading or do not ring true." Sound familiar?

So, facts can be stubborn things. And the facts show that the double-standard is alive and well in Washington today. The issue here is not whether cloture was invoked on 22 of the 24 nominations that have been subjected to the cloture procedure, as my colleague from Iowa, Senator Harkin, suggested earlier during this debate. This is a false distinction.

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What is important is the fact that these 24 nominations were subjected to a cloture vote. Dr. Foster, like Chief Justice Rehnquist before him, will get an up-or-down vote on his nomination if his supporters can muster the necessary 60 votes today.

Foster: Too Many Open Questions & Contradictions

Dr. Foster may be a fine person, but he's the wrong person for this job. As the New York Times editorialized, Dr. Foster has forfeited any claim to the Office of Surgeon General because of his initial lack of candor. This nomination started off on the wrong track, and it has continued down this track ever since.

Whether it's Dr. Foster's misleading statements concerning his abortion record, or his alleged knowledge of the infamous Tuskegee syphilis study, or his role in sterilizing several mentally-retarded women during the early 1970's, there are just too many open questions, too many contradictions, to justify his confirmation.

The bottom line is that we need a Surgeon General who can unite the American people, not divide us. Unfortunately, on this count, Dr. Foster comes up short.

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* Remarks delivered on Senate floor, approximately 2:00 p.m.