

Mr. REID. Madam President, we are, in a minute or 2, going to turn to two judicial nominations. We have had a number of Senators wishing to speak on the motion now before the Senate, so I ask unanimous consent that when the votes are completed this afternoon on the two judges, the Senator from Texas, Mrs. HUTCHISON, be recognized for up to 15 minutes; following her remarks, Senator WELLSTONE be recognized for up to 1 hour; following that hour, someone designated by the Republican leader would speak for 1 hour; and following that, Senator BAUCUS, chairman of the Finance Committee, would be recognized for 1 hour.

The majority leader wanted to have a vote on this tonight with the consent of Senator HOLLINGS and others, but it appears now there are a significant number of people who want to speak so that will probably necessitate carrying the vote over until tomorrow. I have not checked with the leader on that for sure.

I propound the request for the speakers who have been lined up. I have checked this out with the minority.

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

Mr. REID. Madam President, what is now the business before the Senate?

#### EXECUTIVE SESSION

NOMINATION OF MICHAEL M. BAYLSON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NOMINATION OF CYNTHIA M. RUFÉ, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER (Mrs. CLINTON). Under the previous order, the Senate will now go to executive session to proceed to the consideration of Executive Calendar Nos. 778 and 779.

The Senator from Nevada.

Mr. REID. Madam President, the two managers, Senators LEAHY and HATCH, are not here. I therefore ask unanimous consent that during the quorum call I will suggest in just a minute the time be charged—equally against the two managers—on the motion.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. LEAHY. Madam President, is the Senator from Vermont correct that fol-

lowing the two parties' caucuses this afternoon there will be two rollcall votes on judicial nominees?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Madam President, I will speak about that, but, first, I compliment the distinguished Presiding Officer and her colleague from New York for their invaluable help behind the scenes as we were fighting for the farm bill. As a result, the dairy farmers in my State of Vermont and in her State of New York are better off. I thank both Senator CLINTON and Senator SCHUMER for their help in that regard.

With today's votes, the number of federal judges confirmed since the change in Senate majority fewer than 10 months ago now exceeds 50 and totals 52. Under Democratic leadership, the Senate has confirmed more judges in fewer than 10 months than were confirmed by the Republican-controlled Senate in the 1996 and 1997 sessions combined. We have accomplished in less than one year what our predecessors and critics took two years to do.

The number of judicial confirmations over these past 10 months—52—exceeds the number confirmed in four out of six full years under Republican leadership, during all 12 months of 2000, 1999, 1997 and 1996. And we are ahead of the pace for all the years of Republican control. It exceeds the number of confirmations in the first year of the Reagan Administration by a Republican Senate majority. It is almost double the number of confirmations in the first year of the Clinton Administration by a Democratic Senate majority. And it is more than triple the number of judges confirmed for the George H.W. Bush Administration by a Senate of the other party.

The confirmation of Judge Rufe and Mr. Baylson today illustrates the progress being made under Democratic leadership, and the fair and expeditious way in which we have considered nominees. With today's confirmations, we will have confirmed three district court judges to the Eastern District of Pennsylvania in fewer than four months. On April 18th, the Senate confirmed, by a vote of 94 to zero, Judge Legrome Davis to the U.S. District Court for the Eastern District of Pennsylvania. Judge Legrome Davis was first nominated to the position of U.S. District Court Judge for the Eastern District of Pennsylvania by President Clinton on July 30, 1998. The Republican-controlled Senate took no action on his nomination and it was returned to the President at the end of 1998. On January 26, 1999, President Clinton re-nominated Judge Davis for the same vacancy. The Senate again failed to hold a hearing for Judge Davis and his nomination was returned to the President on December 15, 2000, after two more years of inaction in a second full Congress while the Senate was controlled by a Republican majority. Under Republican leadership, Judge

Davis languished before the Committee for 868 days without a hearing, notwithstanding the strong support of Senator SPECTER. But he was unable to get the support he needed for him to go through.

This year we have moved expeditiously to consider Judge Davis. Judge Davis was nominated by President Bush in late January 2002 and he received a unanimous vote by the Judiciary Committee on April 11th—fewer than three months after his nomination and less than one month after his paperwork was completed. The saga of Judge Davis recalls for us so many nominees from the period January 1995 through July 10, 2001, who never received a hearing or a vote and who were the subject of secret anonymous holds by Republicans for reasons that were never explained. Judge Davis was a nominee held up for almost three years and when the Senate was finally allowed to vote on his nomination, he was confirmed by a vote of 94 to 0.

