

SENATE—Thursday, February 1, 2001

The Senate met at 9 a.m., in executive session, and was called to order by the Honorable MICHAEL D. CRAPO, a Senator from the State of Idaho.

PRAYER

The Chaplain, Dr. Lloyd John Gilgivy, offered the following prayer:

Almighty God, this is the day You have made, we will seek to serve You in it; this is Your Chamber, we want to honor You in it; this is Your Senate, we desire to maintain the unity of Your Spirit and the bond of peace through it. Give us an acute sense of the power of the words we speak. Grant the Senators the ability to disagree without being disagreeable, to declare truth without depreciation of each other's character, to state convictions without demeaning disdain, to refrain from egregiousness in an effort to explain, and to judge merits without being judgmental.

Dear Father, this is a crucial day for the Senate. Remind the Senators on both sides of the aisle that what goes around does come around. Bless this Senate. Keep the Senators close to You and to each other so that when the vote this afternoon is over, we will not have lost the respect that galvanizes and the reconciliation that heals. We simply want to live this day knowing You will be the judge of what is said and how it is said. We commit ourselves to civility and care as men and women who are accountable to You. You are our Judge and Redeemer. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MICHAEL D. CRAPO led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 1, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL D. CRAPO, a Senator from the State of Idaho, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. CRAPO thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

NOMINATION OF JOHN ASHCROFT TO BE ATTORNEY GENERAL

The ACTING PRESIDENT pro tempore. The Senate will resume consideration of the Ashcroft nomination, which the clerk will report.

The legislative clerk read the nomination of John Ashcroft, of Missouri, to be Attorney General.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 9:15 shall be under the control of the majority party.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the time until 9:30 shall be under the control of the Senator from Iowa.

Mr. HARKIN. Mr. President, after reviewing his testimony before the Judiciary Committee and studying his long public record, I cannot support the nomination of John Ashcroft to be United States Attorney General.

This is not an easy decision for any of us. We have all served in this body with former Senator Ashcroft. I cannot say that I was a personal friend of his. We never associated socially or anything like that, but I did have dealings with Senator Ashcroft, as we all do around here, on matters of legislative importance.

Quite frankly, in my dealings with him, I always found him to be courteous to me and my staff. I found that we could work together even though we did not have the same views, perhaps, on certain pieces of legislation. I found that we worked together in the spirit of compromise here on the Senate floor.

When John Ashcroft's name was first announced as the nominee for Attorney General, I, of course, thought to myself, he certainly would not have been my first choice, but then again George Bush was not my first choice for Presi-

dent. But I recognized that Presidents should have fairly large leeway to have the people around them they want.

But, again, we also have an obligation, a constitutional obligation, in the advise and consent clause in the U.S. Constitution to look over those individuals, to give careful scrutiny to those individuals, to make sure that we, as a body collectively—at least by majority vote—are able to believe that nominated officials will have the honesty, the character, and wherewithal to carry out their duties and to serve all of the American people well.

After long and difficult deliberation, I have come to the conclusion that there are significant questions raised on John Ashcroft's fitness to be our Nation's chief law enforcement officer.

First and foremost, I have serious concerns about the misleading statements Mr. Ashcroft made during the confirmation hearings.

As we all know, Senator Ashcroft strongly opposed the nomination of Mr. Jim Hormel as Ambassador to Luxembourg. Jim Hormel, a distinguished lawyer, successful businessman, educator, philanthropist, a scion of our famous midwestern families. We all have heard of Hormel Meats. We probably had Hormel bacon in the morning, things such as that. They are a fine family who came from Iowa and Minnesota. Mr. Hormel, of course, has taken up his residency, as of late, in San Francisco. I don't know how many years ago, but some years ago. Prior to that, he had been Dean of Students at the University of Chicago Law School. I have known Mr. Hormel for many years. I consider him a friend. As I said, not only is he a great lawyer, businessman, educator, and philanthropist, but he is also an outstanding family man.

In 1998, Mr. Ashcroft said he opposed Mr. Hormel's nomination because he had—and I quote John Ashcroft's own words—"actively supported the gay lifestyle."

Further, Mr. Ashcroft said that a person's sexual conduct—and I quote again Mr. Ashcroft's own words—"is within what could be considered and what is eligible for consideration" for ambassadorial nominees.

However, in his testimony just 2 weeks ago, Mr. Ashcroft denied his opposition had anything to do with Jim Hormel's sexual orientation. He said he opposed him because, again, he had known Jim Hormel for a long time, going back to the days when Hormel had—and I quote again John Ashcroft—"recruited him" for law school.

Mr. Ashcroft said he based his opposition to Jim Hormel being Ambassador