Well, I stated them because I think they are very important. They are of utmost importance. I think they are the essence of who he is and what he is and what he was.

But don't let anyone think he didn't do his work. When you look at the committees he chaired, the events that happened during those chair-filled years, be it on the Judiciary, on Armed Services, or whatever, you have to know he had a great capacity for work and he did his work and got it done.

Can you just imagine not having a chance to know him when he was a judge? What a great judge he would have been. Can you imagine, not having a chance to know him, what a good school superintendent he must have been? Can you imagine not getting to know him, what a good commissioner he must have been at the local level where he governed? For I believe he is what he was. And it is probable that he took care to do everything right and he took care to be concerned and worried about people, as he did his job, and that he never forgot the people who were good to him and meant something to his success.

I, for one, am very sorry we will be going to a funeral. But, I guess it is really only fair to say that he has been very blessed. After all, we won't, any of us, ever go to a funeral for a fellow Senator who has lived 100 years—none of us. This will be the only one. Because he has been very, very blessed. The Lord has been kind and decent to him. Those around him should be very proud. Obviously, his kinfolk are sad.

I remember at that wedding, while we were celebrating youth, his daughter was a young lady. I remember meeting his sister, two sisters I believe. They were alive and there. I don't mean to cast any aspersions about the fact they were alive. They were lively, I assure you. They knew a lot. They were talking. They were carrying on conversations. Strom Thurmond was talking with them about us and my wife Nancy.

They were quick to ask us to sit down, and you could hardly believe that a man almost 100 was there with sisters at a wedding for a very young daughter of his, who has just since then had his first grandchild. What a beautiful, beautiful tribute all of this is to Strom Thurmond's family, to their heritage, and to those around them and those who love them.

My wife Nancy and I extend our heartfelt condolences to Nancy and all of the other kinfolk, to his relatives, and clearly to his daughter and son-in-law who have that young grandchild of whom he must be so proud.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. Mr. President, last evening we received the news of the passing of a dear friend and leader in this Chamber, Strom Thurmond. Strom Thurmond retired this year at the age of 100 after more than half a century serving the people of South Carolina and our Nation as a Senator, as Governor of South Carolina, and as a State legislator.

Remarkably, his career in the Senate spanned the administrations of 10 Presidents, from Dwight Eisenhower to George W. Bush. His passing last night certainly will be felt by so many Members of this Chamber who had grown accustomed to the courtly gentleman from South Carolina. But his life leaves a lesson for us all in compassion, respect, civility, dedication, and hard work.

Before he was elected to the Senate in 1954, as the only write-in candidate in history to win a seat in Congress, Strom Thurmond was elected county school superintendent, State Senator, and circuit judge. He resigned his judgeship to enlist in the Army in World War II. He landed in Normandy as part of the 82nd Airborne assault on D-Day and, the story goes, flew into France on a glider, crash-landing in an apple orchard. He went on to help liberate Paris, and he received a Purple Heart, five Battle Stars, and numerous other awards for his World War II service.

My husband Bob and I were honored to have known Strom Thurmond for so many years and to count him among our very special friends. He and Bob shared a great deal of common history, dating from their World War II days. And his southern gallantry always had a way of making this North Carolinian feel right at home.

I first worked with Strom Thurmond when I served as Deputy Special Assistant to the President at the White House. Even then he was an impressive Senator. President Reagan praised his expert handling as chairman of the Senate Judiciary Committee of nominees to the U.S. Supreme Court.

In fact, it was Strom Thurmond's skill as chairman that helped to shepherd through the nomination of Sandra Day O'Connor as the Nation's first female on the U.S. Supreme Court. I had always admired Strom Thurmond for his constant dedication to the people of South Carolina and to the industries of that State.

Bob Dole has joked that someone once asked if Strom had been around since the Ten Commandments. Bob said that couldn't have been true; If Strom Thurmond had been around, the 11th commandment would have been: Thou shalt support the textile industry.

And that industry still needs a lot of help. In fact, when President Reagan called Strom to wish him a happy 79th birthday back in 1981, Strom Thurmond, with his constant attention to South Carolina interests, used the opportunity to talk to the President about the textile industry.