Judge Rufe and Mr. Baylson help fill vacancies on the Pennsylvania District Courts that existed long before the majority shifted last summer. One of the two vacancies has existed since December 31, 1998. Despite the fact that President Clinton nominated David Fineman to fill this judicial vacancy, Mr. Fineman never received a hearing and his nomination was returned to the President without action at the end of 2000. In contrast, we have moved expeditiously, as with Judge Davis, to consider Judge Rufe and Mr. Baylson. Both nominees were nominated by President Bush in January, received a hearing within days of their files being complete, and are being confirmed approximately three months after their nominations. Both nominees have been practicing law for more than 25 years and have a distinguished history of public service.

As our action today demonstrates, again, we are moving at a fast pace to fill judicial vacancies with nominees who have strong bipartisan support. I have a chart—I always have a chart, Madam President—and it demonstrates, that we are moving at a fast pace to fill judicial vacancies, especially with those nominees who have strong bipartisan support.

Partisan critics of these accomplishments ignore the facts. The facts are that we are confirming President Bush's nominees at a faster pace than the nominees of prior presidents, including those who worked closely with a Senate majority of the same political party. I again point out these are nominees who, by and large, are Republicans, by and large, are conservative Republicans, but, by and large, have bipartisan support.

As long as I am Chairman of the Senate Judiciary Committee, I will do everything possible to protect the integrity and the independence of the Federal judiciary. I will not support an effort by any President—Republican or

Democrat—to hang a sign on the courthouse door saying: only people of a certain political persuasion can have a fair hearing before those judges. I do not want the American public to look at a court and say: I am eligible to have my case heard in that court, but only if I am a very conservative Republican or I am a very liberal Democrat or if I am White or if I am Black or if I am poor or if I am rich. That is not the way it should be.

The distinguished Presiding Officer is a lawyer, and she knows that the Federal courts are supposed to be our bulwark of independence. It is one of the first things you learn in law school: The Federal court is a place you go where not only is justice supposed to be colorblind, it is supposed to be politically blind. And I do not believe I am fulfilling my constitutional obligations in the Senate if I vote for nominees who are put in for a specific purpose, to give an ideological slant of either the right or the left to the Federal courts.

I want everyone to know that, when they come to a Federal court, it will make no difference whether they are Republican or Democrat or rich or poor. No matter what their color, no matter what their religion, no matter what their age, no matter what their background, they should know they are going to be treated the same.

The judges that we have confirmed, as shown on this chart, passed that test. That is why both Republicans and Democrats have voted for them.

Now, in fact, I should point out that the rate of confirmation in the past 10 months actually exceeds the rates of confirmation in the past three Presidencies.

For example, in the first 15 months of the Clinton administration, 46 judicial nominees were confirmed, a pace on average of 3.1 per month. In the first 15 months of the first Bush administration, judges were confirmed at a pace of 1.8 judges per month.

Even in the first 15 months of the Reagan Administration, when a staunchly Republican majority in the Senate was working closely with a Republican President, 54 judges were confirmed, a pace of 3.6 per month. In fewer than 10 months since the shift to a Democratic majority in the Senate, President George W. Bush's judicial nominees have been confirmed at a rate of more than 5.2 judges per month, a faster pace than for any of the past 3 Presidents.

During the six and one-half years of Republican control of the Senate, judicial confirmations averaged 38 per year a pace of consideration and confirmation that we have already exceeded under Democratic leadership over these past 10 months in spite of all of the challenges facing Congress and the Nation during this period and all of the obstacles Republicans have placed in our path. As of today, we have confirmed 52 judicial nominees in just 10 months. This is almost twice as many

confirmations as George W. Bush's father had over a longer period—27 nominees in 15 months—than the period we have been in the majority in the Senate.

I suspect the reason you hear so many complaints from the Republican side is that they are hoping people will not look at the facts, that they are hoping the people will not remember what they did to President Clinton. They do not want to have to admit what is an irrefutable fact, that the Democratic-controlled Senate is treating President George W. Bush far better than a Republican-controlled Senate treated President William Jefferson Clinton.

And, frankly, I get a little bit weary of the misstatements, I get a little bit weary of having members of my committee attacked for their patriotism or for their religion by those who feel we are not automatically rubberstamping the President's nominees. The Constitution says: advise and consent. It does not say: rubberstamp.

But I have also been here with six Presidents. I have had the same position with Republican Presidents and Democratic Presidents. I will not vote for anybody who is going to diminish the independence of the Federal judiciary.

In fact the Republican critics, because they do not want to admit the fact that we are moving much faster than they did with a Democratic President, typically compare apples to oranges to mischaracterize the achievements of the last 10 months.

They complain that we have not done 24 months of work in the fewer than 10 months we have been in the majority.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. Madam President, I see nobody seeking recognition. I ask unanimous consent to be able to continue for at least 1 minute after somebody else seeks recognition.

