

The result was announced—yeas 75, nays 24, as follows:

(Rollcall Vote No. 6 Ex.)

YEAS—75

Akaka	Domenici	Lott
Allard	Ensign	Lugar
Allen	Enzi	McCain
Baucus	Feingold	McConnell
Bennett	Feinstein	Miller
Bingaman	Fitzgerald	Murkowski
Bond	Frist	Murray
Breaux	Graham	Nelson (FL)
Brownback	Gramm	Nelson (NE)
Bunning	Grassley	Nickles
Burns	Gregg	Reid
Byrd	Hagel	Roberts
Campbell	Hatch	Santorum
Cantwell	Helms	Sessions
Carnahan	Hollings	Shelby
Carper	Hutchinson	Smith (NH)
Chafee	Hutchison	Smith (OR)
Cochran	Inhofe	Snowe
Collins	Inouye	Specter
Conrad	Jeffords	Stevens
Craig	Johnson	Thomas
Crapo	Kohl	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Voivovich
Dodd	Lincoln	Warner

NAYS—24

Bayh	Harkin	Sarbanes
Biden	Kennedy	Schumer
Boxer	Kerry	Stabenow
Cleland	Leahy	Torricelli
Clinton	Levin	Wellstone
Corzine	Lieberman	Wyden
Dayton	Mikulski	
Durbin	Reed	
Edwards	Rockefeller	

NOT VOTING—1

Dorgan

The nomination was confirmed.

Mr. LOTT. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Let me make sure I understand. The vote was completed. The vote was announced, and has been dispensed with; is that correct?

The PRESIDING OFFICER. The Senator is correct and the nomination was confirmed.

Mr. LOTT. Have the yeas and nays been asked on the next vote?

Mr. BYRD. Mr. President, may we have order.

The PRESIDING OFFICER. The Senator is correct. The Senate will come to order. Those having conversations will take their seats or remove themselves from the floor.

Mr. LOTT. Mr. President, have the yeas and nays been ordered on the second vote on nominations?

The PRESIDING OFFICER. They have not.

Mr. LOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, before we proceed, I ask unanimous consent that following the time allocated immediately following the back-to-back votes, the Senate proceed to a period of morning business in order to debate

the nomination of Senator Ashcroft to be U.S. Attorney General and the time between then and 9 o'clock tonight be equally divided between the two leaders or their designees. Further, I ask unanimous consent the next vote be limited to 10 minutes in length.

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

Mr. LEAHY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. There was so much noise, I do thank the distinguished senior Senator from West Virginia for asking for order.

I did not hear the first part of the statement of my friend from Mississippi. We begin the debate on the Ashcroft nomination prior to even voting it out? Or was it in morning business?

Mr. LOTT. It was in morning business.

Mr. LEAHY. I have no objection.

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

NOMINATION OF CHRISTINE TODD WHITMAN TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY—Continued

The legislative clerk read the nomination of Christine Todd Whitman, of New Jersey, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Christine Todd Whitman, of New Jersey, to be Administrator of the Environmental Protection Agency? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Dakota (Mr. DORGAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

(Rollcall Vote No. 7 Ex.)

YEAS—99

Akaka	Conrad	Helms
Allard	Corzine	Hollings
Allen	Craig	Hutchinson
Baucus	Crapo	Hutchinson
Bayh	Daschle	Inhofe
Bennett	Dayton	Inouye
Biden	DeWine	Jeffords
Bingaman	Dodd	Johnson
Bond	Domenici	Kennedy
Boxer	Durbin	Kerry
Breaux	Edwards	Kohl
Brownback	Ensign	Kyl
Bunning	Enzi	Landrieu
Burns	Feingold	Leahy
Byrd	Feinstein	Levin
Campbell	Fitzgerald	Lieberman
Cantwell	Frist	Lincoln
Carnahan	Graham	Lott
Carper	Gramm	Lugar
Chafee	Grassley	McCain
Cleland	Gregg	McConnell
Clinton	Hagel	Mikulski
Cochran	Harkin	Miller
Collins	Hatch	Murkowski

Murray	Sarbanes	Stevens
Nelson (FL)	Schumer	Thomas
Nelson (NE)	Sessions	Thompson
Nickles	Shelby	Thurmond
Reed	Smith (NH)	Torricelli
Reid	Smith (OR)	Voivovich
Roberts	Snowe	Warner
Rockefeller	Specter	Wellstone
Santorum	Stabenow	Wyden

NOT VOTING—1

Dorgan

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action on these nominations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Democratic leader.

Mr. DASCHLE. Mr. President, I will use my leader time under the agreement and under the rule of the day. It is my understanding the time now will be designated primarily for statements related to the Ashcroft nomination. There may be other comments and other remarks to be made about other issues, but it is my intention to make some remarks with regard to the Ashcroft nomination.