Indeed, South Carolina is full of stories of how the senior Senator from South Carolina managed to cut through redtape to make sure that his residents got the things they needed. And whenever South Carolinians called, or anyone else for that matter, Strom Thurmond could always be counted on to show up—at a Fourth of July parade, a county festival, or a State fair, armed with his trademark Strom Thurmond key chains.

North Carolinians developed a fondness for Strom Thurmond. He often flew in to Charlotte before driving to his Edgeville, SC, home. He became so familiar in the airport that many of the workers there knew him, and he knew them all for stopping to share a kind word or a funny story.

I was so honored that just before Strom went home for good to South Carolina, he came in his wheelchair, with Nancy's help, to my little basement office to welcome me to the Senate.

Bob and I send our heartfelt condolences to Strom's family, our dear friend, Nancy, and the children, including daughter Julie, who worked with me at the American Red Cross. He was a loving husband, a proud father, and new grandfather, and, of course, the people of South Carolina, for whom he worked tirelessly throughout his career in public service and to whom he chose to return when his work was done in the Senate.

Today as I remember him, his life, and his legacy, I think of the Bible in the 25th chapter of Matthew when the Lord said:

> Well done, thou good and faithful servant. . . . enter thou into the joy of thy Lord.

May God bless him and his family.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(Mrs. DOLE assumed the Chair.)

FILIBUSTER REFORM

Mr. FRIST. Madam President, last Tuesday, the Committee on Rules and Administration favorably reported S. Res. 138, a proposal to amend the Senate's cloture rule. The committee's action represents an important milestone on the road to filibuster reform. It brings the Senate one key step closer to ending filibusters on nominations. On May 9 of this year, I introduced S. Res. 138, along with a bipartisan group of 11 cosponsors. Our purpose was to respond to a disturbing change in the way the Senate considers nominations.

Lengthy and apparently implacable filibusters have erupted on two judicial nominations. Although it has long been clear that a majority of Senators stand ready to confirm Miguel Estrada and Priscilla Owen, it is increasingly obvious that a minority of Senators never intends to permit these nominations to come to a vote.

Beyond these filibusters are the expressed threats to filibuster additional nominees, threats that may well materialize after the Senate reconvenes in July.

Given the record already established this year, we have every reason to take these threats seriously and to imagine they will be executed. Killing judicial nominations by filibuster is not simply business as usual in the Senate. Up until now, no judicial nomination has ever been rejected in that fashion.

Even the failed Supreme Court nomination of Abe Fortas 35 years ago is not truly an exception to this rule. In the Fortas case, one cloture vote was taken with 45 Senators supporting cloture and 43 opposed. At least five additional Senators who missed that vote expressed opposition to cloture. Yet another who supported cloture expressed opposition to the nomination.

It was far from plain, even to the nominee, that a majority was ready to confirm the nomination, much less a supermajority was available to invoke cloture.

After a single cloture vote taken four session days after the nomination was brought to the floor, the nominee asked that his name be withdrawn.

These facts differ dramatically from those pertinent to filibusters underway in this Congress and from the rest of Senate cloture history on judicial nominations.

Thus far, we have had six cloture votes on Mr. Estrada and two cloture votes on Justice Owen, with more than a majority of Senators but less than a supermajority, favoring cloture. So the filibusters endure with no end in sight.

Prior to this year, the record number of cloture motions filed on any single judicial nomination was 2, and 17 such motions were filed overall. In a majority of those cases, cloture was invoked and confirmation followed. Even when cloture failed, confirmation followed. In all cases, the nominations were brought to a vote, the full Senate worked its will, and the nominees were confirmed.

The Estrada and Owen filibusters and their threatened progeny are anything but customary. They represent a disturbing change in Senate norms, a change that has been defended on untenable grounds.

Proponents of the filibusters claim they have no choice. With the Senate and its committees controlled by the party of the President, they have no choice but to filibuster, or so they say. Their logic is facile but faulty, and it runs contrary to many years of Senate tradition.

