

NATIONAL PRESS CLUB NEWSMAKER LUNCHEON WITH SENATOR ARLEN SPECTER, CHAIRMAN, SENATE JUDICIARY COMMITTEE

MODERATOR: JONATHAN SALANT, PRESIDENT OF THE NATIONAL PRESS CLUB

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MR. SALANT: Good afternoon, and welcome to the National Press Club. I'm Jonathan Salant, a reporter for Bloomberg News and president of the National Press Club.

I'd like to welcome club members and their guests in the audience today, as well as those of you watching on C-SPAN.

Please hold your applause during the speech so we have time for as many questions as possible. For our broadcast audience, I'd like to explain that if you hear applause, it is from the members of the general public and the guests who attend our luncheons, not from the working press.

The video archive of today's luncheon is provided by ConnectLive and is available to members only through the Press Club's website at [www.press.org](http://www.press.org). Press Club members may also get free transcripts of the luncheons at our website. Nonmembers may buy audio tapes, and video tapes and transcripts by calling 1-888-343-1940. For more information about joining the Press Club, please call us at 202-662- 7511.

Before introducing our head table, I'd like to remind our members of future speakers. On September 26th, Margaret Spellings, the secretary of the U.S. Department of Education; on September 29th, Stan Kasten, the president of the Washington Nationals baseball team; and October 4th, David Rehr, president of the National Association of Broadcasters.

If you have any questions for our speaker, please write them on the cards provided at your table and pass them up to me. I will ask as many as time permits.

I would like now to introduce our head table guests, and ask them to stand briefly when their names are called. Please hold your applause until all of the head table guests are introduced.

From your right, Robert Novak, a syndicated columnist with the Chicago Sun Times, and a contributor to Fox News. And Robert is celebrating his 49th year as a member of the National Press Club. (Applause.) Eleanor Clift, a contributing editor for Newsweek, and also a contributor to Fox News; David Hawkings, managing editor with Congressional Quarterly; Tony Mauro, Supreme Court reporter for Legal Times; Llewellyn King, the producer of the PBS White House Chronicle, and publisher of White House Weekly; Alison Cooper, the acting chief of staff for Senator Specter; Angela Greiling King, the associate editor of Traffic World Magazine, and vice chair of the National Press Club Speakers Committee; David Anderson of the U.S. Department of Housing and Urban Development, and the member of the Speakers Committee who organized today's luncheon. And, David, thank you very much. Jennifer Dlouhy, legal affairs correspondent with Hearst Newspapers; Patricia Guadalupe, Capitol Hill correspondent with Hispanic Link News Service; Kathy Kiely, a Washington correspondent with USA Today; Amy Worden, Harrisburg correspondent for the Philadelphia Inquirer, and non-resident member who came down to attend today's lunch; and Brett Lieberman, Washington correspondent for the Harrisburg Patriot News. (Applause.)

When former Senate Majority Leader Trent Lott described his job as "herding cats," one of the senators he probably had in mind was Arlen Specter.

The Pennsylvania Republican has made a career of going his own way. He disappointed Republicans by helping to defeat the Supreme Court nomination of Robert Bork, the man who carried out the Saturday night massacre during Watergate at the behest of President Nixon. He disappointed Democrats when he worked to confirm Clarence Thomas as Supreme Court (justice).

In line to chair the Senate Judiciary Committee after winning reelection in 2004, Senator Specter angered Christian conservatives when he told President Bush not to nominate judges committed to overturning abortion rights. Senator Specter later said he would have no litmus tests. He's also clashed with Democrats. In May, he got into a public spat with Democratic Senator Russ Feingold by pushing a constitutional amendment to prevent states from recognizing same sex marriages. And just yesterday, he said he had a problem with the proposed new rules for questioning terror suspects.

Before entering electoral politics, Arlen Specter was a staff member of the Warren Commission that investigated the assassination of President Kennedy. He insisted there was a not a second

gunman, and the same bullet that killed the president also wounded Texas Senator -- Texas Governor John Connelly. Originally a Democrat, he first ran for public office as a Republican candidate for the Philadelphia district attorney and won. He was elected to the Senate in 1980. He also sought his party's nomination in 1996, but withdrew before the primaries.

He's a member of the Senate Appropriations Committee, helping to fund local projects back home, and he's visited all of Pennsylvania's 67 counties so he knows exactly what they need. He's championed highway, high-tech and defense projects, and nationally, he's helped increase funding for education and health.

Besides battling both Republicans and Democrats, Senator Specter has battled some health problems. He has had a brain tumor, a heart bypass operation and Hodgkin's Disease. And Senator, we hope those ailments are behind you.

In November 2005, he became the longest-serving senator in the history of the Commonwealth of Pennsylvania.

Senator Specter, welcome to the National Press Club. (Applause.)