NOMINATION OF JOHN ASHCROFT

Mr. DASCHLE. Mr. President, in 14 years in the Senate, I have voted on 36 Cabinet nominations: 24 by Republican Presidents and 12 by a Democratic President. Of all of them, this one is by far the most difficult. I have struggled with this decision, as have most of us.

I have spent many hours thinking about what I have heard and read. I have reviewed the words of our founders, and I have searched my memory and my conscience.

In his inaugural address, President Bush pledged to "work to build a single nation of justice and opportunity" for all Americans. I think most Americans share that desire.

That is why this vote is so important.

John Ashcroft is a man of considerable accomplishment. He is a graduate of Yale and the University of Chicago Law School, a former State auditor, State attorney general, and a former Governor.

Beyond that, he is a former Member of this Senate. Many of us have worked with him for a number of years.

The question facing us, however, is not: Does John Ashcroft have an impressive resume? Clearly, he does.

The question facing us is: Is John Ashcroft the right person to lead the United States Department of Justice?

The Attorney General is more than "the President's lawyer." He is the guardian of the constitutional rights of all Americans—the protector of our fundamental freedoms.

The Attorney General of the United States has enormous power. He advises the President and every other Cabinet member—on whether their actions are

constitutional. He has enormous authority to decide which laws are enforced, and to what extent.

The Attorney General decides how—and whether—to intervene in court cases. He is responsible for screening and recommending nominees for the Federal bench, including the Supreme Court.

Because of his enormous authority and discretion, the Attorney General—more than any other Cabinet member—has the power to protect, or erode, decades of progress in civil rights in America.

I believe the President has the right to choose advisers with whom he is philosophically comfortable.

That is why—out of 36 Cabinet nominations, I voted so far on 35, “yes.” The only nominee I voted against was John Tower. I think we are all aware of the problems with that nomination.

My respect for the President’s right to choose his own Cabinet is also a good part of the reason I have voted to confirm every other nominee this President has sent us.

At the same time, the Senate has a right—and a responsibility to evaluate the President’s nominees; offer advice; and either grant—or withhold—its consent.

How do we decide whether to confirm—or reject—a Cabinet nominee? Our Founders, unfortunately, gave us no constitutional guidelines. The “appointments clause” of the Constitution says only that the Senate has the power of advice and consent. It does not specify how we should decide.

During his 6 years in this body, Senator Ashcroft had his own standard. He made it clear he believes Presidential appointees can—and should—be rejected for ideological reasons. That is the standard he used in blocking Bill Lann Lee’s nomination to head the Justice Department’s Civil Rights Division.

As Senator Ashcroft put it at the time: Mr. Lee “obviously (has) a strong capacity to be an advocate. But his pursuit of objectives important to him limit his capacity to make a balanced judgment.”

Some might say it is fair to hold Senator Ashcroft to that same standard. And they might be right. But I choose a different standard.

In Federalist No. 76, Alexander Hamilton said there must be “special and strong reasons” for Senators to reject a Presidential nominee.

Rarely has that standard been met. Out of more than 900 Cabinet nominations that have reached this floor, the Senate has rejected only five.

Only one nominee for Attorney General has ever been rejected on the Senate floor; and that was 76 years ago.

Nearly 30 years ago, Archibald Cox was the special Watergate prosecutor—until President Nixon had him fired for doing his job too well. Before that, he was Solicitor General of the United States.

He has said that the best way to judge what sort of Attorney General a

person will make is not by listening to the nominee’s promises about the future. It is by examining his past.

In his words:

Respect for the law—the fairness with which the law is administered—is the foundation of a free society. The individual who becomes Attorney General can do more by his past record . . . than by his conduct in office . . . to strengthen or erode confidence in the fairness, impartiality, integrity and freedom-from-taint-of-personal-influence, in the administration of law.

Is John Ashcroft the right person to lead the Justice Department? Or are there “special and strong” reasons that make his appointment as Attorney General unwise? The answer is not in his heart. It is in his long public record.

Senator Ashcroft has been a public official for nearly a quarter of a century.

Throughout his career, he has been a fierce advocate for his beliefs. Those beliefs—on civil rights, on women’s rights, workers’ rights, separation of church and State, and many other issues—put him far to the right of most Americans.

Senator Ashcroft and his supporters argue that his past activism does not matter. Legislators write laws, they say. Attorneys general simply enforce the laws that are on the books.

It is an interesting distinction. But in 8 years as Missouri’s attorney general, it is not a distinction John Ashcroft made.

For 8 years as Missouri’s attorney general and 8 years after that as Governor, John Ashcroft prevented efforts to end segregation of public schools in St. Louis and 23 surrounding communities.

The Federal court system found the State responsible for the segregation, and ordered it to correct its sad history. John Ashcroft fought nearly every one of those orders. Three times in 4 years, he appealed all the way to the U.S. Supreme Court. Each time, he lost.

