

Melvin Hall, District Court, never given a vote by Republicans/not confirmed.

William Hibbler, District Court.

Faith Hochberg, District Court, never given a vote by Republicans/not confirmed.

Marian Johnston, District Court, never given a vote by Republicans/not confirmed.

Richard Lazzara, District Court, never given a vote by Republicans/not confirmed.

J. Rich Leonard, District Court, never given a vote by Republicans/not confirmed.

Stephen Lieberman, District Court, never given a vote by Republicans/not confirmed.

Matthew Kennelly, District Court.

James Klein, District Court, never given a vote by Republicans/not confirmed.

John Lim, District Court, never given a vote by Republicans/not confirmed.

Harry Litman, District Court, never given a vote by Republicans/not confirmed.

Frank McCarthy, District Court, never given a vote by Republicans/not confirmed.

Donald Middlebrooks, District Court.

Jeffrey Miller, District Court.

Margaret Morrow, District Court.

Sue Myerscough, District Court, never given a vote by Republicans/not confirmed.

Lynette Norton, District Court, never given a vote by Republicans/not confirmed.

Susan Oki Mollway, District Court.

Virginia Phillips, District Court, never given a vote by Republicans/not confirmed.

Robert Pratt, District Court.

Linda Riegle, District Court, never given a vote by Republicans/not confirmed.

Anabelle Rodriguez, District Court, never given a vote by Republicans/not confirmed.

Michael Schattman, District Court, never given a vote by Republicans/not confirmed.

Gary Sebelius, District Court, never given a vote by Republicans/not confirmed.

Kenneth Simon, District Court, never given a vote by Republicans/not confirmed.

Christina Snyder, District Court.

Clarence Sundram, District Court, never given a vote by Republicans/not confirmed.

Hilda Tagle, District Court, never given a vote by Republicans/not confirmed.

Thomas Thrash, District Court.

Cheryl Wattle, District Court, never given a vote by Republicans/not confirmed.

Wenona Whitfield, District Court, never given a vote by Republicans/not confirmed.

Ronnie White, not confirmed by floor vote.

Frederic Woocher, District Court, never given a vote by Republicans/not confirmed.

Mr. HARKIN. I want to address briefly the issue of whether or not this is anti-Hispanic, something like that. I keep hearing this talk that Democrats are going to be accused of being against Hispanics. Again, we do have to point out some history.

Enrique Moreno, Jorge Rangel, and Christine Arguello were all nominated to the circuit courts by President Clinton, but were never afforded a hearing or vote in the Judiciary Committee under Republicans. My colleague from Iowa, Mr. GRASSLEY, was quoted in the Dallas Morning News of January 31 of this year:

If we give Mr. Estrada the position on the DC circuit, it would be to shut the door on the American dream of Hispanic Americans everywhere.

Well, let's take a look at the reality and the record. There are more than 1,000 local, State, or Federal judges of Hispanic heritage. Yet President Bush has nominated only one Hispanic to any of the 42 vacant appellate positions. This administration has failed to nominate a single Hispanic judge for

any of the circuits covering Texas, California, Arizona, New Mexico, Florida, New York, New Jersey, or Puerto Rico, where there are sizable minorities of Hispanic Americans. In contrast, President Clinton nominated 11 Latinos to these circuit courts and 21 to the district courts—quite a difference.

Again, my friend from Utah said on February 12:

What gets me is, we are in the middle of a filibuster of a Federal judge when the Constitution says we should give advice and consent, not advice and obstruction, not advice and filibuster, not advice and unfairness.

Again, I wish I would have heard that when Bonnie Campbell had come up before the committee. As long as Mr. Estrada is here, I will continue, as I have today and as I have in the past, to bring up the issue of Bonnie Campbell because obviously it remains a dark mark on the Senate, one that was held up simply for purely partisan political reasons and nothing else.