For 70 percent of the 20th century, one party controlled the White House and the Senate. This was the case for 6 years of President Wilson's term and the entire terms of Presidents Harding, Coolidge, and Hoover. It was the case through 12 years of President Franklin Roosevelt and 6 years of President Harry Truman. It was the case for all of the Kennedy-Johnson years, all of President Carter's years, 6 of President Reagan's years, and 2 years under President Clinton. In some of those eras, the Senate minority was Republican; in others Democratic. But at no time did those minorities resort to partisan filibusters of judicial nominees. At no time did those minorities deny the Senate the right to vote on confirmation.

What is happening now is aberrant. It breaks with Senate traditions. If the trend begun with the Estrada and Owen filibusters is not arrested, a disturbing new practice will take root.

Partisan filibusters to kill nominations will lead inevitably to more of the same in retribution. Left to fester, things can only get worse. The outcome cannot be good for current or future Senates, for current or future Presidents, for current or future nominees.

Those of us concerned about these consequences have two fundamental choices: We can either acquiesce to this partisan change in Senate norms, or propose a reform to Senate rules. Unwilling to accept a change in Senate traditions that will damage and weaken this institution, we offer a targeted and limited amendment to the rules.

Our remedy is narrow, aimed not against the filibuster generally, but against filibusters on nominations. If adopted, our proposal would have declining cloture requirements of 60, 57, 54, 51, and then a simple majority on successive cloture votes. The first cloture motion cannot be filed until a nomination has been pending for 12 hours. Successive cloture motions cannot be filed until the prior cloture motion has been resolved. As under current rules, each cloture motion will take 2 days to ripen. Our proposal is true to Senate traditions. It will permit robust debate and time for reflection, but also allow the Senate to reach a definite resolution on confirmations.

As I have said on this floor and before the committee, the filibuster is not sacrosanct. When it has been abused, it has been reformed. The very cloture rule itself represented just such a response to filibuster abuse. It has been amended five times since it was first adopted in 1917. Moreover, the very modest debate limitations we propose are significantly less restrictive than more than 25 provisions now in statute law that expedite Senate debate on measures ranging from budget reconciliation to the execution of war powers.

Madam President, some on the other side of the aisle have said our proposal is too extreme in that it would undermine their capacity to use existing rules to reshape Senate norms. Others from the same side have said our reform is too narrow because it does not attack filibusters in all circumstances.

My response is this: We must fix what is damaged, but we do not require radical surgery. We shall reform our rules to repair what is broken and restore traditions. Beyond that, we shall leave our rules alone.

Our opponents contend that our narrow reform will inevitably lead to the wholesale destruction of the filibuster in the Senate and that it will convert the Senate into a smaller copy of the House. I know of few, if any, Senators who would support that outcome, and I regard such predictions as fanciful. This proposal does not attack the use of filibuster on legislation. Instead, it builds on an existing tradition of distinctive procedures for the consideration of executive business.

One of those traditions is a 1980 precedent urged by Majority Leader BYRD which obviates debate on a motion to proceed to a nomination. Using the logic of our opponents, one could theorize that a next consistent step would be to mimic this precedent and kill debate on a motion to proceed to legislation. But 23 years have passed and that next step has not been taken. In its wisdom, the Senate has known how far it must go to resolve particular problems and when it must stop.

Our opponents argue that filibuster reform will undermine the balance of power between the President and the Senate. They claim if we adopt this proposal, the Senate will diminish itself and become the President's handmaiden. I do not desire that result, and I strongly disagree with that conclusion.

What their position amounts to is that Senate power to check a President can only be vindicated if a minority prevails against a majority ready to confirm.

Once again, for 70 of the last 100 years in this century, one party controlled both the Senate and the White House. Yet filibustering nominations was unheard of most all of that time. Was the Senate the President's handmaiden then and only now has awakened to its constitutional purpose?

Over two centuries, a number of judicial nominations failed on the Senate floor. Filibusters were unnecessary to defeat Clement Haynsworth, Harold Carswell, or Robert Bork, much less many earlier nominees, starting with President Washington's nominee, John Rutledge.

The full Senate, no President's handmaiden, asserted constitutional checks and balances. If we can only affirm Senate power by the filibuster, then we have come to a new and very unfortunate place. Thus, we propose to reform Senate rules in order to restore Senate traditions.

Filibuster reform is imperative. It will enable all Senators to meet their constitutional responsibility to advise and consent. With Senators so empowered, the voice of all Americans will again be heard on these matters.