When St. Louis and the surrounding communities agreed on their own to a voluntary desegregation plan, Attorney General Ashcroft used the power of his office to block it. His obstruction provoked one judge in the case to threaten him with contempt. Today, he insists that his opposition was just a matter of guarding the public till.

But in 1984, when he ran for Governor, John Ashcroft denounced the voluntary desegregation plan as “an outrage against human decency.”

According to the St. Louis Post Dispatch, he and his opponent in the 1984 Republican Gubernatorial primary competed “to see who could denounce desegregation most harshly . . . exploiting and encouraging the worst racist sentiments that exist in the state.”

His continued defiance as Governor caused another judge in the case—a Republican appointed by President Reagan—to conclude that “the State is ignoring the real objectives of this case—a better education for city stu-

dents—to personally embark on a litigious pursuit of righteousness.”

John Ashcroft’s 16-year fight to prevent the voluntary desegregation cost Missouri taxpayers millions of dollars. Worse than that, it cost many children their right to a decent education.

So much for the distinction between writing laws, and merely enforcing them.

In addition, Attorney General Ashcroft vigorously opposed the Equal Rights Amendment.

When the National Organization for Women urged a boycott of Missouri and other States for failing to ratify the ERA, Attorney General Ashcroft ignored settled legal precedent and stretched antitrust laws to sue the organization. He used taxpayer dollars to take the case all the way to the U.S. Supreme Court. The Court ruled that NOW members were simply exercising their fundamental, constitutional right to free speech.

Governor Ashcroft also twice vetoed voting-rights bills that would have allowed trained volunteers to register voters in the city of St. Louis—just as they did in neighboring suburbs, where there were more white and Republican voters.

Earlier this month, in his opening remarks before the Judiciary Committee, Senator Ashcroft described himself as “a man of common-sense conservative beliefs.” The truth is, there is nothing common about his conservatism.

Here in this Senate, he demonstrated what the New York Times called “a radical propensity for offering constitutional amendments that would bring that document into alignment with his religious views.”

In more than 200 years, our Constitution has been amended only 27 times—including the 10 amendments of the Bill of Rights. In his one term in this Senate, John Ashcroft introduced or cosponsored seven constitutional amendments. One of his amendments would have radically rewritten the rules to make it easier to amend the Constitution. Another would have made abortion a crime, even in cases of rape and incest, and even when continuing a pregnancy would result in serious and permanent injury to a woman. It also would have banned most common forms of birth control.

By his own account, Senator Ashcroft was “probably more critical than any other individual in the Senate” of Federal judges. He has vilified judges with whom he disagrees as “renegade judges, a robed and contemptuous elite.”

He frequently opposed qualified Presidential nominees. He opposed both Dr. Henry Foster and Dr. David Satcher for Surgeon General because they supported President Clinton’s position on a woman’s right to choose. In Dr. Foster’s case, he prevented the nomination from ever reaching the Senate floor.

In 1998, when James Hormel was nominated to serve as U.S. Ambassador to Luxembourg, Senator Ashcroft said

he opposed the nomination because Mr. Hormel "has been a leader in promoting a lifestyle."

While Senator Ashcroft never met with Mr. Hormel to discuss his qualifications, he now asserts vaguely that it was the "totality" of Mr. Hormel's record that prompted his opposition.

Then-Senator Al D'Amato—a member of Senator Ashcroft's own party—saw a different reason.

In a 1998 letter to Senator LOTT, Senator D'Amato wrote: "I fear Mr. Hormel's nomination is being held up for one reason and one reason only: the fact that he is gay."

Senator Ashcroft blocked Bill Lann Lee's nomination to head the Justice Department's Civil Rights Division because of Mr. Lee's views on affirmative action.

Just as Senator Ashcroft assures us that he will enforce laws with which he disagrees, Mr. Lee assured members of the Judiciary Committee that he would enforce Supreme Court rulings restricting affirmative action.

Senator Ashcroft refused to accept that assurance. Perhaps the most troubling for me personally is Senator Ashcroft's treatment of Judge Ronnie White, the first nominee to the Federal district court to be rejected on the Senate floor in 50 years.

Judge White grew up in a poor family and worked his way through college and law school. He is a former prosecutor, State legislator, circuit judge, and member of the Missouri State appeals court. He is the first African American ever appointed to the Missouri Supreme Court. In 1997, he was nominated to be a U.S. district court judge. For 2 years, Senator Ashcroft blocked Judge White's nomination from coming to the Senate floor. The wait lasted so long that the seat for which Judge White was nominated was officially declared a judicial emergency.

When Judge White's nomination finally did come to the floor, Senator Ashcroft misled the Senate and deliberately distorted his record. For me, that day was one of the saddest in all of my years in the Senate.