IRAQ

Mr. President, I rise to talk about some of the events over the weekend as it pertains to the looming war in Iraq. I didn't listen to all of the talk shows, but if you listen to some of them and then you read some of the quotes in the paper by some of the people high up in this administration, particularly meaning Under Secretary Paul Wolfowitz and also Mr. Pearl, you come away with the feeling and the sense that they decided some time ago they were going to go to war against Saddam Hussein and Iraq, regardless. There is really nothing that could be done that would in any way turn away the full force and effect of the U.S. military from a full scale war in Iraq. Because no matter what happens, they have a counter, and they keep coming back to the fact that it is too little, too late, we can't wait any longer for disarmament. But the fact is, over the last 12 years, containment has worked. Even though we did not back it with as much force as we probably should have at that time and the fact that we did withdraw our inspectors in the latter part of the 1990s, when that never should have been done, the fact is, during those 12 years, Saddam Hussein never marched on another country, never started another war, and even though this administration has tried their darnedest, they have never made a link between Saddam Hussein and al-Qaida.

Now they are talking about some guy who got injured in Afghanistan and he came to Baghdad to get his leg treated because he had his leg amputated. He is somewhere around Baghdad, we don't know where. We don't even know if he is there. They suspect he is there and that is proof that Saddam is working with al-Qaida.

Perhaps one of the most outlandish statements was a couple weeks ago when this purported tape of Osama bin Laden came out. Secretary Powell said at that time that—I am paraphrasing—

this just goes to show you, once again, the link between al-Qaida and Osama bin Laden and Saddam Hussein, when in fact on the tape whoever is speaking, whether it was Osama bin Laden or not, is basically saying, it is all right to use Saddam Hussein to defeat the Americans, but it is not all right to support Saddam Hussein because he, too, is an infidel, not a true Islamist. Somehow we just ignore that. But there has never been a proven link, even though they have tried awfully hard to find one. So—

Mr. HATCH. Will the Senator yield on that point?

Mr. HARKIN. Sure, I will yield for a question, without losing my right to the floor.

Mr. HATCH. I have been listening to the Senator, and I will rebut his earlier remarks later.

Is the Senator aware of Mr. Zarqawi, who is in Iraq right now, who is definitely connected with the al-Qaida people?

Mr. HARKIN. I ask the Senator, is this the guy who went to get his leg amputated?

Mr. HATCH. He is an operative working within Iraq—

Mr. HARKIN. He was injured in Afghanistan. I don't remember the name.

Mr. HATCH. This is the fellow known to be in Iraq right now—or at least has been in the last number of months—and who is one of the principal operatives for the al-Qaida group, and who has been organizing and doing other matters within Iraq itself, and who appears to have at least the go-ahead from the Iraqi Government.

If the Senator is not aware of that, then I understand why he is making these comments. But that is only one illustration. Is the Senator aware that there may be other illustrations as well?

Mr. HARKIN. Well, I have read about them and heard about them—that there may be some people in and out, or some who may have come in. The most I have heard is the one I think the Senator is talking about, but I think he came there to get his leg fixed or something. No doubt he was well connected with al-Qaida.

But I say to my friend from Utah, the Government of Iraq said they cannot find this guy. Well, our people have said it is ridiculous; of course, you can find him. Well, we cannot find Osama bin Laden in Afghanistan. We have more spy satellites and listening equipment than Iraq ever dreamed of having. I don't know whether this guy is there or not. There have been some in and out of Iraq.

Again, it is very tenuous as to whether or not there are any connections. I am sure the Senator from Utah also knows that there has been a long-standing feud between Osama bin Laden and his fundamentalists and the Iraqi dictator, Saddam Hussein. I say a pox on both their houses. But the fact is, in the eyes of Osama bin Laden and those fundamentalists, Saddam Hussein is a secular leader, not a true

Islamist. What they have always wanted was to get rid of Saddam Hussein to put in power a religious government in Iraq. So there never has been, in all the briefings I have ever had, any love lost between Saddam Hussein and the al-Qaida network. They just have different ideologies and a different way of approaching how they should govern. So, again, they have been trying to make these links between al-Qaida and Saddam Hussein, and they have never done it.

I say to my friend from Utah, there is an interesting piece in the Sunday Washington Post. When they caught Khalid Sheik Mohammed, one of the most dangerous men in al-Qaida, they captured him in Pakistan. On page A-26, there was a picture of all the high-value targets, those who have been involved with al-Qaida. No. 1 is Osama bin Laden. And then there is Khalid Sheik Mohammed, the one they just caught. Then there is Abu Zubaida, still at large. Others have died or have been captured.

What is interesting about all of this—tier 1, tier 2, tier 3, is Osama bin Laden is a Saudi. Zawahiri is Egyptian. Saif Al-Adil is Egyptian. Khalid Sheik Mohammed is Pakistani. Then down here is a Jordanian, a Palestinian, a Saudi, a Yemeni, an Indonesian, a Kuwaiti, and an Egyptian. One thing kind of leaps out at you: Not one of them is an Iraqi.