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

Mr. LEAHY. Ironically, with today's confirmations, we even meet that unfair standard: Within the last 10 months we have confirmed about as many judges—52—as were confirmed by the Republican majority in the entire 1996 congressional session and in all of 1997 combined. We are now meeting their two-year figures in less than 10 months. Oh, and if you were wondering about Court of Appeals judges confirmed in the 1996 and 1997 sessions combined—their total was 7. We have already confirmed 9 in fewer than 10 months.

A fair examination of the rate of confirmation shows that Democrats are working harder and faster on judicial nominees, confirming judges at a faster pace than the rates of the past 20 years. The double standards asserted by Republican critics are just plain wrong and unfair, but that does not seem to matter to Republicans intent on criticizing and belittling every achieve-

ment of the Senate under a Democratic majority.

The Republican attack is based on the unfounded notion that the Senate has not kept up with attrition on the District Courts and the Courts of Appeals. Well, the Democratic majority in the Senate has not only been keeping up with attrition but outpacing it, and we have started to move the vacancies numbers in the right direction—down. By contrast, from January 1995 when the Republican majority took over control of the Senate until they relinquished control in June 2001, federal judicial vacancies rose by 65 percent, from 63 to 105.

The Republican majority assumed control of judicial confirmations in January 1995 and did not allow the Judiciary Committee to be reorganized after the shift in majority last summer until July 10, 2001. When I became Chairman of a Committee to which Members were finally assigned on July 10, we began with 110 judicial vacancies. With today's confirmation of Judge Rufe and Mr. Baylson, we have reduced the overall number of judicial vacancies to 88 and the number of district court vacancies to 58. Already, in fewer than 10 months in the majority, we more than kept up with attrition and begun to close the judicial vacancies gap that nearly doubled under the Republican majority. Under Democratic leadership, we have reduced the number of district court vacancies by almost 25 percent and the overall number of judicial vacancies by 20 percent, to below 90.

I happen to have a chart that shows what we have been doing. We see the trend under the Republican majority going up, and then we see the trend under the Democratic majority and how we have brought the vacancy number down.

The Democratic majority in the Senate has also kept up with attrition on the Courts of Appeals and been acting to close the vacancies gap on the Courts of Appeals that more than doubled under the Republican majority. Vacancies on the Courts of Appeals rose from 16 to 33 in the period January 1995 to July 2001, before the Senate was allowed to reorganize after the shift in majority last summer.

In the fewer than 10 months since the change in majority, the Senate has confirmed nine judges to the Courts of Appeals and more than kept up with the five vacancies that had arisen since July. In contrast, the Republican-controlled majority averaged only seven confirmations to the Courts of Appeals per year. Seven. This is what is somewhat distressing. I suppose they think if they keep saying it enough, the public will be fooled and the press will be fooled. I am willing to bet ultimately neither will.

In the fewer than 10 months the Democrats have been in the majority, we have already exceeded the annual number of Court of Appeals judges confirmed by our predecessors. The Senate

in the last 10 months has confirmed as many Court of Appeals judges as were confirmed in all of 2000 and more than were confirmed in 1997 or 1999, and nine more than the zero from 1996. Another way to put it is that within the last 10 months, the Democratic majority in the Senate has confirmed as many Court of Appeals judges as were confirmed in the 2000 and 1996 sessions combined and confirmed more Court of Appeals judges than were confirmed in the 1999 and 1996 sessions combined or in the 1997 and 1996 sessions combined. Simply put, in fewer than 10 months we have already exceeded the number of Court of Appeals judges confirmed by a Republican majority in four of the six years in which they were in control. No matter what standard you use, we are moving very fast.

Under Republican leadership from 1995 through July 10, 2001, vacancies on the Courts of Appeals increased from 16 to 33, more than doubling.

When I became chairman of a Committee to which Members were finally assigned on July 10, we began with 33 Courts of Appeals vacancies. That is what I inherited. Since the shift in majority last summer, five additional vacancies have arisen on the Courts of Appeals around the country. With last week's confirmation of Judge Howard, we have reduced the number of circuit court vacancies to 29. That is, we have kept up with attrition by confirming five Court of Appeals judges and then acted to lower the number of vacancies by confirming four additional judges. Those are the facts. Since our Republican critics are so fond of using percentages, I will say that we will have now reduced the vacancies on the Courts of Appeals by more than 12 percent in the last 10 months.

Rather than the 38 vacancies that would exist if we were making no progress, as some have asserted, there are now 29 vacancies—that is more than keeping up with the attrition on the Circuit Courts. Republican critics unfairly seek to attribute to the Democratic majority the lack of action by the Republican majority before the historic change last summer.

While the Republican Senate majority increased vacancies on the Courts of Appeals by over 100 percent, it has taken the Democratic majority fewer than 10 months to reverse that trend, keep up with extraordinary turnover and, in addition, reduce circuit court vacancies overall. This is progress.

