

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

ability to serve not just the President, but the American people.

Unlike other cabinet positions, the Attorney General has a very special role—decisively poised at the juncture between the executive branch and the judicial branch. In addition to being a member of the President's Cabinet, the Attorney General is also an officer of the federal courts and the chief enforcer of laws enacted by Congress.

He is in effect the people's lawyer, responsible for fully, fairly and vigorously enforcing our nation's laws and Constitution for the good of all.

In addition to being intellectually gifted, legally skilled and of strong moral character, I believe that the position of Attorney General requires an outlook and temperament that will allow the American people to believe that he will champion their individual rights more than any particular and potentially divisive dogma.

During the past several weeks, I have listened to John Ashcroft's words in the context of his lifetime of public conduct. As a state attorney general, a governor and a United States Senator, he has established a pattern of activism that challenges important civil and individual rights.

Instead of being a positive force for reconciling the races, as Missouri's Attorney General John Ashcroft conducted a futile struggle to frustrate the voluntary integration of public schools.

He fought a voluntary desegregation plan for the city of St. Louis, showed defiance of the courts in those proceedings and used that highly charged issue for political advantage instead of for constructive action.

Instead of accepting commonsense approaches to limiting the damage done by guns in our society, he has rigidly worked against such solutions—such simple solutions as asking that guns be sold with safety locks

He also has aggressively worked to dismantle some of our country's most basic legal tenets, such as the separation between church and state.

On the nomination of Judge Ronnie White to the United States Federal court, he appears to have mischaracterized Judge White's record unfairly, and at the end of the process, raising issues that really did not go to the merits of Judge White's nomination. This raises serious concerns and questions about both his sense of fair play and his respect for judicial independence.

In sum, although he claims he will enforce the letter of the law, I fear he will not recognize the true spirit of the law.

I believe he will use the considerable power of the Attorney General in directing resources, initiating lawsuits, and interpreting the law to clearly and consciously impose his views as he has done in the past.

His views are not the views of a vast majority of Americans, regardless of political affiliation.

Given the extremely divisive nature of the last election, and the nature of some of the voting irregularities, our nation needs an Attorney General who can lead us on critical civil rights issues, unite us in the pursuit of justice, and help heal some of these wounds.

I believe that John Ashcroft lacks the temperament needed to serve as Attorney General of the United States and I cannot support his nomination as our next Attorney General.

I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with and that I may proceed for 5 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized without objection.

BUDGET PITFALLS

Mr. NELSON of Florida. Mr. President, I had the privilege of coming to Congress in 1978 and being assigned as a freshman in January of 1979 to the House Budget Committee. In 1979, I never thought I would live to see the day we would balance the budget, much less did I think I would live to see the day that, in fact, we would get into a surplus situation. Now, in this time of prosperity and budget surpluses, it is very much incumbent upon us to be fiscally wise and fiscally disciplined in how we use these budget surpluses so we do not go back into the boom-and-bust cycles that we have experienced in the past.

Mr. President, 22 years ago as a freshman member of the House Budget Committee—I am now a freshman member of the Senate Budget Committee—we had an annual deficit somewhere in the range of about \$20 billion to \$24 billion. Then, as we moved into the decade of the 1980s, that annual deficit crept higher and higher and higher. Toward the end of the decade of the 1980s, we exceeded \$300 billion in annual deficit spending. That is not the kind of financial situation you want.

Indeed, we just had Mr. Greenspan before the Budget Committee and he continued the very severe lecture that he has given us for years, which is: Be very fiscally disciplined and wise, and don't return to that era of deficit spending.

I bring this up today—and this is, by the way, my maiden speech in the Senate, so what a privilege for me to be here, what a privilege to represent such a dynamic State as the State of Florida—but I rise on the occasion of my maiden speech to talk about the potential pitfalls that could take us back into deficit spending. In these times of prosperity and budget surpluses, it is important for us to be very wise and

fiscally conservative in making these choices—and we are going to make some choices very soon.

One of the first choices we have to make is: Are we going to use all of the Social Security surplus and most of the Medicare trust fund surplus to be applied to reducing the national debt? I can tell you the people in Florida believe very firmly that we should use the surplus to reduce and ultimately pay off the national debt. I think most of us, almost unanimously in this Chamber, would be dedicated to that particular part of budgetary restraint. We have the surpluses. We need to do that.

The next question that is going to face us, then, is: What should be the size of the tax cut?

I am going to argue and articulate about what my people have educated me, and that is to craft a Federal budget that will be balanced so we can have a substantial tax cut and, at the same time, we can address a number of other very important needs facing this country, such as modernizing Medicare, a 35-year-old system, to provide a guaranteed prescription drug benefit.

I will give another example: a substantial investment in education that will help bring down class sizes and pay teachers more to give them the respect they need in their profession and who ought to have the very best to compete with the private sector, so that we have the very best teaching for our children; an investment in education that will also enable us to make the classrooms more safe and the schools safe.

In addition to lowering class sizes, paying teachers more, and making the schools safe, we should have our schools accountable for the product they produce. That is just another example.

Clearly, defense is another important priority: the new systems we are going to need, the research and development that will be needed. Indeed, what is one of the main reasons for having a National Government? It is to provide for the common defense, not even speaking about the question of pay for our men and women in our armed forces.

I have only listed three, and there are many more. I mentioned prescription drugs, education, and defense, all being needs in which, over the next decade, this Government is going to have to invest more.

The question is: With the available surplus, after we subtract the Social Security surplus and the Medicare trust fund surplus, with what is left, what is wise for us then to enact in a tax cut? Should it be the tax cut that is proposed by the administration which, after one considers the interest cost and the alternative minimum tax, is going to be in the range of a \$2.2 trillion tax cut over a decade? What that would do is wipe out all of the available remaining surplus over the next decade so there would not be anything left for prescription drugs, education,