SEN. SPECTER: That lot was not referring to me when he talked about herding cats. (Laughter.) I'm not subject to being herded, if you please. (Laughter.) The litany of my enemies was sort of overwhelming, and I thought this was post-mortim until at the end it sounded like an autopsy -- (laughter) -- as he recited my medical record.

The comment was once made that in voting against Judge Bork and for Justice Thomas I was able to alienate the entire electorate with just two votes -- that's not easy to do.

I make it a point, whenever I speak, to take off my watch and put it conspicuously on the podium, to give my audience a false sense of security that I'm paying attention to the time. (Laughter.)

I'm honored to be at the National Press Club. I'm not used to speaking where people take out pads and pencils and write things down. On the floor of the United States Senate, if there's anybody there besides the presiding officer, they're usually talking among themselves. So it's sort of disconcerting to have people listen, but I'll do the best I can.

This week promises to be an extraordinary week. Every week is extraordinary, really, in the Congress of the United States, but this one has unusual overtones because we are scheduled to leave. I was asked if we were scheduled to finish up by Friday or Saturday, and I said, "No, just to leave." (Laughter.)

We're unlikely to finish very much, but we have a great deal to be -- do -- to do. I have been in the Senate for a while, and I've never seen so much work left until the last week.

High on the agenda is the military commission bill. And I believe that Senator -- Senators McCain and Warner and Graham and the committee have done a good job in coming forward

with a bill to make it plain that we're going to observe the Geneva Convention, not only observe it but with the appearance of observation, so that we maintain our international standing or perhaps establish some international standing.

The compromise on classified evidence, I think, is correct -- to have it reviewed by the judge, who will decide what can be disclosed.

There is one aspect of the bill which I am strongly opposed to, and that is the aspect of taking away jurisdiction of the federal courts on what we call habeas corpus, a Latin term which means "produce the body."

And that has been the way traditionally of determining whether the detention is lawful. It's been around for a long time, since the Great Rift in 1215, and it is emblazoned in the Constitution specifically that it can be suspended only in time of insurrection or invasion, rebellion or invasion, that we don't have either of those present now.

It has been a very difficult matter to establish military commissions. After 9/11, a number of us introduced legislation. The Congress is very explicit -- in Article I, Section 8, the Congress has the responsibility to take care of captives on land and sea. But it's so complicated and so fraught with peril that -- too hot to handle for Congress, and Congress punted, that it was only when the Supreme Court came down with three decisions in June of 2005 and Hamdan last June telling us that we have to act that finally we are going to respond.

A compromise was apparently worked out on Thursday. A bill was introduced on Friday; just a placekeeper, I'm told, then it has to be refined and revised. And it is very, very complicated, and it really be a need of judicial review and judicial interpretation, so watch those developments. When it comes to the floor, it's not going to be handled very fast. It's a big, big, complicated measure.

Right behind the military commissions is the issue involving electronic surveillance on the terrorist act. And there the tradition in the United States has been to have judicial review before you have search and seizure before you have wiretapping. That is a very important tradition. I drafted legislation, finally came to terms with a president audit, but very complicated and subject to a lot of disagreement. We have made some very major changes in it. We can argue about -- we can argue incessantly about very little. We had two lines. One was that nothing in the legislation shall affect the president's inherent power, and another was that the terrorist -- that the Foreign Intelligence Surveillance Court would have exclusive jurisdiction. Well, Congress can't affect the president's constitutional authority. It is what it is. And the Foreign Intelligence Surveillance Act is not exclusive because the president is currently engaging in wiretapping.

So the object is to bring it before a court, and we have structured that as the Foreign Intelligence Surveillance Court. We have refined it considerably to take out some of the offending clauses and to retain jurisdiction the courts which have already entertained in some of these cases across the country, and to open up the Foreign Intelligence Surveillance Appellate Court so there be a public hearing, not a secret court, and then, to provide for mandatory review by the Supreme

Court to decide a case. There again we're dealing with a matter of enormous complexity, and to get that finished in a short period of time is going to be daunting.

Then, we have immigration. The House of Representatives doesn't think much of the bicameral system. The Senate and House passed bills, but somehow we can't go to conference on them. And now, the House wants to take their key provisions and enact them which would take all the leverage away from the Senate bill. We have pending in the Senate provisions for a fence. Well, there ought to be a fence along a good bit of the heavily-populated area, near Tucson, near San Diego, and I'm for that fence. But I'm not for the fence piecemeal.

We have a guest-worker program that the president is for, Speaker Hastert is for, and we have to deal with that. We also have 11 million undocumented immigrants in this country, and we've got to figure out some way to deal with them. And if someone has a better idea than what we have in the Senate bill, I'm open to listen.