Rather than having the circuit vacancy numbers skyrocketing, as they did overall during the prior six and one-half years—more than doubling from 16 to 33—the Democratic-led Senate has reversed that trend. The vacancy numbers are moving in the right direction down.

Overall, in fewer than 10 months, the Senate Judiciary Committee has held 17 hearings involving 61 judicial nominations. With today's actions, we will have confirmed 52 of those nominees. By contrast, in the first 10 months of

Republican control of nominations they held only 10 hearings and confirmed only 36 judges. We have held more hearings on judges than the Republican majority held in any year of its control of the Senate. The Republican majority never held 17 judicial confirmation hearings in 12 months.

Indeed, one-sixth of President Clinton's judicial nominees—more than 50—never got a Committee hearing and Committee vote from the Republican majority, which perpetuated longstanding vacancies into this year.

Despite the new-found concern from across the aisle about the number of judicial vacancies, no nominations hearings were held while the Republicans controlled the Senate in the 107th Congress last year. No judges were confirmed during that time from among the many qualified circuit court nominees received by the Senate on January 3, 2001, or from among the nominations received by the Senate on May 9, 2001.

The Democratic leadership acted promptly to address the number of district and circuit vacancies that had been allowed to grow when the Senate was in Republican control. The Judiciary Committee noticed the first hearing on judicial nominations within 10 minutes of the reorganization of the Senate and held that hearing on the day after the Committee was assigned new members.

That initial hearing included two District Court nominees and a Court of Appeals nominee on whom the Republican majority had refused to hold a hearing the year before. Within two weeks of the first hearing, we held a second hearing on judicial nominations that included another Court of Appeals nominee. I did try to schedule some District Court nominees for that hearing, but none of the files of the seven District Court nominees pending before the Committee was complete. Similarly, in the unprecedented hearings we held for judicial nominees during the August recess, we attempted to schedule additional District Court nominees but we could not do so if their paperwork was not complete. Had we had cooperation from the Republican majority and the White House in our efforts, we could have held even more hearings for more District Court nominees. Nevertheless, in fewer than 10 tumultuous months, the Committee has held 17 hearings involving 61 judicial nominations.

The Senate Judiciary Committee is holding regular hearings on judicial nominees and giving nominees a vote in Committee, in contrast to the practice of anonymous holds and other obstructionist tactics employed by some during the period of Republican control. The Democratic majority has reformed the process and practices used in the past to deny Committee consideration of judicial nominees. We have moved away from the anonymous holds that so dominated the process from 1996 through 2000. We have made home

State Senators' blue slips public for the first time.

I do not mean by my comments to appear critical of Senator HATCH. Many times during the six and one-half years he chaired the Judiciary Committee, I observed that, were the matter left up to us, we would have made more progress on more judicial nominees. I thanked him during those years for his efforts. I know that he would have liked to have been able to do more and not have to leave so many vacancies and so many nominees without action.

I hope to hold additional hearings and make additional progress on judicial nominees. In our efforts to address the number of vacancies on the circuit and district courts we inherited from the Republicans, the Committee has focused on consensus nominees for all Senators. In order to respond to what Vice President CHENEY and Senator HATCH now call a vacancy crisis, the Committee has focused on consensus nominees. This will help end the crisis caused by Republican delay and obstruction by confirming as many of the President's judicial nominees as quickly as possible.

Most Senators understand that the more controversial nominees require greater review. This process of careful review is part of our democratic process. It is a critical part of the checks and balances of our system of government that does not give the power to make lifetime appointments to one person alone to remake the courts along narrow ideological lines, to pack the courts with judges whose views are outside of the mainstream of legal thought, and whose decisions would further divide our nation.

Some on the other side of the aisle have falsely charged that if a nominee has a record as a conservative Republican, he will not be considered by the Committee. That is simply untrue. The next time Republican critics are bandying around charges that the Democratic majority has failed to consider conservative judicial nominees, I hope someone will ask those critics about all the Federalist Society members we have confirmed and the Republican activists we have confirmed without a single dissenting vote. I do not believe that President Bush is nominating liberals and neither does the White House.

The Committee continues to try to accommodate Senators from both sides of the aisle. The Court of Appeals nominees included at hearings so far this year have been at the request of Senator GRASSLEY, Senator LOTT, Senator SPECTER, Senator ENZI, Senator SMITH, and Senator THOMPSON—six Republican Senators who each sought a prompt hearing on a Court of Appeals nominee who was not among those initially sent to the Senate in May 2001.

I tried to accommodate them. They asked if we could move their nominees ahead in the queue. We did. We heard them. We confirmed them. But knowing that no good deed goes unpunished, having moved nominees at the request

of Republican Senators, moved theirs ahead of others, the same Republican Senators signed letters saying: It is terrible we are not moving them in order.