John Ashcroft smeared Judge White as "pro-criminal and activist," a man with a "tremendous bent toward criminal activity." Nothing could be further from the truth.

Stuart Taylor who writes for the conservative National Journal magazine writes that John Ashcroft's treatment of Judge White alone makes him "unfit to be Attorney General."

"The reason," Taylor writes, "is (that) during an important debate on a sensitive matter, then-Senator Ashcroft abused the power of his office by descending to demagoguery, dishonesty and character assassination."

I do not believe John Ashcroft's treatment of Judge White was motivated by racism. I believe it was plain political opportunism. In the heat of a tough reelection battle, John Ashcroft was willing to try to distort the record

and destroy the reputation of a good man. To this day, Senator Ashcroft continues to misrepresent Judge White's record and insist that he himself did nothing wrong.

The job of Attorney General demands fairness, judgment, tolerance, and respect for opposing views. It demands commitment to equal rights for all Americans and a sensitivity to injustice. John Ashcroft has shown a pattern of insensitivity through his public career. Even now he refuses to disavow Southern Partisan Quarterly Review, a magazine that has defended slavery. He refuses to distance himself from Bob Jones University, a cauldron of intolerance that has described Mormons and Catholics as "cults which call themselves Christian."

Senator Ashcroft has said there are only "two things you find in the middle of the road: a moderate and a dead skunk." I think he is wrong. The other thing you find in the middle of the road is the vast majority of the American people.

An article in the December 23 New York Times quoted an adviser to President Bush as saying:

Attorney General was the one area where the right felt very strongly, a la Ed Meese. This is a message appointment.

The adviser described it as a signal to the conservatives that "I hear your concerns."

What message does making John Ashcroft Attorney General send to the rest of America? What message does it send to women or to minorities? What message does it send to judges and others who may not see the world exactly as John Ashcroft sees it? What message does making John Ashcroft Attorney General send to Americans who fear their votes don't count and aren't counted?

John Ashcroft has said:

There are voices in the Republican Party today who preach pragmatism, who champion conciliation, who counsel compromise. I stand here today to reject those deceptions. If ever there was a time to unfurl the banner of unabashed conservatism, it is now.

I say, if ever there was a time to unfurl the banner of conciliation, it is now. Senator Ashcroft is a man of intellect and passionate beliefs. I am sure there are many ways he can serve the causes in which he believes so fiercely, but I do not believe it is fair or reasonable for us to expect him to fully enforce laws he finds unwise, unconstitutional, and, in some cases, morally repugnant.

How can John Ashcroft enforce laws he has spent his entire public career fighting? What would that say about him if he did?

I have turned this over in my head a hundred times. Every time the answer is sadly the same: I do not believe John Ashcroft is the right person to lead the U.S. Department of Justice. For that reason, I will vote no on this nomination.

In his inaugural address, President Bush spoke of the "grand and enduring

ideals" that unite Americans across generations. "The grandest of all these ideals," he said, "is an unfolding American promise that everyone belongs, that everyone deserves a chance, that no insignificant person was ever born."

I applaud the President's words, but I cannot reconcile them with this nomination. John Ashcroft spent 6 years in the Senate mocking bipartisanship. To require that we confirm him now as proof of our bipartisanship and good faith is asking too much.

I thank Senators LEAHY and HATCH and members of the staff of the Judiciary Committee for conducting a full and fair hearing. I thank the many witnesses and people all across our Nation who made their voices heard on this critical nomination.

In closing, regardless of what we decide, I hope we will all remember what this debate is about. It is not about partisan politics. It is not about whether we are willing to work with this President. It is about justice.

Nearly a century ago, another Republican, President Theodore Roosevelt, heard rumors that the district attorneys and marshals in a particular State would be ordered to replace their deputies for political reasons. Immediately President Roosevelt sent a letter to his Attorney General, a man named William Moody, demanding that the plan be stopped. As he put it:

Of all the officers of the Government, those of the Department of Justice should be kept free from any suspicion of improper action on partisan or factional grounds.

He went on to say:

I am particularly anxious that the federal courts . . . should win regard and respect for the people by an exhibition of scrupulous nonpartisanship, so that there shall be gradually a growth—even though a slow growth—in the knowledge that the Federal Court and the Federal Department of Justice insist on meting out even-handed justice to all.

That was in 1904.

Over the course of the 20th century, we made great strides in assuring that America's courts and Justice Department are indeed committed to even-handed justice for all. Now, as we begin the 21st century, is not the time to turn the clock back.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. REID. Will the Senator withhold for a unanimous consent request?

Mr. INHOFE. Yes.

Mr. REID. Mr. President, we are in a time for morning business. In an effort to have Senators know what is next, I ask unanimous consent that Senator INHOFE be recognized next for up to 15 minutes or whatever time.

Mr. INHOFE. Maybe a little bit longer.

