

votes that are now scheduled at 2:45 tomorrow afternoon. We expect to meet later on today, and as we get an agreement of how we can proceed, certainly we will notify our Members to that effect.

I do want to say also, I firmly believe that Senators should have every opportunity to question the nominees to the President's Cabinet, and to make statements on the floor if they choose so there can be a full reading of the record and a discussion of their record. But I also think it is important that we do come to a conclusion and reach a vote.

There has been good cooperation on both sides of the aisle, and from committees, over the past month when they were chaired by Democrats and last week as it continued under Republican leadership. We will have completed all the nominations but one by tomorrow afternoon. I hope we can move to that nomination expeditiously also.

Again, I am sure we will have a full debate, but I think after a reasonable period of time we should come to a vote so the Justice Department can have an Attorney General in place and can begin to do the very important job that he will have to carry forward.

I thank my colleagues for their attention and look forward to the debate this week and working with the leadership on the schedule.

Mr. LEAHY. Mr. President, if the distinguished Senator will yield for a comment?

Mr. LOTT. I will be glad to yield.

Mr. LEAHY. On the nomination of Senator Ashcroft to be Attorney General, I understand the White House actually sent the nomination up this morning. But even though they had not sent it until today, to try to accommodate the new President, we held hearings prior to the inauguration of the new President. I think we had an equal number of witnesses on both sides. There may have been one more for Senator Ashcroft than against, but anyway, it was completed during that time. Answers that were submitted came in this weekend.

I know the distinguished chairman of the committee, Senator HATCH, is out of the country, but I am perfectly willing, certainly on this side, to go forward with the committee vote on him as soon as he comes in, especially now that the papers have come up from the White House today. I notified the President's office this morning—speaking about Senator Ashcroft—I will not take part in any filibuster, nor do I expect there to be any filibuster on this nomination. I assure the distinguished majority leader we moved as rapidly as we could. We now actually have the nomination and the schedule is now in the hands of my friend from Mississippi.

Mr. LOTT. I thank the Senator from Vermont for that information. I think it is appropriate we actually receive the nomination before we vote—a little small detail but that has been taken care of.

Mr. LEAHY. It always helps.

Mr. LOTT. I will be talking further to your leadership about how we schedule it this week, and I look forward to getting it completed as soon as possible.

I yield the floor, Mr. President.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. Under the previous order, the time until 1 p.m. shall be under the control of the Democratic leader, or his designee.

The Senator from Nevada, Mr. REID.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent the time for morning business on the Democratic side be extended until the hour of 1:10 and then the Republicans would, of course, have the next hour.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The Senator from Nevada.

#### NOMINATION

Mr. REID. Mr. President, as the majority leader indicated, we have done really a good job of approving the nominations of the new President. By tomorrow afternoon, 12 of the 13—I think that is the right number—will have been approved. Anyway, all but one will have been approved.

While the Senator from Vermont is on the floor, I extend to him the appreciation of the entire Democratic caucus for the way the hearings have been conducted.

First, as Senator LEAHY was chairman of the committee, and then following that, working as the ranking member, this is a lot of heavy lifting.

I talked to someone today, and they asked me: Why is it taking so long? I indicated that it is taking a long time because—let's assume Vice President Gore had been elected President, and I just pick a name. Let's assume Senator KENNEDY had been selected to be the Attorney General for the United States rather than John Ashcroft, two people who have served this Senate on different sides of the political spectrum. I think the Republicans would have taken a lot of time to go over all the things Senator KENNEDY had said in speeches and things he had said on the Senate floor.

That is what we are doing. We are looking at the record of the designate for Attorney General, what he said

when he was attorney general, what he did when he was attorney general, what he did when he was Governor, and what he did in the Senate.

I extend my appreciation to the Senator from Vermont for the job that has been done. Senator LEAHY, prior to coming here, was a prosecutor. He had to prepare his cases to make sure all the evidence was brought before the jury and/or the court. That is in effect what he is doing, but in this instance the jury is the 100 Members of the Senate. Without a good record, we cannot make a good decision.