Our country has been great because of immigrants. Both of my parents were immigrants. My mother came when she was six with her parents from Russia; my father came when he was 18. My father was about to be sent to Siberia by the czar, and he didn't want to go to Siberia. He wanted to go to Kansas. (Laughter.) It was a close call. (Laughter.) And we're struggling with that. You can stay tuned for 5:00 this afternoon when the Homeland Defense Appropriation Committee meets to try to figure out what to do, and fortunately, I'm on that subcommittee, so I'll be there to assert the position which I've just talked about.

Then, we have 11 appropriations bills, very important bills to fund the country, but we have gotten into the habit, regrettably, of passing continuing resolutions and putting off, off, off, off. And when they finally come up, they're handled in a very cursory, very hurried fashion, with very little consideration, often not having conferences, so that regular order is not followed.

I chair the appropriations subcommittee which has jurisdiction over health and education. There are some really important education issues on guaranteed student loans and college education. And we have the funding for the National Institutes of Health, which has made enormous strides in combating most of the serious maladies. And President Nixon declared war on cancer in 1970, and had we prosecuted that war with the same diligence we prosecute our other wars, we would have conquered cancer, had a lot of progress on Alzheimer's and Parkinson's -- 110 million Americans who are affected by these ailments, and we're sitting back and we're not legislating.

It's been a challenging and rewarding year -- two years to chair the Judiciary Committee. Got a lot under our belts. We came in and passed class action and bankruptcy and confirmed the attorney general, got him off the witness stand by 4:30 in the afternoon.

That's the secret to confirmation, by the way. If Josh Bolten had testified there for -- John Bolton had testified for one day, he'd have been confirmed a long time ago. If you let these witnesses hang out to dry you can forget about them.

You may have heard about our two Supreme Court nominees. Senator Biden wasn't very enthusiastic about Chief Justice Roberts' answers, said they were misleading. I had to remind

him that they were Roberts' answers. Senator Kennedy got confused during the middle of our proceeding as to Justice Alito. Senator Kennedy thought he was the chairman for a while, wanted a subpoena issued on his timetable.

He said that he'd sent me a letter asking for the subpoena. Of course, I see in him the corridor all the time. You see each other a lot. I don't see him anymore in the Senate gym -- (laughter) -- but the story was recited some time ago -- this is not an original Arlen Specter -- that Senator Kennedy hasn't been in the gym since the Johnson administration. (Laughter.) That's the Andrew Johnson administration. (Laughter.)

But we worked our way through that, and we got a lot of highly controversial judges confirmed - - circuit judges, Pryor and Janice Rogers Brown. And when -- well, quite a number of them, so many I can't even remember them all. (Chuckles.)

We still have a lot of work left over. One issue which I think is of special concern here is our work on the reporters' shield bill. We have had hearings on that, and I want to mark it up when we come back immediately after the recess. We have worked it through, and when you have a reporter held in jail for 85 days, it's a little hard to understand. If you have a national security issue, I think there is an exception to the shield.

That is dominant. If you have a problem of national security, I think the reporter's privilege has to yield under certain circumstances. I don't want to make any sweeping generalizations.

But the Valerie Plame matter was long gone on being a national security matter, and it may have been long gone on having a crime under investigation. But some reports are that it was pursued to maintain the integrity of the fact-finding process. Well, you don't put people in jail for that, you have to have some dominant reason.

And now we have the question about what to do with the reporters in San Francisco who are facing a contempt citation. I was asked on a radio sports show this morning earlier what I thought ought to be done about that matter and what I thought out to be done about Barry Bonds, if he passes Hank Aaron's record; should it be in the record book with an asterisk? And I said I don't think it ought to be in the record book at all. But that's beyond the Congress' purview. But a reporter's privilege is something we're going to take up and try to see to it that reporters who are telling the public what the public ought to know, or what reporters think the public ought to know, ought to be preserved. It's carrying coals to Newcastle in this group to talk about Jefferson's favorite -- or frequently quoted maxim about better to have newspapers without government than government without newspapers. And I think that's proved every day by our government.

Well, I'm up to the 18-minute mark. I was told to talk for 20 minutes, but I'm going to yield back a little time. (Applause.)

MR. SALANT: The first questioner writes: Since the Bush White House saved you from defeat in 2004, don't you owe the president unconditional support for his program?

SEN. SPECTER: No. (Laughter.)

Who has the next question?

The president and I have talked about judges and what would be a fair balance. And we had an understanding on that a long time ago. The president came to Pennsylvania 44 times in 2004 when he ran for election, and I had a lot of opportunity to talk to him in the plane or in the car. And the president said, "Arlen, I want you to report my -- I want you to give them prompt hearings" -- which they hadn't been getting -- "I want you to report them out of committee." And I said, "Mr. President, that is preeminently fair.

And in the introduction, when it was announced that I had no litmus test, I've never had a litmus test. I supported Chief Justice Rehnquist for confirmation when he was against Roe.