You would think that if Iraq were so closely tied in with al-Qaida, they might have some operatives in there. Not one is Iraqi. So we are going to go kill a lot of innocent Iraqis, innocent civilians, women and children. Where are the Iraqis in that lineup? You would think, with that list, we would go to war against Egypt. Look at all the Egyptians—or even the Saudis. Look at all the people who are in tier 1, tier 2, and tier 3 of the high-value targets, and more than just a few are Saudis. Maybe that ought to be the target of our invasion.

After all, we know it has been the Saudis who, with their deep pockets, have been funding the fundamentalists in their efforts in that part of the world. It is the Saudis, with their deep pockets, who have been buying and paying for Al-Jazeera television with all of the inflammatory tirades against the United States and Israel that come across that television station. Not Iraq. It wasn't Saddam Hussein paying for that. It was the Saudis paying for it.

So over the weekend we have the capture of Khalid Sheik Mohammed, perhaps, as they say, the brains behind al-Qaida, and the brains behind September 11—the operations chief and mastermind. That is a great capture. I applaud the FBI agents, CIA agents, whoever was involved in tracking this guy down and getting him. They did a great job, and I hope they get whatever commendations and medals that is appropriate for that. But there is someone else that also helped capture

Khalid Sheik Mohammed, and that is the Government of Pakistan.

I have taken this floor many times in the past several years to talk about our relations with Pakistan and how through the years, clear back to the founding of Pakistan as a nation, they have been on our side in every war. There isn't one conflict in the world that the U.S. has been involved in that the Pakistani Government and troops have not been on our side. Even in Haiti we had Pakistani soldiers with us. In Korea. In Vietnam. In the gulf war in 1991, Pakistan was there with us. Every single time that we have had a capture and a turnover to us of a terrorist, it has been Pakistan that has helped us.

The first bombers at the World Trade Center caught—almost a dozen years ago now—were turned over to us by Pakistan. The shooter at the CIA in the mid-1990s who killed so many people escaped and went to Pakistan. Pakistan caught him and turned him over to us. The bombers of the embassies in Kenya and Tanzania were caught by Pakistan and turned over to us. And now this is the latest in a long string of terrorists who have killed Americans here at home and abroad. Here is the latest. Khalid Sheik Mohammed was captured in Pakistan.

Yes, with the help of our FBI and CIA, and I don't know what other intelligence agencies, but it mentions the FBI here, but also with the help of the Pakistani Government. It could not have happened unless President Musharraf and others came to our aid and assistance to capture this guy. Yet how do we treat Pakistani Americans? So many Pakistani Americans who are in this country, who have been working, many have children who are Americans, have provided health care in our country in many cases and in many situations. They are university professors, businesses entrepreneurs all over America. Yet we have told them they have to march into INS and get fingerprinted and do all this within a month. In other words, it is treating Pakistani Americans as if they are part of this network of Saudis, Yemenis, Egyptians, Jordanians, and everybody else. One might find a Pakistani in there someplace, I do not know.

The Pakistanis have always helped us out, and they are continuing to help us out today. We need to help them to combat terrorism in their own country.

After the war in Afghanistan was over, there were over a million refugees from Afghanistan and Pakistan. They now think it is probably between 1 and 2 million. We provided little—I can almost say no help to the Pakistanis to take care of these refugees, to help them get resettled, and, as far as I know, we are not doing anything to help them now to get back into Afghanistan to resettle. They remain a burden on the Pakistani Government.

It makes one wonder sometimes just what our response is going to be if, in fact, we do have a war in Iraq and we

have an occupation, when we see how we have treated the Pakistanis for all these years.

There were a couple other interesting events this weekend. The Iraqi Government has continued to destroy some of the Al-Samoud missiles. I think it is up to 10 now. They said they destroyed six more missiles. There is an interesting quote in the paper this morning. It said:

"If it turns out at an early stage this month that America is not going to a legal way, then why should we continue?" Saddam Hussein's scientific adviser, Lt. Gen. Amer al-Saadi, said Sunday.

In other words, what he is saying is—I read the story—we are willing to destroy the missiles, it takes time, but if the United States is going to commit war on us anyway, why should we?