I have tried to accommodate them as much as I could. We would be moving a lot slower if we were going exactly in order. What we are trying to do is get those nominees on whom there is some consensus through first. That will put as many judges on the bench as possible.

I ask my colleagues, please, try to at least wait more than a week after I have accommodated you in moving your judge up for a hearing and getting them confirmed before you send out a letter saying: Why aren't you confirming more judges? I don't want to embarrass Senators by having a chart showing some of the letters and some of the statements they have made asking me to take their judges out of order, and then putting them side by side with their letters criticizing me for taking judges out of order. I am not going to do that, although I get sorely tempted.

I am also sorely tempted because the problems we are talking about arose on a Republican watch, while they were in the majority. It reminds me a little bit of an arsonist we had in Vermont when I was a prosecutor. There was a fellow who used to complain that the fire department wasn't responding fast enough. He was setting the fires. He was the one setting the fires. Rest his soul, he is no longer with us, but he used to complain they weren't responding fast enough, and he was the one setting the fires.

The whipsawing by the other side is truly remarkable. When we proceed on nominees that they support and on whom they seek action, we are criticized for not acting on others. When we direct our effort to trying to solve problems in one Circuit, they complain that we are not acting in another.

I imagine that over the next 10 days we will be hearing a refrain about the most controversial of President Bush's nominees who have not yet participated in a hearing. Some of them do not have the necessary home-state Senator support needed to proceed. Some will take a great deal of time and effort for the Committee to consider. I hope to be able to do something else that our Republican counterparts never did, which is to announce some scheduling decisions well in advance of hearings to come over the next several months.

But I do find it amazing that in spite of all we have done, all we are doing, and the fact that judges are moving much faster than they did in the past 6 years, our partisan critics will act as if we have not held a single hearing on a single judicial nominee. They will not acknowledge their role in creating what they now call a judicial vacancies crisis. They will not apologize for their harsh tactics in the six and one-half years that preceded the shift in majority.

They will not acknowledge that the Democratic majority has moved faster on more judges than they ever did. That will not acknowledge that we have been working at a record pace to seek to solve the problems they created.

We will keep on working. I am sure I will keep on listening to the partisan sniping, but we will keep moving faster than they ever did when they were in charge.

I remind everybody that this Senator would never vote for a nominee whose sole purpose in being there is to detract from the independence of the Federal judiciary and, instead, is intending to make the Federal judiciary ideologically pure one way or the other—and I don't care which way it goes; I will not vote for such a person. I want people to know that if any Vermonter or anybody from any State goes into a Federal court, they are going to have a fair hearing, and they will not be judged based on political party or political ideology. Whether they are plaintiff or defendant, whether they are Government or defendant, or whether they are rich or poor, they should be treated the same.

Each of the 52 nominees confirmed by the Senate has received the unanimous, bipartisan backing of the Committee. The confirmations of Judge Rufe and Mr. Baylson make the 51st and 52nd judicial nominees to be confirmed since I became Chairman last July. I would like to commend the members of the Judiciary Committee and our Majority Leader Senator DASCHLE and Assistant Majority Leader Senator REID for all of their hard work in getting us to this point.

The confirmation of the 52nd judge in fewer than 10 months, especially these last 10 months, in spite of the unfair and personal criticism to which they have each been subjected, is an extraordinary achievement and a real example of Democratic Senators acting in a bipartisan way even some on the other side have continued to make our efforts toward progress as difficult as possible.

#### U.S. POLICY TOWARD COLOMBIA

Mr. LEAHY. Madam President, I want to turn to another important topic—the situation in Colombia. Two weeks ago, Colombia's President, Andres Pastrana, was in Washington for what may have been his last official visit before the elections in May to choose his successor. He cannot run again under Colombia's Constitution. While I am sorry to see him leave, I am proud that he is departing through a democratic transfer of power, confirming, once again, his commitment to democracy in Colombia. I respect President Pastrana. I admire his attempts to bring peace to Colombia and his successes in improving relations between our two nations.

I do, however, have concerns about the administration's request for more assistance to Colombia. The reason we are given as to why we are spending

such large sums of money in Colombia seems to change frequently—from fighting an insurgency to combating terrorism to protecting democracy to reducing the flow of drugs. Before we spend even more money down there, I hope the administration will articulate a clear plan, look carefully at the billions we have spent with little to show for it, and understand Colombia's need to take more responsibility for their own problem.

Colombia should not be blamed for America's drug problem. Even if no cocaine or heroin came here from Colombia, illegal drugs would still come into this country. As long as Americans spend billions on illegal drugs, somebody else is going to supply it.

