time. His name is Steve Walther. Steve Walther was a very prominent Nevada lawyer, a senior partner in a law firm, with qualifications that are unsurpassed. I have always liked Steve very much. And he made a comfortable living. I called him once and said: Steve, have you ever considered doing something different?

A wonderful story about Steve, to show what a tremendously good guy he is. He has a little boy named Wyatt. Steve married a woman and he raised their children. They were his children once married, but he had never had his own child. His wife went to the doctor, and she was nearing 50 years old and was sick, and found out she was having a baby. So late in life they had this baby, and I will never forget what she said. She said: When I had my first two babies, time went by so slowly. But she said: Now I am older and understand, and I want everything to be fine, so I can’t take enough time to make sure the baby is fine. And the baby is fine.

Anyway, I said to Steve: You could afford to come back here. How would you like to be a member of the Federal Election Commission? He is not a Democrat; he is an Independent. He has done things for decades with the American Bar Association, held all kinds of prominent positions with the American Bar Association nationally. He said: OK, I think it would be a good idea. Wyatt can come back and spend some time in Washington. So he served for nearly two years on the Federal Election Commission. Everybody said he was outstanding, as I knew he would be.

Also on that Federal Election Commission, prior to the first of the year, was another Democrat by the name of Bob Lenhard. He had served on the FEC with Steve. He and Steve worked well together. They worked well together with everybody on the Commission, and he and Steve did a good job.

The Federal Election Commission is critically important because it enforces our Nation’s campaign finance laws. Both these nominees lost their jobs at the end of last year because the Republicans refused to permit a vote on their nominations to the FEC. They said they would not allow an up-or-down vote on these nominations of Lenhard and Walther. Nothing about their qualifications. They were both outstanding members of the Federal Election Commission. The reason they would not allow a vote on them is they would not allow a vote on their own nominee, a man by the name of Hans von Spakovsky. They are filibustering their own nominee.

I said: Let’s vote on all of the FEC nominees, any order you want. We will vote on ours first, last, we don’t care. Let’s just have a vote on them. No. Unless we would guarantee von Spakovsky would pass. No. I don’t know if Mr. Spakovsky would pass. I suspect the Republicans don’t think so.

But it seems fair to me that we should have votes on these nominees.
The record over the years is full of remarks by my Republican colleagues characterizing the up-or-down vote as the gold standard of reasonableness in Senate process. That is apparently not the view when it comes to one of their nominees, who would actually stand a chance of defeat. Why? Because Republicans won’t allow a vote on our Democrats unless we approve this person. That doesn’t make sense.

The reason these FEC nominees, including Steve Walther, have not been approved is because they would be approved by the White House and the Republicans.

Mr. President, I ask unanimous consent to have printed in the Record two editorials.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Jan. 31, 2008]

**WHILE THE ELECTION Watchdog Wanders**

The presidential campaign’s heated fund-raisingsweepsfind lobbyists hurriedly “bundling,” a practice that adds additional hundreds of thousands of donors to re-stake surviving contenders for the next primary rounds. (Lobbyists reportedly bundled $300,000 on behalf of Mr. McCain the night in Washington after his stock revived on the campaign trail.)

In packaging political influence by super PACs, money bundles are at least as crucial to understanding where candidates stand as their campaign vows. Fortunately for voters, a new election law mandates the names of lobbyists and other bundlers working the high-roller realm of donations of $15,000 or more. Unfortunately for the same voters, this vital law is being ignored.

A partisan standoff blocks the Senate from filling four existing vacancies on the Federal Election Commission. The six-member panel is powerless to form a quorum and write the regulations needed to shed sunlight on bundling, Senate Mitch McConnell, the Republican minority leader, is refusing to allow individual up-or-down majority votes on nominees for the commission. Mr. McConnell threatens a filibuster unless they are voted on as a package, an obstructive tactic to protect a highly unqualified Republican nominee, Hans von Spakovsky, from rejection in a fair vote.