Mr. REID. Senator INHOFE for 25 minutes. Following that, the Senator from Michigan, Ms. STABENOW, be recognized for 15 minutes; following that, Senator BUNNING be recognized for up to a half hour; following that, Senator HARKIN

be recognized; and following that, Senator MURRAY from Washington be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oklahoma.

Mr. REID. Mr. President, I was just advised that I failed to mention Senator JACK REED in the mix, and we want him to follow Senator BUNNING in the same order, if there is a Republican who needs to speak in between Senator REED and Senator HARKIN.

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

Mr. INHOFE. I was listening very carefully during the entire presentation of our very illustrious minority leader, immediate past majority leader. I had a hard time figuring out who he was talking about.

I am 66 years old, and I have been involved in virtually every kind of political job. I have been involved for 30 years in the private sector. I don't believe I can stand here and think of one person I have ever met in my entire life who is a more honorable person, who is totally incapable of telling a lie, than John Ashcroft.

I have watched him take courageous stands for things he believes in, yes, but he always tells it exactly the way he believes it. That is not the question here. We are talking about a law enforcement officer. We are talking about the chief, the guy at the top.

When I have heard people say that he will not uphold the rule of law, I am reminiscent of the last 8 years, certainly Janet Reno and the Clinton administration. We have been waiting for her to uphold the law, to prosecute people, and not to let people off just because they may be friends of the administration.

I have watched her refuse to go after campaign fundraising abuses, refuse to appoint an independent counsel where it is required by law, reject advice by Louis Freeh and Charles LaBella, refuse to prosecute Gore's White House phone calls, questionable plea bargains with John Huang, Charlie Trie. I have watched the theft of nuclear secrets, watched the botching of the investigation of Wen Ho Lee. I have watched this Attorney General refuse to vigorously enforce gun laws. Gun prosecutions went down under the Reno administration.

We could think of a lot of examples. One that comes to mind, I happen to be in a Bible study with a man named Chuck Colson, who occasionally comes by. I got to know him quite well. I think most Americans know who Chuck Colson is. Chuck Colson violated the law back during the Watergate era. He disclosed confidential information and leaked it to the media. As a result of that, he was found guilty and he served time, was prosecuted and went to prison in a Federal penitentiary.

Ken Bacon did exactly the same thing. I have stood on this floor on three different occasions and talked for about 40 minutes just on this par-

ticular case, that during the Linda Tripp case, Ken Bacon did in fact release confidential information to the media. And as a result of that, this person was taken out of consideration in terms of credibility.

There is no reason in the world. The law hasn't changed. If anything, it is stronger than it was at that time. But there is no reason in the world that if Chuck Colson was prosecuted 25 years ago and spent time in the Federal penitentiary, Ken Bacon should not have been prosecuted and sent to the penitentiary exactly as Chuck Colson was.

There is an accusation that John Ashcroft would not uphold the law. I am not saying he should be just a little bit better than our previous Attorney General, Janet Reno, has been. He has to be much, much better. But there is certainly no comparison.

As far as Ronnie White is concerned, I think it is important that we not try to paint John Ashcroft as being any kind of racist. During the time he was in the positions that he held in the State of Missouri, he supported 26 of the 27 black judges. It is my understanding that he supported more black judges during his administration than anyone had before him.

As far as Ronnie White is concerned, I listened to him testify before the committee, and I was wondering why certain things were not said that should have been said, because after going back and reading the case—I believe the name is James Johnson—where this individual had gone out and had violently murdered a sheriff, in the same night a deputy sheriff, in the same night another deputy sheriff, and then, if that weren't enough, went to a person's home where they were having a Christmas party and in the process of praying brutally murdering the wife of one of the sheriffs, White was the lone dissenter in the death penalty case involving that man who brutally murdered four people.

On the same day that the nomination came to the floor, I heard this story. I voted against Ronnie White mostly because of that case.

But I have to say this. I don't think many of us here who were not on the Judiciary Committee knew that Ronnie White was black. This is the thing that shocked everyone. One of the Senators said this: The first time I realized that he was black is when someone took the floor and said this was a result of racism. I know this isn't true.

There is one thing I want to clarify. I think it is important during the next few hours that each one of these allegations be responded to because there is an assumption out there that is true. I am going to respond to one in kind of an unusual way about James Hormel.

I almost 3 years ago on the floor of this Senate made a speech. It was on May 22, 1998. I heard some comments by one of my favorites in the Senate. I have to say this. When Patrick Moynihan was in the Senate, I always referred to him—he was my nextdoor

neighbor—as my favorite liberal. Since he is gone, I think I will refer to PAUL WELLSTONE as my favorite liberal. He and I have found that we don't agree on too many things, but he made some comments concerning my opposition to James Hormel.

It has been stated several times on this Senate floor, and I think in the hearings also, that John Ashcroft was the one responsible for James Hormel not getting legitimately confirmed. I am here to say today that it was not John Ashcroft; it was I.