In many ways Colombia fits into larger issues about our foreign assistance programs. I think it is time for us to re-examine the way foreign aid is being used. During the cold war, we would give foreign aid to countries simply because they claimed to be anti-Soviet Union. It didn't make any difference how it was used. After the Cold War, we started giving money, while paying little attention to human rights violations by foreign militaries or security forces, to nations that would say that they would help fight drug trafficking. Today, I am worried that we are starting down a road where we give all sorts of assistance to governments that claim to be antiterrorist, irrespective of their commitment to democracy, human rights, or economic reform.

I have said over and over again that we should increase foreign assistance to many areas of the world. We have moral and strategic reasons for doing that. But we ought to at least stand for something when we provide this assistance. We can deliver a strong message that, while we don't expect an absolute replication of our form of government, we do expect you to respect human rights and other basic American values if you use our tax dollars.

There is no reason that countries cannot respect these values and use foreign aid effectively—these things go hand and hand. We have had some wonderful successes where we have done both. We have had some colossal disasters where we have not.

Madam President, I have known Colombia's President Pastrana for several years, and consider him a friend. He has worked diligently for peace, often at great personal risk, and while he ultimately was unable to obtain the peace agreement with the guerrillas that he so deeply wanted, his administration will be remembered for other achievements. Today, thanks to his efforts and those of Colombia's fine Ambassador, Luis Moreno, Colombia's relations with the United States, which had suffered under previous Colombian administrations, are strong and based on mutual respect.

I want to thank President Pastrana for his friendship, for the dignity that he restored to the presidency, for his

dedication to his people. Although we did not always agree about U.S. policy toward Colombia, President Pastrana always treated me with respect and warmth. I am grateful to him, and wish him the best in the future. While I regret that I was unable to travel to his country during his term of office, I am determined to do so and look forward to visiting him there when I do.

The issue of U.S. policy toward Colombia is the subject of considerable concern in Washington, both because of President Pastrana's recent visit, and because of President Bush's supplemental appropriations request, which proposes to shift the focus of our assistance program in Colombia from counter-narcotics to counter-terrorism.

I am of mixed minds about this proposal, and want to take a moment to discuss some of my concerns.

Before we rush to bring the war against international terrorism to Colombia's jungle as the Administration and some in Congress now urge, we would do well to understand that country's feudal history. We should also review what has been done with the nearly \$2 billion we have appropriated for Colombia in the past two years.

"Plan Colombia," devised by the Clinton Administration and the Colombian Government to counter the flourishing trade in cocaine from Colombia to the United States, called for \$7.5 billion. Colombia was to contribute \$4 billion, and, were told at the time, the U.S. share was \$1.6 billion. Donations by other countries, mostly the Europeans, have not materialized. The Colombian Government's support has also fallen far short. For fiscal year 2003, the Bush Administration seeks another \$439 million in counter-drug aid, plus \$98 million in military aid, for a total of \$537 million.

So far, U.S. tax dollars have paid for a fleet of aircraft to spray chemical herbicide over large areas of the country planted in coca, combat helicopters to protect the planes from ground fire, and training and equipment for counter-drug battalions. More funds were provided for economic programs to give coca farmers alternative sources of income and to reform Colombia's dysfunctional justice system.

Because of the Colombian military's poor human rights record, Congress conditioned aid on the prosecution of military officers implicated in serious abuses, and on the severing of the military's links with illegal paramilitary groups. These groups, like the guerrillas, have been designated by the Administration as terrorist organizations.

By any objective measure, Plan Colombia's results have been, at best, disappointing.

First, the State Department predicted a 30 percent reduction in coca cultivation by the end of 2002. Although 84,250 hectares were sprayed last year, coca cultivation in Colombia actually rose, by at least 21,100 hectares. There has not been any reduc-

tion in the flow of illegal drugs into the U.S., and virtually no one in the Administration thinks there will be.

Second, while aerial spraying may at some point reduce the coca crop, there is vast territory ripe for future cultivation and a huge U.S. demand for drugs. Serious questions have been raised about the health and environmental impact of the spraying which need to be satisfactorily answered if this program is to continue. Manual eradication, as was done in Bolivia and Peru, should be reconsidered, and we should target the large growers, drug labs and traffickers. Moreover, any of these eradication efforts will ultimately fail without economic alternatives for those displaced by coca eradication.

Third, U.S.-funded economic programs have produced little in the way of viable alternatives. It is dangerous and difficult to implement these programs in conflict zones where coca is grown. The Colombian Government has not invested enough of its own money in these areas, and however much it has invested has produced few tangible results. Nor has it done enough to reform its sagging economy. This needs to be a partnership, and our support for alternative income programs should focus where the needs are greatest and programs can be sustained.

Fourth, senior military officers implicated in the murders of civilians, or who abet paramilitary violence and drug trafficking, have not been jailed despite the conditions on U.S. aid. Many remain on active duty and some have been promoted. Human rights investigators and prosecutors have been threatened, killed or forced to flee the country. While some soldiers have been suspended, none have been prosecuted and some have joined paramilitaries.

