

DeMint	Inhofe	Shelby
DeWine	Isakson	Smith
Dole	Kyl	Snowe
Domenici	Landrieu	Specter
Ensign	Lott	Sununu
Enzi	Lugar	Talent
Frist	Martinez	Thomas
Graham	McCain	Thune
Grassley	McConnell	Vitter
Gregg	Murkowski	Voinovich
Hagel	Roberts	Warner
Hatch	Santorum	
Hutchison	Sessions	

## NAYS—43

Akaka	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Biden	Harkin	Obama
Bingaman	Jeffords	Pryor
Boxer	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Chafee	Kohl	Salazar
Clinton	Lautenberg	Sarbanes
Conrad	Leahy	Schumer
Corzine	Levin	Stabenow
Dayton	Lieberman	Stabenow
Dodd	Lincoln	Wyden
Dorgan	Mikulski	

## PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED

Mr. Stevens, for

## NOT VOTING—1

Inouye

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

Mr. FRIST. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### NOMINATION OF JOHN ROBERT BOLTON TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS

Mr. FRIST. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of Executive Calendar No. 103, the nomination of John Bolton, to be U.N. ambassador; provided further that the debate up to 6:30 this evening be equally divided between the chairman and ranking member; I further ask that if a cloture motion is filed on the nomination, notwithstanding the provisions of rule XXII, that vote occur at 6 p.m. on Thursday with a live quorum waived; provided further that when the Senate resumes debate on the nomination on Thursday, all time until 6 p.m. be equally divided as stated above; further, that if cloture is invoked on the nomination, the Senate then proceed to a vote on the confirmation of the nomination with no further intervening action or debate; provided further that following that vote, the President be immediately notified of the Senate's action and the Senate resume legislative Senate; finally, I ask consent during the debate on the nomination, Senator VOINOVICH be in control of 1 hour of debate.

Mr. REID. Reserving the right to object, could we have some assurance from the distinguished majority leader

that we will have an early time in the morning to come to work and we do not spend all the morning on morning business.

Mr. FRIST. Madam President, calling upon my earlier cardiac surgical days, we will start as early in the morning as the Democratic leader would like.

In all seriousness, we will agree upon a time in the morning so that we will have plenty of time.

Mr. REID. I also say if, in fact, there is more time needed tonight, would the distinguished leader allow Members to move past 6:30 tonight on debate.

Mr. FRIST. Madam President, we would be happy to.

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

The clerk will report the nomination.

The assistant legislative clerk read the nomination of John Robert Bolton, of Maryland, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Indiana.

Mr. LUGAR. Mr. President, the Senate meets today to debate the nomination of John Bolton to be U.S. Ambassador to the United Nations. In this capacity, he would play an important role in securing greater international support for the national security and foreign policy objectives of the United States. It is my judgment that Secretary Bolton should be confirmed as U.S. Ambassador to the United Nations.

In recent years, the Foreign Relations Committee has made a special effort to work in a bipartisan manner. For 3 straight years, we have reported out foreign affairs authorization bills by unanimous votes. During the last Congress, we met 247 times, which was 50 percent more frequently than any other committee in the Senate. In almost every case, the subject of the meeting and the selection of witnesses enjoyed bipartisan support.

We have undertaken the cooperative path, not because we always agree, but because we know the stakes are high for our country in the international arena. We face severe threats capable of undermining our national security and our economic well-being. We believe we should strive to approach these questions with as much unity as possible.

On the John Bolton nomination, our committee could not develop a consensus position. From the start, members had widely divergent views of Secretary Bolton and his suitability for the U.N. ambassadorship. Members formed different opinions about the nominee based on their assessment of the role of the United Nations, their interpretation of Secretary Bolton's statements, their judgments on the testimony of many witnesses, their

perspectives on managerial conduct, their philosophy on how much latitude a President should have in nominating subordinates, and many other factors.

On top of these different perspectives, allegations were raised about Secretary Bolton that led to an expanded inquiry. Republicans and Democrats differed on some procedural aspects related to this inquiry, as well as on the relevance of some allegations and documents. Despite these substantive disagreements, we were able to work together in an effort that represents one of the most intense and most far-reaching examinations of a nominee in my experience.

The Foreign Relations Committee has interviewed 29 witnesses, producing approximately 1,000 pages of transcripts. We have received and reviewed more than 830 pages of documents from the State Department, from USAID, and the CIA regarding the Bolton nomination. We have questioned Secretary Bolton in person for 7 hours, and we have received responses to nearly 100 questions for the record, many containing numerous subparts. The depth and breadth of the 11-week inquiry is particularly notable, given that Secretary Bolton has been confirmed 4 times by the Senate already and that most of us have had personal experiences with him.