I am going to read the RECORD where I thanked the Senator from Minnesota, Mr. WELLSTONE, for some comments he made, and I also said what we might do since we are both sharing time was that I would speak first and he could respond afterwards.

Some statements were made on the floor yesterday concerning the hold I have on James Hormel to be Ambassador to Luxembourg. It is true I have a hold on James Hormel. This is I, myself, speaking almost 3 years ago. It was not John Ashcroft, it was I.

There very well may be a vote on this individual, but I will oppose his nomination, and I want to stand and tell you why.

Statements were made on the floor by the senior Senator from Minnesota, Mr. WELLSTONE. I will read excerpts from it.

Now, one of my colleagues, and I think it is extremely unfortunate, one of my colleagues has compared Mr. Hormel, a highly qualified public servant and nominee, to Mr. David Duke, who, among other credentials, is a former grand wizard of the Ku Klux Klan.

He goes on to say:

I want to say to my colleagues, that given this kind of statement made publicly by a United States Senator, this kind of character assassination, it is more important now than ever that this man, Mr. Hormel, be voted on.

In defense, really, of the senior Senator from Minnesota, I say that if I had said what he thought I said, he was certainly entitled and justified to make the statements that were made. But I think it is important to know that I did not make those statements in the context that he believed I made them.

Let me, first of all, say that there probably are not two Members of the U.S. Senate who are further apart philosophically than the senior Senator from Minnesota and myself, I would probably, in my own mind, believe him to be an extreme left-wing radical liberal and he believes me to be an extreme right-wing radical conservative. And I think maybe we are both right.

But one thing I respect about Senator WELLSTONE is he is not a hypocrite. He is the same thing everywhere. He is the same everywhere. He honestly believes that government should have a more expanded role. He is a liberal. I am a conservative.

Having said that, let me go back and talk a little bit about what he had actually said. I made the statement when I was running for office—and I have been consistent with that—that if I get to the Senate where I have the opportunity to participate in the confirmation process, I will work to keep the nominee from being confirmed if that

individual has his own personal agenda and has made statements publicly to the effect that he believes strongly in his personal agenda and will use that office to advance the personal agenda more than he will the American agenda.

In the case of James Hormel, a gay activist, he made statements in the past, which I will read in a moment, that have led me to believe that his personal agenda is above the agenda of the United States. As I said, the same thing would be true if it were David Duke. If he were up for nomination, I would oppose him because I believe he would have his agenda above the agenda of America. Maybe with Patricia Ireland it would be the same thing, Ralph Reed, who started the Christian Coalition. Maybe if he were up for nomination and he made the statement that he would use that nomination, whether it be ambassadorial or anything else, to advance his own agenda, I would oppose it. Yet I agree with his agenda.

I would also like to quote someone who I think is familiar to all of us and whom we hold here in very high esteem, Faith Whittlesey, former U.S. Ambassador to Switzerland. She was talking about this trend of trying to put people with their own personal agendas in the various embassies. She said:

Ambassadorial appointments should not be used for the purposes of social engineering in the countries to which the ambassadors are assigned.

One of the many statements I have made previously about James Hormel that led me to the conclusion he wanted to use his position to advance the agenda was the following statement he made June 16, 1996. He said:

I specifically asked to be Ambassador to Norway because, at the time, they were about to pass legislation that would acknowledge same-sex relationships, and they had indicated their reception, their receptivity, to gay men and lesbians.

I believe he was implying and there is no question in anyone's mind that he was saying he was going to use that job to advance his own agenda. I think it is important that we understand that.

I would like to repeat what I just said. It was 3 years ago.

As we listen to the confirmation hearings and hearing the speeches on the floor, whoever it was who said that John Ashcroft was the one who blocked and attempted to block the confirmation of James Hormel, they are wrong. I am the one. It was not he.

I think there is a more serious thing here. I don't think it is the issue so much of James Hormel, or of abortion, or of discrimination. We are always shocked when we hear about repercussions in places such as Sudan and China. People are enslaved for their religious belief.

I look at this and I think John Ashcroft is guilty of one thing. He is guilty of having an inseparable walk with the Lord. And he has said that several times.

There is someone I dearly love by the name of Bill Bright who wrote the book "Red Sky in the Morning." I think it should be required reading for all Americans. Let me read a couple of things from it.

George Washington, "Father of Our Country," 1st President of the U.S.: "Bless O Lord the whole race of mankind, and let the world be filled with the knowledge of Thee and Thy Son, Jesus Christ."

"It is impossible to rightly govern the world without God and the Bible."

Patrick Henry, American Revolutionary Leader: "It cannot be emphasized too strongly or too often that this great nation was founded, not be religionists, but by Christians; not on religions, but on the Gospel of Jesus Christ."

