

## Reid: 'Abuse of Power Will Not Be Tolerated'

Senate Minority Leader Harry Reid (D-Nev.) held this press conference on May 23, following the announcement by 14 Senators that they had reached an agreement to avert the "nuclear option." Reid was joined by Senators Charles Schumer (D-N.Y.), Richard Durbin (D-Ill.), and Barbara Boxer (D-Calif.)

**Reid:** This is really good news for every American tonight. This so-called nuclear option is off the table. This is a significant victory for our country, for our democracy, and for every American.

Checks and balances have been protected. The integrity of the Supreme Court has been protected from the undue influence of the vocal, radical right wing.

Tonight the Senate has worked its will on behalf of reason and on behalf of responsibility. We have sent President George Bush, Vice President Dick Cheney, and the radical arm of the Republican base an undeniable message: Abuse of power will not be tolerated, will not be tolerated by Democrats or Republicans. And your attempt—I say to the Vice President and to the President—to trample the Constitution and grab absolute control is over.

I offered Senator Frist several options, similar to this compromise, over many months. And while he was not able to agree, I'm pleased that some responsible Republicans and my colleagues were able to put aside their differences and work from the center.

I don't support several of these judges that have been agreed to, that are outside the mainstream of American jurisprudence and basic common sense. But we have had to move forward and, as Senator Byrd said, we have a republic tonight that's been protected.

I'm happy that my colleagues are here with me.

Each one of these men and women, in addition to Senator Leahy, have been kept apprised of all that has been going on for many, many months now.

I'm grateful for their support. As you know, these two men behind me serve on the Judiciary Committee. And they knew the individuals better than any of the rest of us to begin with. We all know them quite well now.

We would be happy to take a few questions.

**Q:** Senator Reid, the Michigan judges that—

**Reid:** Michigan judges will be approved, except for Saad, of course.

**Q:** How confident are you that this doesn't blow up over a Supreme Court nominee?



*Sen. Harry Reid: "The integrity of the Supreme Court has been protected from the undue influence of the vocal, radical right wing."*

**Reid:** The Senate is going to act its will. Now there are rumors that there will be vacancies on the Supreme Court. And if there is, we believe that the President should do just as President Clinton did. And as President Clinton dealt with Chairman Hatch: Have a little consultation, advise and consent.

And I have seen a number of lists of Supreme Court nominees that have been suggested in the White House. These are people that we're happy to take a look at.

These two men: Senator Schumer, that's his subcommittee; Senator Durbin is on the committee. We'll look at them.

This should be the Senate as it has always worked for 200-plus years.

We're not out looking to pick fights with President Bush. He shouldn't be out looking to pick a fight with us. This is a very important night for the American people.

**Q:** Senator Reid, do you think that this is going to force President Bush to consult more closely with the Senate before sending up nominations or legislation?

**Reid:** I don't think it should force him to do anything. It just is common sense. We're here to do the people's business. We have important issues to deal with, important issues.

The Senate working at its best was designed by the Founding Fathers to go very slowly. That's what has been the preservation of our republic.

So at best we move slowly. And if the President has an agenda, we're willing to work on his agenda. But he should have a little more humility, I guess is the word I would like to pronounce

**Q:** Will you all continue to filibuster on Myers?

**Reid:** Yes.

**Q:** And Saad?

**Reid:** Yes.

**Q:** Will you hold a filibuster on Myers?

**Reid:** Yes.

**Q:** And Saad?

**Reid:** Yes.

**Q:** [off-mike]

**Reid:** The nuclear option is off the table. The Senate can work as the Senate. How much better could it be, not for Democrats, not for Republicans, but the American people? This is a wonderful time in the experience of this country, that with the nuclear option off the table, we can all start being Senators and really legislate, and stop spending so much time on things that in the past have taken very little time.

Thank you all very much.

## Frist: Up or Down, Up or Down, Up or Down

*Senate Majority Leader Bill Frist (R-Tenn.) made the following remarks on May 23 on the Senate floor.*

Mr. President, I have had the opportunity to review the agreement signed by the Senator from Virginia, the Senator from Arizona, the Senator from Nebraska, and 11 other Senators, an agreement that I've reviewed, but to which I am not a party.

Let me start by reminding the Senate of my principle, a simple principle that I've come to this floor day after day stating, stressing. And it is really this: I fundamentally believe that it is our constitutional responsibility to give judicial nominees the respect and the courtesy of an up-or-down vote on the floor of the United States Senate.

Investigate them, and question them and scrutinize them and debate them in the best spirit of this body. But then vote. Up or down, yes or no, confirm or reject, but each deserves a vote.

Unlike bills, nominees can't be amended. They can't be split apart. They can't be horse-traded. They can't be log-rolled. Our Constitution does not allow for any of that. It simply requires up-or-down votes on judicial nominees.

So in that regard, the agreement announced tonight falls short of that principle. It falls short. It has some good news and it has some disappointing news. And it will require careful monitoring.

Let me start with the good news. I'm very pleased, very pleased that each and every one of the judges identified in the announcement will receive the opportunity of that fair up-or-down vote.

Priscilla Owen: After four years, two weeks, and one day, she will have a fair and up-or-down vote.

William Pryor: After two years and one month, he will have a fair up-or-down vote.

Janice Rogers Brown: After 22 months, a fair up-or-down vote.

Three nominees will get up-or-down votes with certainty now because of this agreement, whereas a couple of hours ago, maybe none would get up-or-down votes. And that would have gone wrong.

And with the confirmation of Tom Griffith to the D.C. Circuit Court of Appeals, which we've been assured of, though it is not part of this particular agreement, there will be four who will receive up-or-down votes.

And based on past comments on this floor although not in the agreement, I expect that David McKeague, after three years and six months, will get a fair up-or-down vote.

I expect that Susan Neilson, after three years and six months, will get a fair up-or-down vote.

And I expect that Richard Griffin, after two years and 11 months, will get a fair up-or-down vote.

Now the bad news to me, or the disappointing news in this agreement: It's a shame that well-qualified nominees identified by those 12 nominees are threatened still with not having the opportunity to have the merits of their nominations debated on the floor.

Henry Saad has waited for three years and six months for the same courtesy. Henry Saad deserves a vote. Not in this agreement.

William Myers has waited for two years and one week for a fair up-or-down vote. He deserves a vote. But not in this agreement.

If Owen, Pryor, and Brown can receive the courtesy and respect of a fair up-or-down vote, so can Myers and Saad.

So I will continue to work with everything in my power to see that these judicial nominees also receive that fair up-or-down vote that they deserve. But it is not in this agreement.

But in this agreement is other good news. It's significant that the signers give up using the filibuster as it was deployed in the last Congress in the last two years. The filibuster was abused in the last Congress.

Ten nominees were blocked on 18 different occasions, 18 different filibusters in the last two years alone, with a leadership-led minority party obstruction threatening filibusters on six others.

That was wrong. It was not in keeping with our precedents over the past 214 years. It made light of our responsibilities as United States Senators under the Constitution. It was a miserable chapter in the history of the Senate, and I believe brought us to a new low.

Fortunately, tonight, it is possible that this unfortunate chapter in our history can close, because this arrangement makes it much less likely, indeed nearly impossible for such mindless filibusters to erupt on this floor over the next 18 months. And for that I am thankful.

Circuit Court and Supreme Court nominees face a return