A Senior U.S. official—

There is always one of those—

said today the White House remained unimpressed with Iraq's move. "The standard for cooperation demanded by U.N. Resolution 1441 is full and immediate, not grudging and late," the official said. The resolution approved last fall authorized a new round of weapons inspections in Iraq.

You wonder sometimes what the rush to judgment is. If we can continue with more inspectors and Iraq continues to destroy the missiles, and to continue the containment policy on Saddam Hussein, isn't that what we want?

There is another unnamed military source that says these missiles have questionable accuracy anyway. I am told they went over the line by 26 miles.

It was 100 kilometers, and they went over by 26 miles. I had a conversation this weekend with someone who said: These missiles could be used to hit Israel or hit Europe or maybe even America. That is not the case at all. They went 26 miles over the line. Again, it was more than what was allowed and they should be destroyed and they are being destroyed.

I guess the point I am making is why are we in such a rush to say that is not enough; we are going to go to war anyway? As I said at the beginning of my remarks, every time I listen to Mr. Wolfowitz, it seems as if this man has made up his mind: We are going to war no matter what, unless, as I read between the lines of what he is saying, someone assassinates Saddam Hussein and they set up a government and invite us in to run operations, then maybe we will not go to war. That seems to me about the only scenario that would keep a war from happening, according to Mr. Wolfowitz and those around him.

The other important event that happened this weekend was the vote in the Turkish Parliament. The vote was close. We lobbied heavily. We put up, I do not know, I am told \$15 billion or \$26 billion—take your pick—to get the Turkish Government to allow us to use their territory for our troops, for loading troops, the provisioning of troops, and the movement of troops across

Turkish national territory to Iraq. Even with that, the Parliament turned it down. It was a close vote, but they turned it down.

Then I saw a poll—you can get a lot of information off the Web on the weekend when you are working on these issues—there was a poll taken in Turkey. I do not know, I have no knowledge of how accurate this poll is or who took the poll, but it was a public opinion poll that showed that 94 percent of Turkey's citizens were opposed to the war in Iraq—94 percent. Even if the poll is off a little bit, one can understand why the Turkish Parliament was so reticent even in the face of billions of dollars of U.S. money pouring in.

Someone said on the floor last week, this is not the coalition of the willing; it is the coalition of the bought confronting Iraq. If we have to go to those measures, \$26 billion is what I was told—I stand corrected if that is not right. Even if it is \$15 billion or someplace in between, we are not funding education, we have a problem in Medicare, our deficits are going out of sight, but somehow we have \$26 billion to give to Turkey to allow our troops to go across their territory. That should raise some real questions as to what is happening here.

Lastly, one has to question what is it we are about underneath it all?

Again, I read from a speech that President Bush gave last week to the American Enterprise Institute and some of the comments that were made regarding that issue. President Bush said in his speech that we are going to have an Iraqi Government that will be representative of the people and that we would ensure that happened.

I went back because I wanted to check to make sure this was official, so I looked at the White House document that was sent to us on January 20, 2003. It is the report from the President required by the Iraqi resolution that was passed by Congress last fall.

Of course, it was supposed to have been in 60 days. It was just another 30 days overdue. I read it over. There is an interesting part in the report that President Bush signed and sent to us. I will venture to say that not many Senators have read this report. But it is called the "Future of Iraq." It is in the report of the President sent to us on January 20. I am going to quote from it. It says:

Should it become necessary for the United States and coalition armed forces to take military action against Iraq, the United States, together with its coalition partners—

Who are getting fewer and fewer, by the way—

will play a role in helping to meet the humanitarian, reconstruction, and administrative challenges facing the country in the immediate aftermath of a conflict. . . . We will work to transfer authority as soon as practical to the Iraqis themselves, initially in an advisory role. . . . The U.S. is fully committed to stay as long as necessary to fulfill these responsibilities, but is equally committed to leave as soon as the Iraqi people

are in a position to carry out these responsibilities themselves.

Interesting. "The U.S. is fully committed"—I do not remember us ever having a debate about that commitment, that we are committed to stay as long as necessary to fulfill these responsibilities, but are equally committed to leave as soon as the Iraqi people are in a position to carry out these responsibilities themselves.

The question is: Who decides that? Who decides when the Iraqi people are in a position to carry out these responsibilities themselves?