Thomas Jefferson, 3rd President of the United States: "Indeed I tremble for my country when I reflect that God is just, and that His justice cannot sleep forever."

It goes on and on. You can read all of the founding fathers of this country.

What would John Adams, who said we have no government armed with power capable of contending with human passions, unbridled mortality, and religion—what would they say if they knew right now that a man from Missouri, after very carefully listening to all the comments, all the charges have been made about John Ashcroft?

I believe this is a case of religious persecution.

I have to conclude by saying what I started out by saying; that is, of all the people I have known and worked with in my entire life, I know no one of greater character or more highly moral than John Ashcroft.

The PRESIDING OFFICER (Mr. CHAFFEE). Under the previous order, the Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. The Senator has that right.

Ms. STABENOW. I thank the Chair. (The remarks of Ms. STABENOW pertaining to the introduction of S. 215 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 30 minutes.

Mr. BUNNING. Mr. President, before I am recognized under the time allotted under the previous order, I ask unanimous consent that notwithstanding the previous order, Senator ALLARD be recognized for up to 15 minutes following the remarks of Senator REED of Rhode Island and that Senator THOMAS be recognized for up to 15 minutes following the remarks of Senator HARKIN.

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

Mr. BUNNING. Mr. President, I rise in support of the nomination of John Ashcroft to be our next U.S. Attorney General. For weeks now, the media, Members of this body, and the liberal left have conducted nothing more than a smear campaign against John Ashcroft.

For the past 2 years in the 106th Congress, I served with John Ashcroft as a deputy whip, and I came to know him very well.

He is one of the most intelligent, fair, and compassionate men I have ever known. He is thoughtful and full of integrity and humility. He is going to make a fine Attorney General.

What is being done to John Ashcroft and his reputation is wrong and despicable. Today I want to help set things straight about John Ashcroft, and to separate the facts from the lies and distortions that are being carelessly tossed around about him and his record.

First of all, John Ashcroft is one of the most qualified nominees ever to be named to be Attorney General. He was twice elected to be Missouri's attorney general. He was twice elected to be Missouri's Governor. And the people of Missouri elected him in 1994 to be one of their U.S. Senators.

None of our previous Attorneys General has had such broad popular support from the people who knew them best.

In each of these posts, John Ashcroft served with distinction, being honored by his peers with leadership positions.

As Missouri's attorney general, John Ashcroft was elected president of the National Association of Attorneys General. In other words, the other 49 elected him to lead their group.

As Missouri's Governor, he was elected chairman of the National Governors' Association. The same thing: 49 others elected him to lead the Governors' organization.

Now many of the liberal special interests groups are trying to tar and feather him by attacking his long and distinguished record of public service.

But facts are stubborn things, and the facts prove them wrong.

The liberals claim that John's views are out of the mainstream. Some are even resorting to name-calling and calling him a racist and an extremist.

It is hard to see how he could be such a demon and still be five times elected to statewide office.

If John Ashcroft's execution of these earlier public trusts was as far "out of the mainstream" as his critics now claim, the people of Missouri would have ridden him out of town on a rail. His peers surely would not have honored him for his achievements.

The fact of the matter is that John Ashcroft's views are in line with those of most Missourians and most Americans.

If his ideas and beliefs are so far out of the mainstream, are John Ashcroft's critics really saying that the majority of citizens in Missouri who elected him to these posts are extremists? Are his critics ready to make this claim? I doubt it.

The rhetoric we have heard from these critics serves nothing more than to fatten up the fundraising of the left and to scare people into voting for liberals by continuing to try and label conservatives as mean-spirited.

We saw it with Robert Bork. We saw it with Clarence Thomas. Now we are seeing it with John Ashcroft.

It is just hot air, and I believe that the American people are going to reject these tactics and the politics of personal destruction.

Another one of the lies that is being told about John Ashcroft is that he is a racist. His critics point to his opposition to Missouri Judge Ronnie White for a position as a Federal judge as proof.

But, again, let's ignore the rhetoric and look at the facts. When he was Governor, John Ashcroft appointed the first black judge to one of Missouri's appellate courts. As a Senator, John Ashcroft voted to confirm 26 black judges out of 28 nominated to the Federal bench.

He led the fight to save Lincoln University which was founded by black soldiers. His wife, Janet, even teaches as a law professor at Howard University, one of our leading historically black colleges.

For his critics to now turn around and call John a racist is absurd and nothing more than dirty politics. When they're not calling John Ashcroft a racist, the liberals sneer that he can't be trusted to enforce the law. They don't have any real proof, just a lot of strong words. They say that John isn't fair-minded enough to enforce laws he might not agree with.

But John did a fine job enforcing Missouri's laws when he was attorney general there. And I believe that after he lays his hand on the Bible and swears to uphold the Constitution as our 68th Attorney General that he will do a fine job for our Nation.