I supported Justice Scalia, Justice Thomas, all of -- both of whom were obviously against Roe. I've never had a litmus test. And on Judge Bork, I did not think the committee ought to decide it. I voted to send him to the floor. The Constitution says that the Senate confirms, not the Judiciary Committee. But I think the president agrees with the principle that senators are independent. There are separation of powers in this country, and it's very, very fundamental. And I have a very good relationship with President Bush, and in fact negotiated with him directly on the surveillance legislation. And I was invited to the White House last week, so we're okay. (Laughter.)

MR. SALANT: What are you going to do to get the suspension of habeas corpus removed from the detainees bill, and will you vote against the bill if you can't get the provision removed?

SEN. SPECTER: I'm introducing an amendment to eliminate the provision which abolishes habeas corpus. The Constitution says in rebellion or invasion -- and am I going to vote against the bill? I want to see how it shapes up. I want to see what it looks like. I want to get a feel for it. I don't make commitments to the president on how I'm going to vote, and I don't make commitments to the National Press Club on how I'm going to vote.

MR. SALANT: This questioner wants to know, how can we debating whether detainees should be tortured? Don't we care about what'll happen to our soldiers, if captured, or what about what is right?

SEN. SPECTER: That's a very good point, and this morning in our hearing, that point was made, that we have more troops advance in the field than any other country, and that the standards we employ we can certainly expect -- if they're horrendous, if they're bad, we can certainly expect them to be reciprocated.

MR. SALANT: Isn't detainee legislation in effect giving administration officials who have authorized torture amnesty?

SEN. SPECTER: No. I don't know that any officials have authorized torture. That's an assumption and a question which I disagree with. I don't think they have.

Our laws are against torture. And we've had a lot of controversy with the so-called Bybee memorandum on tactics to be used, and some of the tactics are rugged, but I don't think anybody has told anybody else to torture anybody.

MR. SALANT: Do you believe that the original military tribunals authorized by the president in November 2001 were designed to admit evidence based on torture?

SEN. SPECTER: No. No. Anyway, they were never utilized. We haven't tried anybody under those military tribunals. What has been done is simply to hold about 500 people at Guantanamo and wait it out, and I think that the way our system has worked, there was perhaps a subconscious or implicit realization that it would take a long time for the court to act. But we haven't tried anybody, but I don't think those tribunals would have sanctioned torture in any event.

MR. SALANT: Switching gears and talking about the surveillance legislation, what are the chances that such a bill will pass before Congress leaves at the end of the week?

SEN. SPECTER: Well, that's hard to say. I think the bill, as revised -- taking into account what Senator DeWine wants, and taking into account what Heather Wilson wants, and taking into account what some of the Senate Democrats want, and making the proceedings before the Foreign Intelligence Surveillance Appellate Court public, and not weighing in to give the president any extra influence under Article II -- I think the chances are pretty good it'll pass. But there it depends upon how much time we have; it depends on having it brought up and having enough time to consider amendments and vote on it.

I think it is very important, even in the last week, that we do it right; that we don't pass a bill on military commissions, we don't pass a bill on surveillance, we don't pass a bill on immigration, we don't pass any bills unless we do them right. It is a fact that Congress does most of its work at 11:59. It is very hard to get people to stop arguing, especially in Congress, and perhaps especially in conference committees. But when you're facing the clock, people want to go home and want to get it done, that's a big factor, and we ought to utilize that -- that it's nearing 11:59. But if we can't get it done right, we ought not to do it.

MR. SALANT: Are there 60 votes to pass --

SEN. SPECTER: Wait a minute. Is somebody applauding? Don't --

MR. SALANT: (Laughs, laughter.) Are there 60 votes to pass the legislation and avoid a filibuster? And what changes have you made to your original bill to get support?

SEN. SPECTER: It's hard to say whether we have 60 votes to get cloture. That's always a tough call.

What changes have been made? A change has been made to delete the provision that nothing in the bill shall be viewed as affecting the president's Article II powers. A change has been made to



remove the attorney general's authority to delegate. A change has been made to authorize more resources for NSA.

A change has been made to require calls originating in the United States be subjected to individualized warrants. Right now the program is operated so that you don't have to have individualized warrants if they originate in the United States or originate overseas.

Those are some of the ones which come to mind.

MR. SALANT: Senate leaders have indicated they might combine the surveillance and the detainee bill on the floor. Is this a good or a bad idea? And how do you stand on that?

SEN. SPECTER: Well, if they're combined, that would be a good way to have both of them defeated. If somebody wants to lose them both, just put them together, because people who are opposed to one will vote "no" for both, and people who are opposed to the other will vote "no" for both, and they'll be drowned out.

And anyway, that's not the way to make sausage. Even sausage shouldn't be made that way! (Laughter.)

MR. SALANT: This questioner wants to know, wouldn't it be better to put all this off until after the election?