Mr. von Spakovsky is a notorious partisan who previously served the Bush administration as an aggressive party hack at the Justice Department. There, he defended G.O.P. stragagems to boost Republican redistricting and mandate photo ID’s in Georgia—a device to crimp the power of minorities and the poor who might favor Democrats at the ballot box.

President Bush refuses to withdraw the von Spakovsky nomination, while the Democrats demand he be considered on his individual record, not yoked to three less controversial nominees. We urge the Senate majority leader, Harry Reid, to highlight this blot on democracy by moving the von Spakovsky nomination as a separate measure and demanding a cloture vote. Force the Republicans to either filibuster against their own unqualified partisans or dare to vote for him in broad daylight.

[From the Washington Post, Jan. 28, 2008]

**Up or Down**

“We need to get him to the floor for an up-or-down vote as possible,” Senator Mitch McConnell (R-KY.) said of Michael B. Mukasey, then the nominee for attorney general. John R. Bolton “deserves an up-or-down vote so that he can continue to protect our national interests at the U.N.”

Mr. McConnell said of the nominee to be United Nations ambassador: “They say back to the way the Senate operated for over 200 years, up-or-down votes on the president’s nominees, no matter who the president is, no matter who’s in the majority, has never been said during the dispute over judicial filibusters.

Mr. McConnell’s devotion to the principle of up-or-down votes for nominees, it turns out, has limitations. When a simple majority vote were allowed, the minority leader has refused to accept Senate Democrats’ offer for such a vote on President Bush’s choices during the Senate’s consideration of his nominations to the Federal Election Commission.

The consequence is that, as the country begins an election year, the agency entrusted with overseeing enforcement of the federal election laws is all but paralyzed: Only two commissioners are in place, meaning that the agency, six members when it is at full strength, cannot initiate enforcement actions, promulgate rules or issue advisory opinions.

The standoff involves Hans A. von Spakovsky, a former official in the Justice Department’s civil rights division who had been serving as an FEC commissioner until his recent appointment last month. Democrats and civil rights groups argue, with some justification, that Mr. von Spakovsky’s tenure at Justice was so troubling that he should resign his nomination to the FEC post. Some Democrats had threatened to filibuster the nomination, but Senate Majority Leader Harry M. Reid (D-Nev.) managed to offer an up-or-down vote on each of the four pending nominations to the agency, two Republicans and two Democrats. But Mr. McConnell and fellow Republicans have informed some nominees must be dealt with as a package, with no separate votes allowed. To be fair to Mr. McConnell, the practice has been to vote on FEC nominees as a package to ensure that the politically sensitive agency remains evenly divided between the two parties. But that has not been an absolute rule; indeed, the last nominee to generate such controversy, Republican Bradley A. Smith, had a separate roll call vote and was confirmed 64 to 30 in 2000. But Senate Democrats could make an exception to the agreement, Mr. McConnell has informed the four nominees, if they were able to muster the votes to defeat Mr. von Spakovsky.

We have suggested previously that it is more appropriate to consider FEC than to keep Mr. von Spakovsky from being confirmed. But Mr. McConnell ought to explain why the up-or-down vote he deemed so critical in the case of Mr. Mukasey, Mr. Bolton or appellate court nominee Miguel A. Estrada is so unacceptable when it comes to Mr. von Spakovsky.

Mr. REID, Mr. President. I can gather on this today, the President’s unwillingness to resolve the Federal Election Commission problem. That is that they would rather have no election watchdog in place during an election year.

The background on the FEC makes the call from Mr. Walther particularly remarkable. Listen to this, now. It even gets better.

