

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.

PENDING NOMINEES

Mr. REID. Mr. President, I have a friend. I have known him for a long

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 losing a vote. 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 rests squarely with 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 fundraising sweepstakes finds lobbyists hurriedly "bundling"—amassing additional hundreds of thousands from donors to re-stake surviving contenders for the next primary rounds. (Lobbyists reportedly bundled \$300,000 for Senator John McCain in one night in Washington after his stock revived on the campaign trail.)

In packaging political influence by superlarge chunks, money bundlers are at least as crucial to understanding where candidates stand as their campaign vows. Fortunately for voters, a new election law mandates the disclosure of 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 cannot yet be implemented.

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. Senator 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 single package—an obstructionist 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. stratagems 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.

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 partisan 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 soon as possible," Sen. 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. "Let's get back to the way the Senate operated for over 200 years, up-or-down votes on the president's nominee, no matter who the president is, no matter who's in control of the Senate," he 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 limits: Apparently fearing defeat if a simple majority vote were allowed, the minority leader has refused to accept Senate Democrats' offer for such a vote on President Bush's choice for a Republican seat on 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 recess appointment expired last month. Democrats and civil rights groups argue, with some justification, that Mr. von Spakovsky's tenure at Justice was so troubling that he does not deserve confirmation 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 insisted that the 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 who generated this much controversy, Republican Bradley A. Smith, had a separate roll call vote and was confirmed 64 to 35 in 2000. But Senate Democrats could commit to a quick vote on a replacement nominee, if they were able to muster the votes to defeat Mr. von Spakovsky.

We have suggested previously that it is more important to have a functioning 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 one thing from 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 got calls from other people whom I had placed in the works to get approved by the Senate. They were all invited to the White House tomorrow

morning. All nominees that the President has pending were invited to the White House, Democrats and all. Why? To complain about the Democrats not approving them.

This leads me to tell you a little experience I have had, and we have all had, with this President. The President is in fact hoping to have breakfast with all the nominees, Democrats and Republicans, now pending in the Senate, in an effort to force the Senate to confirm all these people. They must live in some alternative universe. I talked yesterday about the Orwellian nature of this White House, and this is it. He has invited people to the White House to complain about our not approving them when they—the President and the White House—are the reason we are not approving many of them.

He invited Mr. Walther, Mr. Lenhard and other Democratic nominees to the White House, along with all his Republican nominees, to get them to be a backstop, a picture, so he can come out and give one of his Orwellian speeches that these people are not being approved because of the terrible Democrats in the Senate. Actually, we are waiting for him to allow us to have votes on a number of these nominees.

The President's breakfast only needed one attendee. Only one. That is because only one nominee matters to this President. It should be an intimate breakfast between President Bush and a man by the name of Steven Bradbury. Why do I say that? I say that because of all the nominees the President will profess to care about at this breakfast, Steven Bradbury stands head and shoulders above all the others in the President's esteem. I am not guessing; I was told so by the White House.

Right before the Christmas recess, I called the President's Chief of Staff, Mr. Bolton. A wonderful man; I like him; easy to talk to and easy 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 84 other Republican nominees we will approve. There are 8 Democrats, 84 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, I checked with Senator SCHUMER, who is on that committee, and they and others said: You have to be kidding. 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. Nope, they are not going to have a job.

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.