SEN. SPECTER: Well, I fairly well covered that with a prior answer. I would say we ought to utilize the pressure of the moment to move ahead and get done what we can reasonably get done, providing it's done right.

MR. SALANT: We have a lot of questions about the border fence. This questioner says: It seems like the only legislation even remotely likely to pass Congress relating to immigration is the border fence. If even this attempt to address the immigration problem does not pass, won't Republicans be criticized for doing nothing on this issue as voters go to the polls in November?

SEN. SPECTER: I think there's a real risk that Republicans will be criticized for not acting on immigration, since we have both houses and the White House.

But this immigration issue is very, very important. And border security is at the top of the list, ought to be done first. But right next to it is the issue of employer verification, and we have to work through that. We now believe we have cards which will be foolproof on identifying people to tell whether they're legal or illegal. And then we have the guest worker program. And there are many senators who don't want to see an immigration bill passed without taking care of farm workers. And then we have hotel workers, and we have restaurateurs, and we have a big labor force in this country which is undocumented immigrants. So the guest worker program has to work out. And then we have to get a handle on 11 million people. Can't deport them all; it just cannot be done.

And we have a pretty good bill out of the Senate committee. Came out of the Judiciary Committee; was modified, and it's a bill which is worth considering. But here again, in conference, things really come into focus.

And there are a lot of objections to a lot of parts of the bill, including how we handle the 11 million undocumented immigrants.

And I chair the Judiciary Committee, which produced a bill, and I'm in line to chair the conference. And I'm open. Somebody has better ideas; let's take them up.

But if it's done piecemeal, if we build the fence, if we protect the border -- if we get what some people want and not the totality, it will just defeat the bicameral system.

MR. SALANT: You talk about employers. This questioner wants to know: Why isn't enforcing labor laws and employee sanctions the number-one priority, rather than building a fence?

SEN. SPECTER: Well, it's a good point. We have sanctions now under existing law. And finally, in the past several months, they've begun to be enforced. A year ago they enforced only a handful. But that's a very good way to have enforcement, because if undocumented immigrants can't find jobs, they won't be motivated to come.

MR. SALANT: Has anyone thought of using any of the border security money to build schools and clinics in Mexico?

SEN. SPECTER: No, only in Pennsylvania. (Laughter.)

MR. SALANT: A recent intelligence report summarizing the positions of 16 of the nation's intelligence agencies concluded that the war in Iraq is making the nation less secure because it is creating more terrorists intent on attacking our nation. Doesn't such a conclusion support the proposition that we should get out of Iraq sooner, rather than later?

SEN. SPECTER: I didn't hear a question. (Scattered laughter.) But I'll respond anyway.

I think that report is very, very, very serious, and the part that troubles me the most, frankly, is that it was a conclusion reached in early 2003, before the war started.

Now, it really goes to the fundamental problem of what we do about Iraq. It is intuitive that the war in Iraq is exacerbating Islamic radical fundamentalism. It's intuitive, with what's going on there, that Arab nations are being incited to violence; with what you see in downtown Beirut when the Hezbollah leader appears and you see the picture on the front page, hundreds of thousands of people; and you see what happens with the Palestinian Authority and Hamas, and they repudiate the Palestinian Authority, and they do not want to recognize Israel; so that it is intuitive and then confirmed in some detail by these agencies, which say that it is true.

And that brings up what to do about Iraq. And no one seems to have an answer. We had a major debate on it on the Senate floor a few months ago. Senator Kennedy offered -- Senator Kerry --

pardon me, Senator Kennedy -- Senator Kerry offered a bill to provide for withdrawal by July of 2007, and it got 14 votes. That is ignominious on the floor of the United States Senate.

So the question is, where do you go from here? And I've been to Iraq, and the military leaders there paint a little different picture than you get in the press, but it has disintegrated.

And when you talk about the insurgents, and it may lead to civil war, it seems to me we're already in a civil war there. And my instinct is that once the election is over, there'll be a lot more hard thinking about what to do about Iraq and a lot more candid observations about it.

MR. SALANT: Let's talk about the federal shield law for journalists or the shield bill.

What's the status? Is there a chance of it passing the Senate at all this year or wait until next year?

SEN. SPECTER: Well, it depends upon what your lead story is when you leave this luncheon. (Laughter.) You have a lot of power, even more power if you're not -- (audio break) -- or going to jail. The status is that we had, I think, I hope our final hearing last week. The Department of Justice does not like the bill because they want to have the final say, and we have patterned the bill very largely along Department of Justice regulations, but it's up to the judge to balance.

Have a situation where, as you know, some 49 states and the District of Columbia have some protection for journalists, and in the federal court, you have the circuit split. Some circuits say nothing at all, and some circuits say there'll be a balancing test. And after, when we return -- we're trying to work on the judges right now to try get as much as done as we can on the judges, and when we return, we're going to take it up and try to accommodate the Department of Justice to the extent we can to protect national security interests. And I think we'll pass the bill.