Eight years ago when Janet Reno was nominated to be Attorney General, no one made the ridiculous charge that she wouldn't uphold laws she might not agree with.

No one can or should make the same claim about John Ashcroft.

John Ashcroft will enforce the law. He is a man of his word. He has an impeccable record of law enforcement. I know and I fully trust him to do the job which he will be sworn to do.

Let's face it. The real problem the critics on the left have is John Ashcroft's stance on the issues and his conservative philosophy. But they know they can't use this as a real reason to defeat his nomination, so they resort to calling him names and throwing mud at him, hoping that some will stick. They drag out the process as long as possible and dig around in the dirt for any scraps they can find.

They smear his good name. They make up bogus charges. They even sink as low as to question his religious beliefs. It is very sad, but it won't work.

The job of Attorney General is not to advocate policy. It is to enforce our laws. The question we have to ask about John Ashcroft is, will he enforce those laws? His record says he will. He has repeatedly said he will. There is no evidence to say otherwise, just false charges and name-calling.

John Ashcroft is going to be confirmed, and I believe his critics and the tactics they take will backfire.

Mr. President, I urge my colleagues to vote for John Ashcroft. We could not ask for a more qualified and fair-minded person for the job. John will make us all very proud.

I yield the floor.

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

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

Mr. REID. Mr. President, the Senator from Rhode Island came to the floor quickly. The Senator from Oklahoma has about a 4-minute statement he would like to make on Christine Todd Whitman. Would the Senator from Rhode Island allow him to proceed?

Mr. REED. Absolutely.

The PRESIDING OFFICER. The Senator from Oklahoma.

NOMINATION OF CHRISTINE TODD WHITMAN

Mr. INHOFE. Mr. President, I thank the assistant minority leader.

Certainly in having the discussion on the floor about Christine Todd Whitman and her nomination to be the director of the EPA—I have served on the Environment and Public Works Committee since I have been in the Senate—I can say what a refreshing change it is going to be. I have watched her record and things for which she stands. She is someone who really believes in a commonsense approach to solving problems. She has experience as Governor and has the desire for cost-effective programs and environmental beliefs. I am very pleased that she is going to take on this job at a time when we really have serious problems.

For the last 8 years, we have not had a reliance upon science in the promulgation of our rules and regulations. We haven't had the cost-benefit analyses that I think most people realize we should have. I think there is a lot of work to be done.

I was very upset when we ended up with the so-called "midnight regulations." I applaud President Bush for issuing a 60-day review of all of the Clinton administration's midnight regulations. For example, one of the regulations was the final rule, the sulfur diesel rule which spent 2 weeks at the OMB instead of the customary 90 days. This is something that will have a direct effect on the cost of fuel, something we were having hearings on, and we didn't need to rush into that. Or some of the regulations having to do with putting 60 million acres out of reach so that they cannot be developed or have roads built on them.

Right now, we have a crisis in this country. Some States have a greater

crisis than we have. But certainly it is a crisis in terms of the price of fuel and the availability of fuel. By putting this 60 million acres in the category that it is in, it would keep us from developing about 21 trillion cubic feet of natural gas. That would be enough to run this country for a period of 1 year.

The EPA doesn't operate in a vacuum. Some of the things they have and the rules they promulgate affect other departments. I happen to be chairman of the Senate Armed Services Subcommittee on Readiness. And I can tell you right now that some of the EPA regulations on our training grounds have caused us to be less than adequate in our training activities. In fact, we have testimony from one of our commander trainers that they spend more money on compliance of EPA rules and regulations than they do actually on training.

In terms of the energy supply, we can't just act as though all of these new rules and regulations affecting our refiners don't have an effect on cost. They do have an effect on cost of gasoline that we burn in our cars. It is something that will have to be dealt with. Right now, we are at 100 percent of refining capacity in this country. Any new rules and regulations that would cause any of these refiners to drop down directly impacts and increases the cost of fuel.

If I could single out one thing that I am really thankful for in Christine Todd Whitman taking on this position, it is that she has been on the receiving end of abusive regulations. She has been the Governor of a State that had to comply with things without adequate time, without the resources, and I think it is time we had someone in that position who has been on the receiving end of these regulations. I am sure Christine Todd Whitman will be one of the best directors we have ever had for the EPA.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

NOMINATION OF JOHN ASHCROFT

Mr. REED. Mr. President, after listening to the testimony given before the United States Senate Judiciary Committee and after much reflection, I decided to oppose the nomination of John Ashcroft as Attorney General of the United States.

This has been a difficult decision; one that I take very seriously. Just as the Constitution gives the President the unfettered right to submit nominees to the Senate, the Constitution requires the Senate to give "Advice and Consent" on such nominations.

The Senate does not name a President's Cabinet, but it also does not merely rubber stamp his choices. Senatorial consent must rest on a careful review of a nominee's record and a thoughtful analysis of a nominee's