I have not had the benefit of sitting through all of these hearings as has the Senator from Vermont. Therefore, he must provide us, through the committee procedures, all he believes is important to be brought to the floor of the Senate. To this point he has, as usual, done an outstanding job. For the third time this morning, I extend the appreciation of the entire Democratic Conference for giving us information upon which we can make a decision regarding the Attorney General-designate that has been sent to us by the President.

I personally have not made up my mind as to what I am going to do. Therefore, I am depending on the Senator from Vermont to give me his direction, his leadership. I think it is so important that we all take what has gone on in that committee to heart.

I have said publicly on other occasions that this is not a decision only Democrats will have to make. I hope the Republicans will also keep an open mind before rushing to a decision. I have been very disappointed in some of my friends on the other side of the aisle who, prior to a single witness testifying, said they were going to vote for Senator Ashcroft. I think they should also keep an open mind and base their decision on what has transpired before the Judiciary Committee.

I also take what the Senator from Vermont has said to heart. People have things to say. I do not know who wants to speak. We will certainly know before this debate takes place, but this is not a time to restrict—and I know the majority leader has not suggested that—restrict how much time people can take. We want to make sure there is full opportunity for people to say what they want to say.

I have been contacted by a number of my colleagues who are voting for and voting against Senator Ashcroft and who want to spend some time on the Senate floor explaining that position. The floor activities will be, of course, under the direction of the Senator from Vermont who is the ranking member on the Judiciary Committee. I look forward to a good debate. It should be a high point for the Senate.

The ACTING PRESIDENT pro tempore. The Senator from Vermont, Mr. LEAHY.

Mr. LEAHY. Mr. President, I thank my dear friend, the senior Senator

from Nevada, for his kind words. As always, we rely on his leadership here, too. I appreciate what he said.

#### NOMINATION OF JOHN ASHCROFT

Mr. LEAHY. The President of the United States sent to the Senate the nomination of John Ashcroft to be the Attorney General of the United States. In advance of him sending it, to accommodate the new President and expedite the consideration of the nomination, I convened 3 days of hearings on this nomination over the 4-day period from January 16 to January 19.

The Republican leadership had announced weeks ago that all 50 Republican Senators would be voting in favor of this nomination, but I declined to prejudge the matter.

The Committee on the Judiciary has done the best it could to handle this nomination fairly and fully, and we did it through hearings of which all members of the committee, on both sides of the aisle, and all Members of the Senate I believe can be proud.

Having reviewed the hearing record and the nominee's responses to written follow-up questions from the Judiciary Committee, I come today to announce and explain my opposition to the nomination of John Ashcroft to be the Attorney General of the United States.

I take no pleasure in having reached this decision. I have voted or will be voting to confirm nearly all of the President's Cabinet nominees. No one in this Chamber more than I would have wanted a nomination for Attorney General that the Senate could have approved unanimously. As the ranking member of the Senate Judiciary Committee, I am going to be working closely with the new Attorney General, often on a daily basis. I would have wanted to begin that relationship with enthusiastic support for whomever the President chose.

I also had the privilege of working with John Ashcroft during the 6 years he served as a Senator, and I consider it a privilege. Most of us know him and like him. I admire his personal devotion to his family and to his religion. While we are not always in agreement, I respect his commitment to the principles he firmly holds, and I respect his right to act on those principles.

The fact that many of us served with Senator Ashcroft and know and like him does not mean we should not faithfully carry out our constitutional responsibility in acting on this nomination. No one nominated to be Attorney General of the United States should be treated in any special way, either favorably or unfavorably, by this body because he or she once served in the Senate. Our guide must be constitutional duty, not friendship.

Most of us believe that a President has a right to nominate to executive branch positions those men and women whom he believes are going to carry out his agenda and his policies, but it is only with the consent of the Senate

that the President may proceed to appoint.