MR. SALANT: Given the resistance of the Department of Justice and the opposition of some of your colleagues, who see it as a handout to the liberal media, how do you ever hope to get the legislation passed through the House and Senate?

SEN. SPECTER: Because some of my colleagues think that the reporters ought to be free to write what they choose, and if you can only get the information from sources and you have to maintain confidentiality if you want the sources to be available, that it's in the national interest to do that. We're not doing it for reporters, ladies and gentlemen, we're doing it for the country. We're doing it so that there can be a free flow of information which touches on a lot of important problems.

You take the whistleblowers who come forward from time to time, they have to be protected, and Senator Grassley and I and others are working hard to do that. And if you have confidential sources and reporters evaluate what you have and editors evaluate what ought to be published -- The New York Times withheld a story on the surveillance for a year, so it has been reported. So reporter's shield is for the country, not for individuals.

MR. SALANT: Changing subjects, what reforms would you like to see in Senate procedures?

SEN. SPECTER: I hope nobody has any plans for the balance of the afternoon -- (laughter) -- on that question.

I would like to see us, to start with, eliminate the secret holds. A senator can put a hold on a bill, and it stops it from coming up unless the leaders is willing to list it for argument and for a cloture vote.

I think we ought to make some very serious modifications in our lobbying laws.

I think we ought to expand the Senate workweek. It's very hard to convene a Monday morning hearing, but we do it from time to time. We've fallen into a routine -- and this goes back, regardless of whether it's Republican or Democratic control of the Senate -- of starting our workweek Tuesday at 2:15 after we finish our caucus luncheons, and people start to get edgy and heading for the airports early on Thursday. So we might increase the workweek by 50 percent, say, to three days. (Laughter.)

MR. SALANT: Conservatives complain that --

SEN. SPECTER: By the way, that's off the record. (Laughter.)

MR. SALANT: Conservatives complain that under your leadership, the Judiciary Committee has a dismal record of supporting President Bush's judicial nominees. How do you respond to that?

SEN. SPECTER: It's not true. We have a superb record of supporting his nominees. I wrote some of them down, the list was so long. I start with the statistics, that we have a 5.3 percent vacancy rate in the federal courts now, which is the lowest or about the lowest in the last 20 years. We had Judge David Prior (sp) who was held up since 2001; we got him confirmed when I took over as chairman. We had Janice Rogers Brown held up about the same length of time. We had Priscilla Owen also. We had Cavanaugh held up. As soon as President Bush sent us back controversial Judges Boyle, Haynes and Myers, I put them right back on the list. And we spent last Thursday on Boyle for a while until an objection was lodged because Kennedy wasn't there - his sister's funeral.

We went on to Myers. And there were a lot of compliments on the handling of the Supreme Court nominations, including some people who vigorously opposed my getting the chairmanship.

MR. SALANT: The president has renominated five individuals to the nation's Court of Appeals, including Mississippi's Michael Wallace. What is going to happen to these nominees?

SEN. SPECTER: They're all going to be handled in regular order. Michael Wallace is having a hearing this week. We put, as I say, Judge Boyle back on the list and had considerable argument about him, and he's going to be back on the list on Thursday.

We have Judiciary meetings on Thursdays, and I've adopted a policy of starting the meetings exactly on time. Every meeting that the Judiciary Committee has had since I've been chairman

has started precisely on time, which has been a change. And I've instituted the rule that if we don't have a quorum at 9:45, I terminate the proceeding, after I give a short speech. And the speech is that the Judiciary Committee is keenly sought after because it's a very high visibility committee. You get a lot of television coverage when the Supreme Court nominations come, and there are a lot of fascinating issues on the committee, and that if people want to be on the committee, they ought to come and they ought to be there.

Well, a week ago Thursday, we had these judges on the list, and I didn't have a quorum at 9:45, and I adjourned. And then a whole group of my Republican colleagues came to me on the floor - - we had a vote about noontime -- and said they'd gotten so many e-mails, could I please do something about providing cover to have another session. So I had another session last Tuesday. And Senator Leahy cooperated. And some people don't like the fact that we work together, but it works out for the benefit of our whole system, including the White House. So we had a meeting on Tuesday and voted them out of committee. Then last Thursday, I had an objection because it's seven days. So now I have to have another meeting tomorrow to vote them out of committee so they can be confirmed before we adjourn on Friday or Saturday. And the White House knows that, and they like it.

MR. SALANT: After Democrats block them, do you think that Senate Majority Leader Bill Frist will once again try to invoke the nuclear option and prevent the filibuster of judicial nominees?

SEN. SPECTER: Will Senator Frist once again try to invoke the nuclear option? Once again? He hasn't tried it once yet, so I guess the answer to that is no. Will he try to do it for the first time?