There is a quote in the paper from Youssef Ibrahim from the Council on Foreign Relations. He said:

I think Arabs almost without exception would welcome more democracy and more freedom of expression and to be liberated from the police states they all—in one form or another—live under.

Mr. Ibrahim goes on:

It does not follow that they would trust America to do this for them. The view over there is totally different from the view expressed here.

Critics also warn that the Bush administration must overcome a credibility gap borne of long memories and unpopular U.S. policies.

University of Maryland Professor Shibley Telhami warned that an invasion of Iraq and subsequent occupation by United States-led forces would feed an image of United States imperialism and undermine the very goals the administration has set.

Keep in mind, if we do, in fact, go to war in Iraq and occupy Iraq and set up this military type of government for however long we want to, it will be the first time ever that the United States has occupied an Arab country, the first time ever that we will be seen by the Arabs as occupiers, as establishing some kind of colonial power in the Arab world. And I think that is going to have severe ramifications.

Army Chief of staff Shinseki told the Senate Armed Forces Committee that several hundred thousand soldiers would be needed to secure postwar Iraq. Assistance from friends and allies would be helpful, he said.

Well, I wonder how much help we will get.

Mr. Wolfowitz is quoted as saying:

If, when Iraq is liberated, it can come up with a representative government that treats its people decently, I think it can have significant effects throughout the Middle East.

David Mack, vice president of the Middle East Institute, said they make it look like a no-brainer. Put me down as a skeptic. Americans are in such a hurry. The people in the region are not. They are worried that they are jumping over a precipice.

By one estimate, 65 million adults in the Middle East cannot read or write, 14 million are unemployed, and 10 million school-aged children are not enrolled in class.

When I listen to Mr. Wolfowitz and I read the report from President Bush of

January 20—I have not seen the movie yet, but I have read the book a couple of times, and I looked at it again this weekend, "The Quiet American" by Graham Greene. You read that and you think about how we got into Vietnam—the same kind of thing. We were going to build a democracy in Vietnam. We were going to end all this internal fighting and take care of the north, and we were going to set up democratic forms of government. That was the first, and then there were several others that followed. How many thousands of Americans lost their lives there? What did it do to our country, for a generation?

Now one goes to Vietnam and we have diplomatic relations. When we look at what is happening in Vietnam, we have to say, what was it all about? It was really about the misguided adventurism of, yes, well-meaning people in this country—I have no doubt that they meant well—to put a pax Americana, sort of a stamp of America, on a country in Southeast Asia, to set up a country that would look like us, mirror us. We were going to do it through military force.

I am sorry, it did not happen then, and it is not going to happen in Iraq. It may happen in Iraq at some point. We can encourage that. But it is not going to come about through a war that is going to kill countless civilians through the establishment of a military occupation and through us trying to impose upon the Iraqis our sense of what good government is. If only that were true. But history shows it is not.

We keep hearing from Mr. Wolfowitz and others what a grave threat Saddam Hussein is to us. They believe the war in Iraq will be quick, maybe 2 or 3 weeks and it will be over with. And that is probably true. I have no doubt that could possibly be true. Then one has to ask, if that is the case, are they really that big a threat?

Iraq has no navy. It has no air force to speak of. Its military is really in shambles. What kind of a threat are they, especially if we can keep inspectors there?

The other thing I wanted to check on was: Is there a limit on the number of inspectors U.N. Resolution 1441 permits? Or any previous resolution? Was there any limit by the surrender resolution in 1991 which first started the inspections? And the answer is no. There is no limit on the number of inspectors that the United Nations is allowed to have in Iraq. So why have 100? Why do we not have 500? Why do we not have 1,000 inspectors, duly trained and qualified, all over that country? Saddam Hussein cannot say, no, that is not allowed, because it is allowed. I submit, those 1,000 or 500 inspectors fully trained in Iraq, even if it takes the next 5 years, is cheaper monetarily than what the war is going to cost us, and certainly cheaper in terms of the loss of human life, both American lives and innocent lives in Iraq. Plus, I believe through that process we will have

the support and the admiration of other Arab countries.