Under our law, the Secretary of State must certify that certain human rights conditions have been met prior to the release of military aid. Earlier this year, a number of high-ranking Administration officials traveled to Colombia, and informed Colombian military officers that more progress was needed. Unfortunately, as far as I am aware, no such progress has taken place and therefore, to his credit, the Secretary has not made the certification. However, I am told the certification could come at any time, and if that is true I hope that it is based on facts and reflects a good faith application of the law.

Fifth, top paramilitary leaders, implicated in hundreds of murders, travel around the country and give press interviews despite numerous warrants for their arrest. One has to ask why these arrest warrants, many of which have been pending for years, have not been executed? Local military commanders share airfields, intelligence and logistics, and in some instances even coordinate attacks. While some members of paramilitaries have been captured, their influence has grown throughout the country and they are

responsible for a large share of targeted assassinations and gruesome attacks against unarmed civilians. Like the guerrillas, the paramilitaries are deeply involved in drug trafficking. Continued U.S. aid to the Colombian military must be tied to accountability for abuses and to aggressively fighting the paramilitaries, particularly the United Self-Defense Forces of Colombia ("AUC").

Sixth, President Pastrana's brave efforts to negotiate peace, cynically spurned by the guerrillas, have collapsed. The violence has intensified and the guerrillas, especially the Revolutionary Armed Forces of Colombia ("FARC"), have sharply escalated kidnappings, assassinations and other terrorist acts. They are unlikely to be able to defeat the Colombian military, but they can lay siege to cities by cutting off water and power supplies. Colombia's generals are now asking the U.S. for aid to fight the war.

Americans need to understand that Colombia is really two "countries," which is at the heart of its problems. The thinly populated, impoverished eastern half, which the government has ignored for generations, is mired in the 19th Century, while the sophisticated, urban west is edging toward the 21st. There are deeply rooted social, economic and political reasons why Latin America's oldest conflict is no closer to resolution, and why drug money, corruption and lawlessness permeate Colombian society. These problems, which ultimately only Colombians can solve, will not be fixed by attacking the symptoms, and an all out war against the twin terrorist threats—guerrillas and paramilitaries—would cost far more, take far longer, and wreak more havoc than anyone in Washington has acknowledged so far.

Until now we have confined our aid to fighting drugs. In the first sign of a shift, the Administration asked Congress for an additional \$98 million to protect 100 miles of an oil pipeline that has been a frequent target of guerrilla attacks that have cost Colombia \$500 million a year in oil revenues. The White House is now seeking broad, new counter-terrorism authority in the fiscal year 2002 supplemental, opening the door to a deeper, open-ended U.S. involvement in Colombia.

If we go down that road what would be the likely result? Colombia is not Afghanistan, and no one supports sending U.S. troops. But while no two countries are the same, we gave over \$5 billion to the military of El Salvador, a country with 1/50th the land area of Colombia, and they could not defeat the guerrillas there. Are we, and the Colombian people who currently spend a meager 3 percent of GDP on the army, prepared for a wider war, the huge cost, many more displaced people, and the inevitable increase in civilian casualties? Is the only alternative to continue a limited, ineffective counter-drug strategy, and the growth in public support for the AUC which may ultimately pose a greater threat to the

country than the FARC? Can the military be made to see their oft-times allies, the AUC, as terrorists to be fought as aggressively as the FARC? Should we send an envoy of the caliber of Richard Holbrooke to push for a cease fire, and actively support a much more inclusive negotiating strategy than was pursued previously? What about attacking the security problems that have given rise to the AUC, by strengthening Colombia's National Police, who have a cleaner human rights record and who may be more effective in responding to kidnappings and other terrorist acts?

We want to help Colombia, particularly as the FARC has evolved from a rebel movement with a political ideology to a drug-financed terrorist syndicate. But we and the Colombians need to be clear about our goals and what it would take to achieve them. We should not commit ourselves to a costly policy that is fogged with ambiguity, and we should not subvert our other objectives of promoting the rule of law, protecting human rights, and supporting equitable economic development. Goal-setting should also be coordinated, after the elections in May, with Colombia's new president, who may favor an entirely different approach.

Finally, just as Colombians need to take far more responsibility for their own problems, Colombia cannot solve America's drug problem. Too often, we unfairly blame Colombia, and the other Andean nations, for the epidemic of drug addiction in our own country. Our meager attempts to reduce demand for drugs have failed, and unless we devote far more effort to what we know works—education and treatment—the drugs will keep coming and Americans will keep dying.

Madam 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. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### JUDICIAL NOMINATIONS

Mr. SPECTER. Madam President, I thank the Chair and I thank my colleague from Vermont for awaiting my arrival. We have just been at a news conference on the introduction of legislation on nuclear transplants. There were many questions beyond what we had anticipated. I did want to have an opportunity to appear briefly in support of these two nominees who are from my state.