You ought to invite him back here and ask him that question. (Laughter.)

MR. SALANT: Do you believe that the American Bar Association's evaluation of judicial nominees was compromised when it evaluated Judge Wallace of Mississippi and said he was unanimously unqualified?

SEN. SPECTER: Well, they weren't undermined because they found him not qualified. They were undermined because the people who did the evaluation had a long history of rivalry with Judge Wallace on the community legal services board, and they'd had very major public feuds. And it is not appropriate, in my opinion, to have people who have demonstrated antagonism make a determination as to qualification, and I wrote the ABA and told them so.

And you reach a sensitive point about the disclosure of derogatory information publicly about the ABA, and my recommendation to the committee is going to be that we do not make those findings public, that instead we treat them like FBI reports. FBI reports are handled by the committee on a confidential basis, and senators can read the FBI reports and decide whether they want to vote for or against a nominee, but if there's derogatory information, it's not put into the public milieu.

And as to evaluation of Mr. Wallace, when it was done by people who had demonstrated antagonism, that's an easy answer: Just don't pay any attention to it.

MR. SALANT: What do you think of the president's practice of signing bills with reservations and adding all these signing statements about how he plans to interpret the law?

SEN. SPECTER: I want to know if we're establishing a new record for the number of questions asked. (Laughter.) I think I ought to filibuster it and make it a little easier here. (Laughs.)

I think that it is inappropriate under the Constitution, which provides that when Congress passes legislation, the legislation is presented to the president, and if the president doesn't like the legislation, he vetoes it, and if he likes the legislation, he passes it, but that he's not able to pick and choose from among various positions which he wants to not follow.

And we had the Patriot Act, which was another item which we worked on in the Judiciary Committee, which was negotiated in a very complex way, because it involved the balance of giving the law enforcement officials sufficient authority to fight terrorism, but protected civil liberties. And we had some checks and balances in the legislation as to how we would have oversight, and we negotiated that with the White House. Then, the president signed the bill and said he wasn't going to follow those provisions. Well, I don't think that's appropriate. And on the torture matter, which he negotiated with Senator McCain, he did the same thing.

And we're going to move ahead with legislation that will enable Congress to have standing to take them to court and have a judicial determination on those provisions.

When the president makes those reservations and passes that word out to the executive branch, he's their leader, and they're obligated to follow what he says. Or maybe they're obligated to follow what Congress says. I don't know. But it's a lot of confusion, and they're likely to follow the president. And when it's contrary to what we've passed Congress, it ought to be vetoed or signed. (Scattered applause.)

Oh, there were some more important answers before that one. (Scattered laughter.)

MR. SALANT: Will John Bolton ever be confirmed? (Pause.)

(Laughter.)

SEN. SPECTER: Why don't you invite Hagel and Voinovich and Chafee to your next lunch? (Scattered laughter.) They hold the balance of power. I don't know. I'm for him. I think he's done a good job. He's a smart, and he's industrious, and he's cantankerous, and those are three good qualifications. (Laughter.)

MR. SALANT: This questioner reacted to some of your earlier statements and said it sounds like you think your party leaders have done a bad job running the Senate this year. Do Republicans deserve another two years of congressional control?

SEN. SPECTER: Yes, for many reasons -- or for two reasons. And I haven't said they did a bad job. I said there's a pattern developed, I carefully said, with both Democrat and Republican administrations. I think Republicans ought to be elected for two -- for an additional two years,

for two reasons. Number one is, they've done a good job, and number two, look at the alternative! (Scattered laughter.)

MR. SALANT: Do you think there is a chance that the Democrats do take control of one house of Congress or both houses this fall?

SEN. SPECTER: A chance? There's a chance of virtually anything happening. I think the odds are strongly with the retention of the Senate by the Republicans, and I think the odds are somewhat in favor of Republicans' retention of the House.

MR. SALANT: You held a hearing on whether the antitrust laws were sufficient to rein in the worst practices of the large credit card companies. What did you learn?

SEN. SPECTER: I learned that there was a tie-in between two of the major credit card companies and that once the issue had arisen, there were some structural changes made in the credit card companies. And I learned that there are practices which are very questionable as to the impact on consumers, and that involves all of us. So much of commerce is conducted with plastic, and it's one of the items on our agenda that we're continuing to work on. We have quite a number of those.

MR. SALANT: If you had one piece of advice to give to your Republican colleague Rick Santorum, what would it be?

SEN. SPECTER: To emphasize heavily the Santorum-Specter bill on stem cells.

Stem cells have a wonderful possibility to cure many maladies by putting cells in to replace diseased cells.

And Senator Santorum and I worked very hard to structure a bill which was satisfactory on his principles, his conscientious scruples and his religious beliefs, and one which I think offers a real path to curing a lot of maladies. And in the southeast, where there are many moderates and many independents, and really across the state and across the nation, I think there's great support for that legislation. And it was so well received that it brought him a favorable editorial in the Philadelphia Inquirer.

