

That leaves the Judiciary Committee, which is now considering Mr. Gonzales's nomination to be Attorney General. What standard should we apply to him? We know that rejection of a cabinet nominee is rare. In all of U.S. history, although hundreds of nominees have been stopped in committee or withdrawn by the President, only 9 of over 700 cabinet nominees have actually been rejected by the Senate. Two of them have been nominees for Attorney General. President Calvin Coolidge's nominee for Attorney General was rejected not once but twice and both times by a Senate of his own party.

Mr. Gonzales's case is a rare case in which a nominee may have been directly responsible for policies and resulting practices that have been counter-productive, contrary to international standards and practices, harmful to our troops' safety, legally erroneous, and plainly inconsistent with the rule of law and the basic values which this administration prides itself on defending.

President Bush's Inaugural Address resounded with those values last week. "From the day of our Founding," he said:

we have proclaimed that every man and woman on this earth has rights, and dignity, and matchless value, because they bear the image of the Maker of Heaven and earth.

The choice before every ruler and every nation, he said, is:

the moral choice between oppression, which is always wrong, and freedom which is eternally right.

America's belief in human dignity will guide our policies,

he said.

Americans move forward in every generation by reaffirming all that is good and true that came before—ideals of justice and conduct that are the same yesterday, today, and forever.

Those are lofty values, and all of us agree with them wholeheartedly. But they were abandoned by the White House in its decision on the use of torture, and our credibility in the world as a leader on human rights and respect for the rule of law has been severely wounded. The cruelest dictators can now cite America's actions in their own defense.

How can we be true to our own oath to defend the Constitution, if we confirm as the highest legal officer in the land a person who may well have encouraged our basic values to be so grossly violated?

So far, Mr. Gonzales has not been responsive to our questions in the Judiciary Committee about his role. He still has time to clear the air, and I urge him to do so.

The position of Attorney General and the issues involved in this nomination go to the heart of our Nation's commitment to the rule of law. A nominee whose record raises serious doubts about his own commitment to the basic principle should not be confirmed as Attorney General of the United States.

Mr. President, 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. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

NOMINATIONS

Mr. CORNYN. Mr. President, I didn't intend to speak this afternoon, but after listening to the comments of the Senator from Massachusetts regarding four individuals, three of whose nominations are pending before this body, I believe a brief statement and indeed a brief correction of the RECORD are necessary.

I am well aware that in politics a charge unanswered is often a charge believed. Indeed, I think the practice is not too rare that some believe if you make the same erroneous charge over and over and over and over again despite the facts that eventually your opponent will tire and fail to correct the RECORD. I don't want to be guilty of that because I believe not only do the American people need to know the truth and not be misled, the nominees whose integrity has been impugned during this all too painful and sometimes even cruel process deserve better.

Obviously, the Senate in providing its advice and consent on the President's nominations should ask hard questions, and we should press for answers to those questions. But there does come a point where the process no longer becomes one that can be described as a search for the truth but, rather, becomes akin to harassment, and, unfortunately, I think that line has been approached.

Let me explain what I am talking about. The Senator from Massachusetts talked specifically about four individuals—Mr. Bybee, who is now a circuit court judge; Mr. Haynes, who is the general counsel for the Department of Defense; Condoleezza Rice who, as the Chair knows, we all know, has been nominated by the President to be Secretary of State, and whose confirmation we will debate tomorrow, and, finally, the name of Alberto Gonzales, currently White House counsel, having been nominated to serve as Attorney General. Those are the four individuals who are the object of his comments.

I want to be fair to the Senator from Massachusetts. Sometimes when I was listening to him I thought my hearing was betraying me. I was not quite sure what I heard was, in fact, what he was saying because it was so far from what I believe the facts to be. I believe, and the RECORD will correct me if I am wrong, he used words tantamount to authorize the use of torture. He did, and I wrote this down, speak of a "for-

mal policy of prisoner abuse"—of course, all of which pertains to the allegations, indeed, the proof in some circumstances, of prisoner abuse at places like Abu Ghraib.

To conflate the acts of a few criminals with the acts of distinguished public servants who have disavowed any policy, any approval, of abuse or the use of torture as a policy of this Government, to conflate and somehow confuse and gloss over them and to suggest that indeed these individuals did something by their acts or inactions authorize the use of torture or condone, encourage, or create a perception that torture was okay, is just false. It is a story, but it is a false story. The American people should not be confused because the facts clearly point to the contrary.

We do know that the Department of Defense, pursuant to the investigation called for by Secretary Rumsfeld, has conducted eight investigations, three of which have not yet concluded, of the Abu Ghraib prison scandal. So far, the conclusion has been, as well as that of the independent investigations like that of former Defense Secretary Schlesinger, that the acts at Abu Ghraib are the acts of a criminal few on the night shift, not a matter of public policy of this Government or of the Department of Defense or any branch or agency of the Government.

Indeed, recently we saw the American system of justice mete out that justice in convicting one soldier, Graner, of abusing prisoners at Abu Ghraib and meting out a 10-year prison sentence in that connection.

It is not true, and the American people should not be misled or perhaps be given information that has no justification in the Record. It is unproven, these allegations. They are unjustified. Frankly, I don't believe it does this body honor to propagate these false allegations.

Everyone has a right to their opinion. I know some of the speakers who are so concerned from time to time about what happened at Abu Ghraib, as we all are, disapprove of this Nation's policy in the first place in going to war in Iraq and removing Saddam Hussein. Somehow, and this is unthinkable to me, they actually think that the world would be a better place with Saddam still in power. I disagree. Not only is the world a better place with Saddam in a prison cell awaiting trial, but the American people are safer and the people of Iraq now have the hope of a free, fair election in the next week or so leading, we all hope, to a free and democratic Iraq.