I thank both Democrat and Republican members of our Foreign Relations Committee for their patience and their perseverance throughout this process. Although we disagree in our conclusions, we share the view that the committee must work together even when we have different perspectives. We also agreed that the nomination has provided an opportunity for debate on larger issues related to the conduct of U.S. foreign policy.

At the core of any nomination process is the question of whether the nominee is qualified to undertake the task for which he or she is nominated. I have no doubt Secretary Bolton is extremely well qualified. He has just served 4 years in a key under secretary position that technically outranks the post for which he is being nominated. He has succeeded in several high-profile negotiation settings. He was the primary negotiator in the creation of the successful Proliferation Security Initiative and the landmark Moscow Treaty. He played a large role in the agreement with Libya on the surrender of that nation's weapons of mass destruction program and the "10 Plus 10 Over 10" agreement that resulted in \$10 billion in pledges from other G-8 countries to secure former Soviet Union weapons of mass destruction arsenals. These are among the Bush administration's most important and indisputable foreign policy successes.

Opponents have argued that Secretary Bolton's personality will prevent him from being effective at the U.N., but his diplomatic successes over the last 4 years belie that expectation. Few in Government have thought more about U.N. reform than has John

Bolton. He served 4 years as the Assistant Secretary of State overseeing international organizations under the first President Bush. He has written and commented extensively on that subject.

During his confirmation hearing, Secretary Bolton demonstrated an impressive command of issues related to the United Nations. Senator BIDEN acknowledged to the nominee at his hearing that:

There is no question you have extensive experience in UN affairs.

Deputy Secretary Rich Armitage recently told reporters:

John Bolton is eminently qualified. He's one of the smartest guys in Washington.

Secretary Bolton also demonstrated his ability to get things done prior to becoming Under Secretary of State. Perhaps the best example is his initiative to repeal U.N. Resolution 3379, which equated Zionism with racism.

In May 1991, as Assistant Secretary of State for International Organizations, John Bolton refused to accept the common wisdom that repealing this infamous resolution was impossible. He and his staff initiated a campaign to change votes in the General Assembly, even though they were advised they would not be successful. Within a few months, they had made substantial progress. By the fall, the State Department put its full weight behind that effort. On December 16, 1991, the U.N. General Assembly voted to repeal the resolution by a vote of 111 to 25.

In the private sector, Secretary Bolton made some blunt statements about the United Nations. Many of these statements were made in academic or think-tank settings where debate on these subjects was encouraged. Many of the quotes that have been repeated by opponents came in the context of much larger speeches that were more nuanced. The fact that he has strong views and a long record of commentary on the job that he is about to undertake should not be disqualifying.

During our hearing with Secretary Bolton, he spoke of the United Nations important role in international security. He has emphasized that he wants the institution to work well on behalf of international security and the interests of the United States.

Beyond qualifications, we should recognize that Secretary Bolton has the confidence of the President of the United States and the Secretary of State. The President has made it clear this is not a casual appointment. He wants a specific person to do a specific job. President Bush has a reform agenda in mind at the U.N. This reform agenda is generally supported by the U.N. Secretary General who has put forward a reform plan of his own. The President wants John Bolton, an avowed and knowledgeable reformer, to carry out that reform agenda. Kofi Annan has welcomed John Bolton's appointment.

I would emphasize that Secretary Bolton is being appointed to a position

that is within the chain of command of the President and the Secretary of State. The Ambassador to the United Nations reports directly to the President and to the Secretary of State. In fact, historically this ambassadorship has reflected directly on the President. The ambassador is seen as the President's voice at the U.N. Consequently, there are few positions in Government where the President should have more latitude in choosing his nominee. In my judgment, it would take absolutely extraordinary circumstances for the Senate to tell the President he cannot have his choice to carry out his directives at the U.N., even though the nominee is highly experienced and knowledgeable about U.N. affairs.

At times during this process, opponents have suggested that Secretary Bolton sits outside the mainstream in the Bush administration. The problem with this assertion is that President Bush is telling us this is not so. President Bush is telling us Secretary Bolton accurately reflects his views about the U.N. and how that institution should be reformed. President Bush is saying Secretary Bolton is his considered choice to implement his policies and diplomatic initiatives at the United Nations.

Some observers who want a different program than the President's may not agree with the President's choice, but the results of the 2004 election give the President the responsibility and the right to nominate like-minded representatives and to define who a like-minded representative is.

We have ample evidence that the United Nations is in need of reform. The Foreign Relations Committee held the first congressional hearing on the U.N. oil-for-food scandal more than a year ago. Since that time, through the work of Paul Volcker, our own colleague on the committee, Senator COLEMAN, and many others, we have learned much more about the extent of the corruption and mismanagement involved. This knowledge has supported the case for reform.

