

Mr. DODD. Mr. President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I ask unanimous consent that the amendment just agreed to, the Dodd-Collins amendment, be modified to conform to the Jeffords-Kennedy pending substitute amendment.

The PRESIDING OFFICER. Without objection, it so ordered.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly on the events of a Judiciary Committee meeting this morning where the agenda contained the nominations of Larry Thompson to be Deputy Attorney General and Ted Olson to be Solicitor General.

Those nominations had moved through all of the procedural hurdles. The hearings were held 4 weeks ago. Many questions had been answered. In accordance with the Judiciary Committee rules, they had been held over for a week so that they were ready for action when the Judiciary Committee met today.

I will say they are very important nominations because the Attorney General of the United States is the only official requiring confirmation who has been confirmed so far. He does not have the No. 2 person, the Deputy; he does not have the No. 3 person, the Solicitor General.

The discussion in the Judiciary Committee, instead of focusing on those individuals for confirmation, the discussion concerned itself with the blue slips and the American Bar Association and many collateral matters.

Finally, when the chairman of the committee, Senator HATCH, said he was going to rule all other discussion out of order and we would proceed to a vote, at that point, the ranking Democrat said there was going to be a caucus, and the Democrats—there are very few of them there; actually three, perhaps four—started to file out of the room so that there were only nine Senators present, not enough for a quorum of 10 which is necessary to have any Senate action.

It was an unusual executive session because all nine Republicans came to the session because of the importance of acting on the Deputy Attorney General and the Solicitor General.

Then the Republicans sat and waited and waited and waited for a caucus to conclude by the Democrats. Finally, when it was apparent there would be no response, the executive session was over.

The announcement was made that if there was not an undertaking by the Democrats to have a vote on those two positions by 4 o'clock this afternoon, or after our votes which are scheduled at 4 o'clock, that the Republican members would proceed in a news conference to tell the American people exactly what had happened.

With an evenly divided, 50/50 Senate, 50 Democrats and 50 Republicans, there has been a great deal of controversy, and almost all of it has been below the surface. But today in plain public view, this controversy erupted.

The executive session of the Judiciary Committee was being televised, and it is certainly unsenatorial to have this kind of conflict.

Enough is enough, and the time has come that the American people need to know that the important business of a very important department of the Federal Government cannot be conducted because the Attorney General alone is the only official of rank who has had Senate confirmation and cannot carry on all the duties. He needs the No. 2 person, the Deputy, and he needs the No. 3 person, the Solicitor General. It is not irrelevant to note that in the executive committee session of the Judiciary Committee today, we had, in addition, the Assistant Attorney General for the Antitrust Division and the Assistant Attorney General for Legislation.

I make no special point about the failure of the committee to report those nominees out because this was the first week they were on the agenda, and there is the established right of any member to hold over anybody for a 1-week period.

The people's business needs to be conducted, and the long discussion which ensued over the blue slip, which is an arcane procedure where Senators can have a lot to say or perhaps the controlling determination about U.S. district court judges, is not of much interest to the American people.

The input and status of the American Bar Association, while I think it is important, and I think there ought to be some input at least to district court judges, is not of great interest. I think the American people are concerned about what happens in the Department of Justice.

Again, I say, regrettably, it is not senatorial to have this kind of gridlock spill out into the public arena and into the public press. But I think the American people need to know what is happening.

Not too long ago, someone said on a controversial issue, "Where is the outrage? Where is the outrage?" This is

one of those items where I think there may be some outrage, once America knows that there is gridlock on a great many collateral issues which do not affect at all the confirmations of the Deputy Attorney General, a very able man, Larry Thompson, or the confirmation of the Solicitor General, a very able man, Ted Olson. On that there has been no disagreement. Nobody has questioned that those people ought to be confirmed. But they are not being confirmed, and the business of the Department of Justice cannot be conducted. I think once there is focus on that, we may see a little change in the practices in the Judiciary Committee.

I yield the floor.

Mr. REID. Mr. President, there has been some talk on the floor today about things going on in the Judiciary Committee. I want to report that Senators ENSIGN and HARRY REID are setting an example of what we believe is the right way to approach judicial nominations.

Yesterday, Senator ENSIGN sent to President Bush four judicial selections. Senator ENSIGN went over these with me and asked me what I thought of the selections. When the day comes for the blue slip, I will sign in very large letters my name. These are very good people to be nominated.

James Mahan, district court judge in Las Vegas, practiced law when I was there. He is an outstanding trial lawyer. He did not only trial work but he did business law work.

Larry Hicks, who is from an excellent law firm, almost became a Federal judge. The elections came and interfered with him being a Federal judge some 7½ years ago.

You cannot find two better lawyers than James Mahan and Larry Hicks.

In addition to that, Senator ENSIGN sent two persons just as capable as the other two. Walt Cannon practiced law in Las Vegas during the same period of time as I did. He is an outstanding lawyer. He has done a tremendous amount of trial work. He has appeared before juries on numerous occasions. He knows what a courtroom is all about. He has a perfect demeanor to be a judge.

Finally, Senator ENSIGN sent the name of another district court judge by the name of Mark Gibbon who practiced law in Las Vegas at the same time as I did. He is a fine lawyer. But he has been a better judge than he was a lawyer.

I want the work of Senator ENSIGN, with my acceptance, to be the model for what we need to do with judicial nominations. Both of us agree that we should report them out very fast, get the work done as quickly as possible, and get them on the bench so they can do the work.

The blue slip has worked very well in the past. I think we should continue