While everyone has a right to their opinion, no one has a right to distort the facts. Unfortunately, when it comes to the involvement of these four individuals—Mr. Bybee, now Judge Bybee, confirmed by this Senate not too long ago by a vote of nearly 80 Senators; Mr. Haynes, who is the general counsel for the Department of Defense; and as I mentioned, Condoleezza Rice

and Alberto Gonzales—the allegation that somehow they have been involved in a Government policy of condoning torture or authorizing prisoner abuse is just false. It is important to stand up and say so.

Our disagreements about policy, indeed, the foreign policy of this Government, whether it be authorizing the use of force or whatever the issue may be, cannot be used as an excuse to make such scurrilous allegations against public servants who I believe are trying to do their best. If, in fact, somehow this administration and these individuals who are engaged in important public policy decisions did not care one whit about what the law is, what the definition of torture is, and how we can avoid somehow engaging in this sort of illegal and heinous act against any human being, why would they research the law? Why would they write lengthy legal memoranda? Why would they have debates among themselves about what the law is and what Congress proscribed—indeed, what our international treaty obligations prescribe in this area. They would not. You would not be so scrupulous and so careful about what the law provides if you did not care about following the law. That has been what these individuals and this administration and this Government have tried to do under very difficult circumstances.

In conclusion, I hope our disagreements about some aspects of our Nation's foreign policy, our policy in Iraq, should not be license to distort the facts and impugn the character of these nominees. Three are nominees, one already has been confirmed. We know Mr. Haynes has been renominated by the President to serve as a circuit judge. We know Condoleezza Rice's nomination to be Secretary of State will be debated tomorrow in the Senate.

Finally, I expect on Wednesday Judge Alberto Gonzales will be voted out of the Judiciary Committee and that nomination will soon come to the Senate.

It appears the opponents of this administration and its policies will pass no opportunity to continue to repeat false charges which cannot be borne out by the facts and which I think need to be corrected.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. STEVENS pertaining to the introduction of S. 49 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIORITIES OF THE DEMOCRATIC CAUCUS

Ms. STABENOW. Mr. President, I rise to speak to the American people about the values and priorities of the Senate Democratic caucus. Today Senate Democrats introduced 10 ambitious leadership bills that will make our country more secure, expand opportunity for all, and honor our responsibility to future and past generations.

The Democratic agenda stands in stark contrast to the priorities advanced by Republicans. Democrats understand that putting America's security first means providing troops and their families with the resources they have told us they need to protect our freedom. Where Republican mismanagement has put our country's security at risk, Democrats will stand with our troops and step up efforts against terrorists by targeting and shutting down the institutions that create them. Where Republicans have stood with big corporations and put the needs of the special interests ahead of the American people, Democrats will work to expand opportunity for families by bringing down health care costs, strengthening education, and creating good-paying jobs.

Democrats will promote fiscal responsibility in Washington with a return to commonsense budgeting. But our most urgent priority is to protect our Nation's security. That is why we will stand up for our troops. We believe that putting America's security first means standing up for our troops and their families. We will work to increase our military end strength by up to 40,000 by 2007, and we will create a Guard and Reserve bill of rights to protect and promote the interests of our dedicated citizen soldiers. That includes making sure our troops have the body armor and equipment they need and that their families receive health care and their pay on time while their loved ones are serving abroad. This bill would increase survivor benefits from \$12,000 to \$100,000 for their families, if, God forbid, a loved one loses his or her life while serving our country.

We will also target the terrorists more effectively. We will keep America secure by stepping up the fight against the radical terrorists. We will work to increase our special operations forces by 2,000 to attack the terrorists where they are and to protect our freedoms here at home.

Democrats are also united to ensure that the world's most dangerous weapons stay out of the hands of terrorists. We will expand the pace and scope of

programs to eliminate and safeguard nuclear materials, enhance efforts to keep these and other deadly materials out of the hands of terrorists, and assist State and local governments in equipping and training those responsible for dealing with the effects of terrorist attacks involving weapons of mass destruction.

When our veterans come home, we will not abandon them. We will keep our promise to them. We now have a new generation of veterans returning from Iraq and Afghanistan. We will ensure that all veterans get the health care they deserve. We will make sure that no veteran is forced to choose between a retirement and a disability check.

We will also make the same commitment to the soldiers of today that was made to past veterans with a 21st century GI bill. We understand that one of the most effective ways to increase opportunities for our families is a high quality, good-paying job. The promise of America is that if you work hard and play by the rules, you should have a real opportunity to provide for yourself and your family. For too many Americans, this promise is out of reach today. We must ensure that it is within their grasp.

We must expand economic opportunity for all Americans by protecting American workers and ensuring that we are creating good jobs for today and for the future. Our plan creates new jobs with an expansion of infrastructure programs, encourages innovation, and ensures fair wages. It also eliminates tax incentives for companies that move jobs overseas. It ensures that we enforce our trade policies.

The Stabenow-Corzine bill ensures fair wages for our American workers. It restores overtime wages to 6 million workers and increases the Federal minimum wage over the next 2 years so that we can ensure a livable wage for every American worker. These are the people who serve our food and stock the shelves of our local grocery stores, care for our children and our elderly parents, and it is incredibly important that we honor, respect, and support them and the dignity of work.

It also provides relief to multi-employer pension plans to make them more solvent. These plans are used predominantly by small businesses to provide pension benefits to an estimated 9.7 million American workers. The Stabenow-Corzine bill creates good jobs for today and new jobs for the future, with an expansion of infrastructure programs and the encouragement of innovation.

Across America, thousands of infrastructure projects, from our smallest rural communities, to our biggest cities, await the Capitol to move forward. Making these investments in our roads, bridges, and buses, will enable our quality of life to improve and protect public health and safety. These investments will also create a huge boost to