We know billions of dollars that should have been spent on humanitarian needs in Iraq were siphoned off by Saddam Hussein's regime through a system of surcharges, bribes, and kickbacks. This corruption depended upon members of the U.N. Security Council who were willing to be complicit in these activities. It also depended on U.N. officials and contractors who were dishonest, inattentive, or willing to make damaging compromises in pursuit of a compassionate mission.

The U.N. reform is not a new issue. The structure and the role of the United Nations have been debated in our country almost continuously since the U.N. was established in 1945. But in 2005 we may have a unique opportunity to improve the operations of the U.N. The revelations of the oil-for-food scandal and the urgency of strengthening global cooperation to address terrorism, the AIDS crisis, nuclear pro-

liferation, and many other international problems have created momentum in favor of constructive reforms at the U.N.

Secretary General Kofi Annan has proposed a substantial reform plan that will provide a platform for further reform initiatives and discussions. The United States must be a leader in the effort to improve the United Nations, particularly its accountability. At a time when the United States is appealing for greater international help in Iraq, in Afghanistan, and in troubled spots around the world, a diminishment of U.N. credibility because of scandal reduces United States options and increases our own burdens.

Secretary Bolton has become closely associated with the U.S. efforts to reform the U.N. If he goes to the U.N. and helps achieve reform, the U.N. will gain in credibility, especially with the American people. If reform moves forward, Secretary Bolton will be in an excellent position to help convince skeptics that reform has occurred and that the United Nations can be an effective partner in achieving global security. If we reject Secretary Bolton, President Bush's hand will be weakened at the U.N. We will recover, but we will have wasted time. And we will have strengthened the position of reform opponents.

In the days immediately following Secretary Rice's March 7 announcement of Secretary Bolton's nomination, most Democratic members of the Foreign Relations Committee expressed their opposition to the nomination on policy grounds. A March 8 Associated Press report states:

Almost immediately after Bolton's nomination was announced, Democrats objected.

The March 8 edition of the Baltimore Sun said:

Reaction from Senate Democrats promised contentious confirmation hearings for Bolton when he goes before the Foreign Relations Committee.

In several cases, the statements by Democrats were unequivocal in opposition. In several other cases, statements were very negative, leaving open only the smallest of possibilities that the Senator would ultimately support the nominee. In all of these cases, objections were based on Secretary Bolton's supposed attitudes toward the United Nations.

Senator DODD said that Secretary Bolton's "antipathy to the U.N. will prevent him from effectively discharging his duties as our ambassador."

Senator KERRY said that the Bolton nomination was "the most inexplicable appointment the President could make to represent the United States to the world community."

Senator BOXER said of Secretary Bolton:

He's contemptuous of the U.N.

By March 31, still almost 2 weeks before the first Bolton hearings, a Los Angeles Times report noted:

Democrats are likely to vote unanimously against John R. Bolton when his nomination to be United States ambassador to the United Nations comes before the Senate Foreign Relations Committee . . . according to Democratic and Republican lawmakers and aides.

Senators have the right to oppose a nominee because of his substantive views and his past statements. However, it is important to acknowledge that the ethical inquiry into Secretary Bolton's background has been pressed by Members who had planned to vote against him even before we began interviewing witnesses. They have the right to ask questions, and the committee of jurisdiction has a responsibility to follow up on credible allegations. But we should also understand that at times the inquiry has followed a more prosecutorial path than most nominees have had to endure.

Our committee staff has worked long and hard to run down the salvo of allegations that were levied at Secretary Bolton. The end result is that many of the accusations have proven to be groundless or, at worst, overstated. New information has cast others in a different light. There is no doubt that Secretary Bolton has been blunt and combative in defense of his perspectives. Indeed, this is one of the qualities that President Bush and Secretary Rice have cited as a reason for their selection of this nominee.

As I have said previously, Secretary Bolton's blunt style alienated some colleagues. Our review showed that on several occasions he made incorrect assumptions about the behavior and motivations of subordinates. A few other times he failed to use proper managerial channels or unnecessarily personalized internal disputes. But there is no evidence that he has broken laws or engaged in serious ethical misconduct. The picture is one of an assertive policymaker with an intense commitment to his missions—missions that, in fact, were supported by President Bush.

With regard to the most serious charge, that Secretary Bolton sought to improperly manipulate intelligence, the insights we have gained do not support the conclusion. He may have disagreed with intelligence findings, but in the end he always accepted the final judgment of the intelligence community, and he always delivered speeches in their cleared form.

During this inquiry, there has been an implication that if the nominee challenged or opposed the conclusions of intelligence analysts, he somehow committed an ethical violation. I think we need to be very precise that arguing in favor of one's own reading of intelligence within the context of an internal policy debate is not wrongdoing. Intelligence reports are not sacrosanct. They involve interpretation. They are intended to stimulate debate.

Many Senators participate in classified briefings. The word "briefing" is a misnomer because, as Senators, we spend much of the time during briefings questioning the panel. We probe to

determine not just what analysts think but why they think it, and often we challenge their conclusions.