#### NOMINATION OF CYNTHIA M. RUFE

The nomination of Judge Cynthia Rufe comes to this floor after having been approved unanimously by the Judiciary Committee. She has an excellent educational background: A bachelor's degree from Adelphi University, a J.D. from the State University of

New York. She has extensive experience in the private practice of law. She was in the public defender's office for some 5 years. She has been solicitor in her home county, Bucks County, PA, and has been a judge on the State Court of Common Pleas from 1994 to the present. She presides over the Criminal Court, Juvenile Court and Protection From Abuse cases.

Prior to her election to the position of judge in 1993, she maintained law offices in Newtown, Pennsylvania practicing civil and criminal litigation, family law and specializing in child abuse cases.

Before entering private practice in 1982, Judge Rufe served Bucks County as Deputy Public Defender, coordinating that office's Juvenile Division.

She also served as Solicitor for the Bucks County Children and Youth Social Services Agency for four years.

The Pennsylvania Supreme Court has appointed Judge Rufe to sit on the Appellate Procedural Rules Committee. She also serves the Pennsylvania Conference of State Trial Judges on their Judicial Education, Juvenile Court and Corrections Committees.

In addition, she served on a Federal task force to improve the quality of mental health treatment and services for female inmates in the Bucks County jail system.

Judge Rufe has been an active member of several community agencies related to the improvement of youth, families, and drug and alcohol issues, including serving as a member of the Board of Directors of Youth Services, Inc.; Organization to Prevent Teenage Suicide, Inc.; Reaching-at-Problems, Inc. Group Home; and Prevention and Rehabilitation for Youth and Development, Inc.

Judge Rufe has received countless awards from various women law organizations in the Commonwealth of Pennsylvania.

#### NOMINATION OF MICHAEL M. BAYLSON

Michael Baylson is a man I have known since 1965. He was one of the first people I appointed as an assistant district attorney when I was elected in 1965. I have known him intimately for the course of the past 37 years. I can attest to his capability.

He is a graduate of the University of Pennsylvania, with both a Bachelor of Science and a law degree. Beyond serving as an assistant district attorney in my office, where he was chief of the homicide division, and he handled some of the most complicated criminal prosecutions known, he later served as a U.S. attorney from 1988 to 1993. He has been a senior partner in the distinguished Philadelphia law firm of Duane, Morris & Heckscher, working on some very tough litigation matters in the areas of commercial and securities litigation and antitrust law.

Mr. Baylson served as United States Attorney for the Eastern District of Pennsylvania from 1988 to 1993. He was heavily involved in the Weed and Seed Program.

From 1966 to 1969, he was an assistant district attorney in the Philadelphia District Attorney's Office, where he served as chief of the Narcotics and Homicide Divisions.

He is the chair of the Specialization Committee and past chair of the State Action Exemption and Noerr Doctrine Committee of the Antitrust Law Section of the American Bar Association, and is a fellow of the American Bar Foundation.

He has also been on the faculty of the University of Pennsylvania Law School.

He received the United States Department of Treasury's U.S. Attorneys award for Distinction in Financial Management, 1993; Attorney General's Special Commendation Award, 1993; Inspector General's Prospective Leadership Award, U.S. Health and Human Services, 1992; and the Distinguished Service to Law Enforcement Award from the County and State Detectives Association of Pennsylvania, 1992.

Baylson has provided pro bono services to prisoners asserting civil rights violations and has represented defendants accused of crimes on a pro bono basis.

Madam President, while my colleague from Vermont is still in the Chamber, I want to make a comment or two about some discussions he and I have had, and which I have had with other members of the Judiciary Committee. It is my hope that we will be able to agree on a protocol of where we can come to an agreement in the Judiciary Committee, and really in the full Senate, as to how we handle judicial nominations.

We have seen recurrent problems when we have a Republican President and a Senate controlled by the Democrats. When the shoe was on the other foot, we had a President who was a Democrat and the Senate was controlled by Republicans. Before that, we had a Republican President and the Senate was controlled by Democrats.

So that in my Senate tenure we have had three situations where the White House and the Senate were controlled by different parties.

When there is debate about what has happened and how long the nominations have taken, although I have been here and followed the situation closely, I get lost in the statistics. I think the American people do too.

I do believe there have been failures on both sides, by both parties. I think the time has come to move beyond re-creation and to try to establish a protocol. Hopefully this protocol will provide for a certain number of days after a nomination has been submitted to be accorded a hearing, so many days later for a markup in an executive session, so many days later to be considered by the full Senate. Delays could occur at the discretion of the chairman of the committee, after consultation with the ranking member—not the concurrence of the ranking member but the consultation—similarly with the