A war in Iraq, I believe, will give the backup to the terrorists who are out there. I am not so naive to think that there are not terrorists even yet in this country, and in other parts of the world, who want to do us in. They are there, but it seems like right now they do not have a backup. There is not much of a backup. We are tearing up the network with the recent capture of Khalid Sheik Mohammed in Pakistan. We are destroying this network, and we should keep at it, too. But a war in Iraq then will give, I think, people in the Arab world who today are not feeling us any ill, will give them the reasons to support monetarily, through encouragement, through processors, those terrorists who are out there. It is one thing to be a terrorist by yourself someplace; it is another thing to be a terrorist backed up, backed up, and backed up, like countless other people who are willing to give money and support and intelligence to help in your terrorist activities. To me, that is what could happen if we go to war in Iraq.

Lastly, the civilian casualties. I remember the pictures that came back from 1991 after the war in Kuwait against the Iraqi Army—tanks, trucks, vehicles bombed and burned out, bodies lying all over in the desert. That did not provoke any outpouring of ill-will in the Arab world. It did not provoke any outpouring of a sentiment that somehow all of those people who were killed were somehow innocent. They were not. These were soldiers. These were Iraqi troops, used to invade and plunder Kuwait.

It will be different this time. This time it is not just the Iraqi Army. It will be innocent men and women in Baghdad who will get killed. And those are the pictures that will go around the Arab world. If we are just confronting the Iraqi Army, that is one thing. But with all the cruise missiles and the bombing and everything else that will go on in Baghdad, cruise missiles are very accurate, but sometimes they go astray and sometimes people are not where they are supposed to be. Sometimes they are in the wrong place at the wrong time. That is what will happen, the image of innocent women and children killed by the might of the American military in Baghdad.

That is why the best course of action is to continue the inspections, and if we need to, make 500 inspections, make 1,000 inspections. And then continue the program: planned destruction of weapons of mass destruction and others that Saddam Hussein now possesses in his arsenal. It may take more than a week, it may take more than a month, it may take 6 months or a year or 2 years or 4 or 5 years.

The article asked, what is the hurry? If it means less loss of human life, and it will certainly cost a lot less, it seems to me that would be the wise course of action.

We have a gang down there at the White House, Paul Wolfowitz, Richard Pearle, Negroponte, Elliot Abrams, Poindexter—do these names conjure up memories of the past? Sure does. A lot of the misguided adventures we got into in the 1980s—in Iran, in Central America, places like that—all these names kept popping up at that time because they were all involved in the misguided adventures. Now they got the adventure that will save us all, it will save America in the future—war in Iraq. And occupy Iraq with several hundred thousand troops, stay there as long as necessary to set up a government that somehow looks like ours.

I close my remarks by saying these people ought to go visit Vietnam. I have, several years ago, to find out how the people are getting along there. They seem to be getting along fine. I still may not approve of the kind of government they have. But the people seem to be getting along just fine. Saigon is bustling, Hanoi is bustling, the tourist industry is going up, manufacturing is going up. Again, it might not be the mirror image of our kind of government, but they seem to be doing all right.

So go visit Vietnam, and then go down to this wall down on The Mall and remember the misguided adventures of well-meaning politicians of the past before we commit our military to a massive invasion of Iraq.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

MR. HATCH. I notice some of my colleagues are here. I ask unanimous consent, after my few remarks, Senator DORGAN be permitted to speak for up to 25 minutes, and the Senator from South Carolina be permitted to speak for up to a half hour, then Senator SESSIONS for such time as he may use.

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

MR. HATCH. I will answer some of the questions that have been raised. The more I hear from some of my colleagues, I believe they believe the Clinton nominees, President Clinton's nominees were mistreated. The more I hear them say this, the more I believe, especially after listening to the distinguished Senator from Iowa, that what we are seeing here on Mr. Estrada, the filibuster is more about pay back than about Mr. Estrada.

Senator BOXER, the distinguished Senator from California, even said as much last week when they said, "What goes around comes around."

Let me take a minute or two to set the record straight. I have heard my colleague from Iowa say we Republicans are applying a double standard because some Clinton nominees, such as Bonnie Campbell, were not confirmed. Let me remind my friend that there were more nominees of the first President Bush—54—who were not confirmed than there were Clinton nominees not confirmed at the end of his administration. Two of these nomina-

tions were renominated by the current President Bush, John Roberts and Terrence Boyle. John Roberts for Circuit Court of Appeals for the District of Columbia, and Terrence Boyle for the Fourth Circuit Court of Appeals.