MR. SALANT: How do you expect Senator Santorum to make up the deficit now in the polls in Pennsylvania?

SEN. SPECTER: Senator Santorum? How do I expect Senator Santorum to make up in the polls? Well, a recent Quinnipiac poll, which I found pretty reliable in my campaigns, had him at 6 points, contrasted with -- 6 points down, contrasted with 18 points down. So I'd say to Rick, keep doing what you're doing, except a little more emphasis on stem cells.

MR. SALANT: This questioner wants to know, who's the most politically talented Democrat in Congress today?

SEN. SPECTER: Let me think. (Laughter.) Let me think. Well, you know, there's so much competition for that answer, that I can't think of the 20 extraordinarily talented Democrats who come immediately to mind as to which is the most talented.

MR. SALANT: What is the key for survival of moderate Republicans like yourself? Do you feel that you are a member of an endangered species?

SEN. SPECTER: Work hard. Raise a lot of money. Wrangle an invitation to the National Press Club -- (laughter) -- and return press calls.

MR. SALANT: One appropriations questions for you. What is the likelihood that funding levels in the Labor HHS Education bill will decrease if it's rolled into a catch-all spending bill at the end of the congressional session?

SEN. SPECTER: Unlikely, because Senator Harkin and I made the point on the Senate floor that our subcommittee has had a 15.7 percent decrease in actual dollars, including inflation, over the last two years. And we had a vote in the Senate of 73 to 27 to add \$7 billion, including a majority of Republicans. And I think there's an understanding that health and education are two major capital assets, and that they ought not to be reduced any further.

MR. SALANT: Before we ask our last question, I want to give you the National Press Club coffee mug, and you can have a nice warm beverage on the Senate floor of they're filibustering one of your judiciary nominees.

SEN. SPECTER: Before -- before I accept this, I want to be sure that this is not gold inlay, so it's within the gift limit. (Laughter.)

MR. SALANT: It is within the gift limit. And also, since we're not registered lobbyists -- they didn't pass that bill anyway.

SEN. SPECTER: It doesn't matter whether you're a registered lobbyist or not to be within the gift limit.

Thank you.

MR. SALANT: And a certificate of appreciation. (Applause.)

SEN. SPECTER: Okay.

MR. SALANT: And that's not pure silver, either.

SEN. SPECTER: Thank you. Thank you very much for all those questions. Thank you.

(Applause.)

MR. SALANT: One last question for you.



And for our final question: what -- (laughs, laughter) -- what lessons of life have you learned from your experience with cancer?

SEN. SPECTER: What lessons of life have I learned from my experience with cancer? You know, C-SPAN goes off at 2:00, so I have to be brief on this one.

I have learned to take it in stride and not to modify any of my activities to the maximum extent that I could maintain the schedule. I found it candidly easier to get out of bed than to stay in bed. And I play squash every morning, 6:30, and I maintain the squash regimen. Sometimes I would play only two or three games in place of six or seven. And I maintain the work schedule. And illustratively, when we had markups in the Judiciary Committee, they took my mind off of everything.

The Senate work was very, very demanding, so I didn't have any time to think about myself. And I recollect the final markup on the asbestos bill, and it's all written down in the transcript. And Senator Biden was busy with other things, but he came for the final session, and he came late to offer a whole series of amendments on the asbestos bill. And Senator Biden, as is his custom, did not speak briefly. (Soft laughter.) And I hope this doesn't show in Delaware, by the way. (Laughter.) And -- (laughs) -- and when he finished his long argument, I said in response to all of his questions, I said, "There are a lot of things I could say in reply and in rebuttal to what Senator Biden has argued." I said, "I know how the vote's going to come out on the amendment. I just don't know when Senator Biden's going to stop talking." And I made no replies.

But it was taking everything in stride and just staying on the job. And when all my hair fell out and I lost weight and I was pale, you could see when I'd walk into the well of the Senate, my colleagues would look at me and they would sort of squint their eyes and they'd say, "I don't know if this guy's going to make it or not." (Laughs.) And then when my hair started to come back -- and it came back at a different texture and a different color slightly -- I felt like Samson. My strength was returned, restored. But the lesson was don't quit. Just stay at your regular routine. There are some things physiologically you can't do, but there are a lot of things psychologically that you can do if you make up your mind to do it. (Applause.)

MR. SALANT: I'd like to thank everyone for coming today. I'd also like to thank National Press Club staff members Melinda Cooke, Pat Nelson, Joann Booze and Howard Rothman for organizing today's lunch, and thanks to the Eric Friedheim National Journalism Library at the National Press Club for its research. Research is available to all club members by calling (202) 662-7523.

We're adjourned.

(Sounds gavel.)

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