Steve Walther called to tell me he had been invited to the White House by the President to push for his nomination. I said: I call you, Josh, to talk to him and help to deal with. I said: I tell you what, Josh. We are going to go into recess, and why don’t we have an agreement on who the President wants to have recess appointed and, in fact, I will give you some suggestions. You can have a member of the Federal Reserve Board of Governors, you can have a Federal Aviation Agency, and you can have a couple of other Chemical Safety Board members. I said: Not only that, there are 94 other Republican nominees we will approve. There are 8 Democrats, 94 Republicans. Pretty good deal. He said: Let me check.

He called me back and he said: Well, what we want is to have a recess appointment of Steven Bradbury. I said: Josh, I didn’t recall the name. Let me check. I checked with Chairman LEAHY, I checked with Senator DURBIN, who is a member of that committee, and I checked with Senator SCHUMER, who is on that committee, and they all said: We would like Mr. Bradbury. This is a man who has written memos approving torture, and that is only the beginning.
Senator DURBIN—I don’t know if he has time today—will lay that out in more detail.

I called Josh back and I said: Josh, that man will never get approved. He has no credibility. He said: Well, let me check with the President. He called back and said: It is Bradbury or nobody. I said: You are willing to not allow 84 of your people to get approved because of this guy? He said: Yes, that is what the President wants.

Now there are 84 nominees, and among them somebody Secretary Chertoff wanted badly. Secretary Chertoff called me personally on someone and he said: You have to give us this person. We have important things to do here. If I don’t get her, they will send me somebody from OMB, and that will be a person who doesn’t know anything from anything. You have to help me with this.

The head of Alcohol, Tobacco and Firearms, four Department of Defense assistant secretaries, the Deputy Director of the National Drug Control Policy, the Director of the Violence Against Women’s Office, Assistant Attorney General, Under Secretary of Commerce for International Trade, Director of the Census, Solicitor for the Department of Labor—these are only a handful of the jobs of the 84.

Now, these jobs, all Republicans, all names given up to us by the President, are jobs these people have sought for their whole lives. Head of the Census, head of the National Drug Control Policy, Director of Violence Against Women’s Office, Solicitor for the Department of Labor—these are only a handful of the jobs of the 84.

I thought about that. That was a decision the President made, willing to throw 84 people under the bus, run over them, for one person he knew he couldn’t get. That is 84 plus the 4 he could recess appoint. So what we did, we stayed in session during the entire holiday recess. But before we went out, I thought to myself, I don’t know these 84 people. Some of them I have met, but these are jobs that are important to our country, jobs that are important to these individuals and their families. I made the decision that because the President is willing to do what I think is so unfair, so unreasonable, that doesn’t mean I am going to be unfair and unreasonable. So I called Secretary Chertoff and others and said: Just because your boss is unreasonable and unfair, I am not going to be that way. So I am going to walk out on the floor and approve every one of them, which we did. So for him to have that meeting tomorrow takes about as much gall as I can even imagine, to have a meeting where he brings in all the people who have not been approved. And had I not been, in my own words, generous, he would have had 84 more people he would have had to invite down there.

I can’t imagine how he could invite Democrats down to the White House. Several of them are being blocked in this body by Republicans. Same goes for a number of Republican nominees. Democrats are willing to approve them and Republicans stand in the way. Why would he invite them down there also? But he did, because there is an Orwellian thought process that goes on down there saying Democrats aren’t allowing these people to get approved, which is the direct opposite of the truth.

All for one person it appears, Mr. Bradbury. Whatever the White House wants, Bradbury would give it to them in a legal opinion. We are not going to accept that. What the President is trying to do with this show tomorrow is so unreasonable, so unfair, and so out of step with reality—as is the budget he gave us on Monday—that I hope the American people understand what is going on in this country.

It is too bad we have a situation where the President of the United States would have a meeting in the White House and invite everybody to say: I am sorry you are not going to be approved, it is their fault, when the truth is, it is his fault.

Now, here are the people we confirmed. They are right here. Everybody can see them. We confirmed all of them. And had it been up to the President, not a single one would have been confirmed.