John Roberts was reported out of the committee last week with bipartisan support. He has been sitting here for 12 years through three nominations by two different Presidents. He is considered one of the two greatest appellate lawyers in the country today by members of the Supreme Court, as well as others. I look forward to seeing him confirmed. It is about time that he was. Terrence Boyle has been sitting there for 12 years, nominated three times, by two separate Presidents.

President Bush has nominated not only Miguel Estrada for the Federal appellate bench, but these other two qualified nominees who have been sitting there for 12 years. He also nominated, contrary to what the distinguished Senator from Iowa said, two other Hispanic nominees for circuit courts of appeals, one for the Fifth Circuit and one for the Ninth Circuit, as well as Miguel Estrada.

The distinguished Senator from Iowa is trying to make a comparison between Bonnie Campbell and Miguel Estrada. Let me first say, I like Bonnie Campbell. I feel badly she did not make it to the floor. She was not on the floor. There was no filibuster. Her experience was nowhere near that of Miguel Estrada. In fact, to my knowledge, she never tried a case either before a trial court or on appeal. She never argued an appellate case. She never appeared before the U.S. Supreme Court. As a matter of fact, you could go into more and more. But compare her ABA rating with Miguel Estrada's. Her ABA rating was a "majority qualified," which is a step below Mr. Estrada's rating of "unanimously well qualified," the highest rating the American Bar Association gives. Hers was "qualified" by a majority of the standing committee and "not qualified" by a minority of the standing committee. There is quite a bit of difference between the two nominees, plus the fact that Miguel Estrada is on the floor and there is a filibuster, a totally partisan filibuster being conducted against him.

I hope my colleagues are not going to continue that filibuster, but I understand that is what they intend to do. I hope some of my colleagues on the other side who are thinking more clearly will admit this is a dangerous thing to do. It is a wrong thing to do. I think it is an unconstitutional thing to do. I think it diminishes both the executive and the judicial branches of Government while increasing the power of the Senate, the congressional branch, or legislative branch.

Since the topic has been raised of the committee's confirmation record during the Clinton administration, I want to take a moment to set the record straight. During President Clinton's 8

years in office, he had 377 Federal judges confirmed, just 5 less than President Reagan, who was the all-time champion. But President Reagan had 6 years of a Republican Senate to help him—of his own party. President Clinton only had 2 years of his own party, the Democrats, to help him. There were 6 years where I was chairman, and we still put his judges through as much as we could. If you compare the number confirmed to the number nominated, President Clinton enjoyed an 85-percent confirmation rate on individuals he nominated. That is one of the highest ratings. What is more, President Reagan, like I say, had 6 years of a Senate controlled by his own party, while President Clinton had only 2.

Here is what happened to the 56 Clinton nominees who did not get confirmed during those 8 years. Some of them were multiple nominees. Three were left at the end of the 103rd Congress when the Democrats were in control, so those three cannot count against the Republicans. That leaves 53. Nine were nominated too late in the Congress for the committee to feasibly act on them or they were lacking the appropriate paperwork. That leaves 44. Seventeen of those lacked home State support, which often resulted from the White House's failure to consult with home State Senators. There was no way to confirm those nominations without completely ignoring the senatorial courtesy that we afford to home State Senators in the nominations process. That leaves only 27. One nominee was defeated on the Senate floor, which leaves only 26 remaining Clinton nominees. Of those, some had reasons for not moving that I simply cannot comment on. So in all 6 years that I chaired the committee while President Clinton was in office, there were fewer than 26 nominations left in committee.

Let's compare this record to the first Bush administration when the Democrats controlled the committee. The Democrats failed to confirm 58 Bush 1 nominees over the course of only 4 years. Let's look at the number of nominees pending at the end of the Clinton and Bush 1 administrations. While there were 41 Clinton nominees left in the committee at the end of the 106th Congress when Clinton left office, the Democrats left 13 more, a total of 54 nominees hanging at the end of the first Bush administration. Moreover, of the 41 Clinton nominees left at the end of the 106th Congress, one was renominated and confirmed in the 107th Congress, 12 lacked home State support, and 9 were nominated too late for the committee to act or had incomplete paperwork. That really leaves only 20 nominees who did not go forward during the last year of the Clinton administration.