The Constitution, interestingly enough, is silent on the standard Senators should use in exercising this responsibility. Every Senator has the task of discerning what that standard should be, and then each Senator has to decide how it applies in the case of any nomination, especially a controversial nomination such as that of Senator Ashcroft.

The Senate's constitutional duty is to advise and consent; it is not to advise and rubber stamp. Fundamentally, the question before us is whether Senator Ashcroft is the right person at this moment for the critical position of Attorney General of the United States.

This is an especially sensitive time in our Nation's history. Many seeds of disunity have been carried aloft by winds that often come in gusts, most recently out of Florida. The Presidential election, the margin of victory, the way in which the vote counting was halted by the U.S. Supreme Court remain sources of public concern and even of alienation. Deep divisions within our country have infected the body politic. We experienced the closest Presidential election in the last 130 years, possibly in our history.

For the first time, a candidate who received half a million more votes lost. The person who received half a million fewer popular votes was declared the victor of the Presidential election by 1 electoral vote.

The Senate, for the first time in our history, is made up of 50 Democrats and 50 Republicans. Although this session of Congress is less than 1 month old, each political party has already had its leader serve as majority leader. Both Senator DASCHLE and Senator LOTT have served as majority leader.

Senate committees have already operated under both Democratic and Republican chairs. I suspect Ph.D. dissertations will be written about this for years to come.

Much has been made of what has come to be known as the Ashcroft evolution, where activist positions he has held and valiantly advanced appear now to be suddenly dormant in deference, as he said, to settled law, at least during the confirmation hearings.

But leaving Senator Ashcroft aside for a moment, it must not be left unremarked that he is not the only politician who has sent conflicting signals about his view of Government. We have already seen two distinct sides of the new President since he was declared the victor after the November election. One side is the optimistic face of bipartisanship—a sincere and knowledgeable President determined to work with like-minded Democrats and Republicans to overhaul the way we educate our children. This is a side of hope, cooperation, and compromise. In fact, in his encouraging inaugural address barely 10 days ago, President Bush acknowledged the difficulties of these times and the very special needs

of a divided nation. He said: "While many of our citizens prosper, others doubt the promise, even the justice, of our own country." He recognized that deep differences divide us and pledged "to work to build a single nation of justice and opportunity." I applaud President Bush for those words. At the luncheon after the inauguration, I told him how much those words meant to me.

These crucial weeks and months after the divisive election are an especially sensitive time, when hope and healing are waiting to emerge. But they are also fragile, like the first buds of the sugar maple in the spring in my own State of Vermont.

On the other side of the ledger, though, is the President's decision to send to the Senate the nomination of John Ashcroft. Senator Ashcroft is a man we know and respect, but a man we also know held some of the most extreme positions on a variety of the most volatile social and political issues of our time: Civil rights, women's rights, gun violence, discrimination against gay Americans, and the role of the judiciary itself.

Appointing the top law enforcement officer in the land is the place to begin, if the goal is to bring the country together. I wish the President had sent us a nomination for Attorney General who would unite us rather than divide us. But that did not happen. This is a nomination that had controversy written all over it from the moment it was announced. It should surprise no one that today we find ourselves in the middle of this battle. It should surprise no one that the polls in this country show the American people are deeply divided on this nomination.

It was, I believe, a crucial miscalculation from the President and his advisers to believe this nomination would have brought all of us together. Or perhaps, as some have suggested, it is an instance where consensus was not the objective.

Many organizations and their members have weighed in on either side of this debate. Some advocates for the nominee have been especially critical of the membership groups that oppose this nomination. It must be said that the only political pressure groups that have had a decisive role in this nomination are the far right wing elements of the Republican Party who insisted on this particular nominee and even bragged to the press that they vetoed other, more moderate, candidates—Republican candidates—for this job.

What is crystal clear to me is that the nomination of John Ashcroft does not meet the standard the President himself has set. In those who doubt the promise of American justice—and there are those—it does not inspire confidence in the U.S. Department of Justice.

The Senate can help mend these divisions, it can give voice to the disaffected, it can help to restore confidence in our Government, but only if