All this goes to show that any allegation that this committee was somehow unfair to President Clinton's nominees is simply untrue, and payback is not the right thing to do. In fact, I treated

the Clinton nominees better than the Democrats treated the Bush 1 nominees and I think better than the current Senate leadership is treating the current President Bush's nominees. I just wanted to set that record straight. You cannot compare the Bonnie Campbell matter with the Miguel Estrada matter. They are completely distinguishable. And with regard to ability, there is no comparison.

Miguel Estrada not only has graduated at the top of his respective college and law school classes, at Columbia and Harvard, but he also was an editor of the Law Review; worked as a clerk for Amalya Kearse, a Carter appointee in the Second Circuit Court of Appeals; worked as a clerk to Anthony Kennedy, currently a Justice in the U.S. Supreme Court; worked in the Solicitor General's Office; was highly respected; has four of the—worked for three, if not four, of the Clinton Solicitors General; worked 4 years for Clinton; 1 year for Bush; argued 15 cases before the U.S. Supreme Court, winning 10 of them even though he has a speech impediment, a disability. It is amazing what this man has been able to do, and it is amazing to me that he has gone through this. I do not see one justifiable reason in the world for this.

On the other hand, I don't understand, sometimes, my colleagues on the other side. I know they do not all agree. We have a total of 55 votes we know will vote for Miguel Estrada. It seems to me that is what we ought to be doing is voting up or down. We should not be setting this awful precedent of a filibuster against any judicial nominee or, for that matter, any person on the Executive Calendar because I believe it does fly in the face of the separation of powers doctrine, to require, from here on in, if this precedent is set, 60 votes to confirm any "controversial" nominee. If that happens, then the Presidency will have been diminished, the judiciary will have been diminished, and we will not be able to get the top people in the country to even take these seats.

Keep in mind, we pay the Chief Justice of the United States Supreme Court \$192,000 a year. Any one of these top nominees makes four or five times that or more. So these jobs are not plums as far as their salary. These jobs are taken because people want to give service to the Federal Government. They want to serve the public and they are willing to sacrifice the monetary remuneration they are making as attorneys in order to serve. We ought to keep that in mind.

I would hate to see the day we only get the lesser of the less to be nominated because nobody else of any qualifications would want to go through this type of an awful procedure. I don't want to see the day when the only ones who can make it are those who do not have any records, have written nothing, have never said anything, whom you don't know anything about, and who may be good judges but may very

well not be. It is going to be tough even for the American Bar Association to make their evaluations because they won't have anything to make them on, other than the local attorneys who may be practicing law in the same area.

I have said enough. I just wanted to set the record straight.

Also, I totally disagree with the distinguished Senator from Iowa in his comments about the Iraq situation. We do have evidence of al-Qaida people being in Iraq. We do have evidence of organization within Iraq. We do have evidence that I think would rebut almost everything the distinguished Senator from Iowa said. But since my colleagues are on the floor and desire to speak, I do not want to take their time. So I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous agreement, the Senator from North Dakota, Senator DORGAN, is recognized for 25 minutes, to be followed by Senator HOLLINGS of South Carolina for 30 minutes, to be followed by Senator SESSIONS.

The distinguished Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I have voted for over 100 judges nominated by President Bush. In North Dakota, we have had vacancies in both the west and east district judgeships. President Bush nominated two Republicans for those judgeships. I was happy to support them, and to work with President Bush to make sure that their confirmation went smoothly. One has been confirmed, the other I am convinced will be confirmed, and both will make us proud as Federal judges.

I make that point only to say that I expect to be supportive of most, if not all, of the President's nominees. And I wish that we could have a vote on Mr. Estrada.

Mr. Estrada's nomination is problematic, however, in that he has refused to answer some basic questions. My colleagues, the ranking member of the Judiciary Committee and the minority leader, have indicated by letter that Mr. Estrada needs to be forthcoming, and answer provide some basic information about his judicial philosophy and temperament. Considering that Mr. Estrada is seeking a lifetime appointment to the bench, one would expect that he would be eager to provide that information.

Judge Hovland, whom the President nominated to the Western District of North Dakota, answered the very questions that Mr. Estrada would not. I was happy to support Judge Hovland. I wish Mr. Estrada would be forthcoming.

When and if he does that, I hope we proceed to vote. And then we can move on to any number of pressing matters.

U.S. INTERNATIONAL TRADE DEFICIT

Mr. President, I want to take the floor to talk about one very pressing matter, which all of us should be concerned with: that is, our country's record trade deficit in 2002.