Earlier this year, for example, the Senate Foreign Relations Committee held a highly classified briefing on North Korea in which one of our members pointedly disputed the conclusions of the briefer. There was a blunt exchange of views, and no resolution to this disagreement was achieved. I am doubtful that any of us who have attended a good number of intelligence briefings have not done the same thing on occasion. My point is that the act of challenging or disputing intelligence conclusions is not in and of itself wrong.

Some have appeared shocked that Secretary Bolton might have challenged intelligence conclusions or advanced alternative interpretations, even though the same thing happens every day in multiple departments and agencies. Congress has the benefit of something called the "speech and debate clause."

Article I, section 6 of the Constitution states that Members of Congress "shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place."

The Founders put this extraordinary provision in the Constitution because they saw the value of debate. The context surrounding arguments within an administration over intelligence is different, but the principle is the same. Policymakers should be free to exert opinions and interpretations during the policymaking process. Clearly, there are lines that should not be crossed. Some may argue that Secretary Bolton crossed these lines. But the proof is in the result. After fighting for his interpretation, Secretary Bolton conformed to the clearance process and gave the speeches as they had been approved.

It has been charged that Secretary Bolton sought to retaliate in some way against analysts and others with whom he disagreed. Our inquiry looked into these cases thoroughly, and in each one I believe the allegations are overstated.

In the case of Christian Westermann, the INR analyst whom the committee heard about from Carl Ford, the dispute was over a procedural issue, and Mr. Westermann continued in his job.

We should recall that the focus of Mr. Ford's complaint was that Mr. Bolton should not have raised his objections directly with Mr. Westermann, not that Mr. Bolton was wrong to raise the issue. Our Democratic colleagues last month made much of the fact that after this incident Secretary Powell had to go all the way down to INR to boost morale. But we heard from Secretary Powell's chief of staff that such visits were not uncommon. It was part

of the Secretary's leadership style to visit with staff in the "bowels of the building," including INR.

In the case of the NIO for Latin America, e-mails the committee staff has viewed make it clear that Secretary Bolton's primary objection was over disparaging and inaccurate comments the analyst made to Members of Congress about a speech. Secretary Bolton took his complaint to the CIA. Although the NIO has said he feels his career was damaged by Secretary Bolton, his superiors fully backed him at the time, and other witnesses have told the committee that if he did not get the promotions he felt he deserved, it was for other reasons. Again, as far as Secretary Bolton was concerned, the dispute was procedural. There was no attempt to fabricate intelligence.

Other allegations related to managerial style show the same pattern upon examination—disagreement over procedure, not policy. In the case of Ryon Ryu, a mid-level civil servant in the non-proliferation bureau under Secretary Bolton, no policy issues were involved at all. Secretary Bolton believed—incorrectly, according to Mr. Ryu's supervisor—that Mr. Ryu had deliberately neglected to share information with Bolton's office. Some months later, Mr. Ryu was up for a job that would have required him to work closely with Secretary Bolton. Secretary Bolton, perhaps regrettably, expressed his opposition to working with Mr. Ryu. Mr. Ryu was given another prized post instead, an assignment to the deputy secretary.

The case of the State Department attorney, also raised by the other side, is even more off the mark. This attorney fully supported what Secretary Bolton wanted to do. It was only because of miscommunication that Secretary Bolton thought the attorney had given out wrong information on a case involving sanctions against a Chinese company. The State Department Legal Advisor, Will Taft, told our staff that he quickly straightened things out. The attorney stayed on the case, and he even wrote the affidavit that Secretary Bolton later submitted to court.

Staff also looked at a new case that came up. Secretary Bolton's chief of staff, we learned, went to an INR analyst to complain that he had inappropriately attached to a CIA document a cover memo that took exception to some of the CIA's findings regarding China. No action was sought against the analyst and none was taken. The issue was procedural, no intelligence was manipulated, and Secretary Bolton was not even directly involved, because he was out of the country at the time.

Secretary Bolton's credibility has also been called into question regarding his testimony before our committee on April 11. Senator BIDEN questioned whether Mr. Bolton really went to the CIA to learn about the National Intelligence Council. Stuart Cohen, the acting head of the NIC, said that while he could not recall why Secretary

Bolton wanted to come, it was “perfectly reasonable” to believe that was the reason. In fact, he added, “I was delighted at the prospect that somebody would come out wanting to know more about the NIC.” He also said that Secretary Bolton only talked about resigning, not firing, the NIO just as Mr. Bolton testified. Our investigation has found nothing contrary to Secretary Bolton’s claim that his dispute with Mr. Westermann was over procedure, not policy.

Former Ambassador to South Korea, Thomas Hubbard, called the committee after Secretary Bolton’s testimony about a controversial speech he gave in South Korea. Secretary Bolton testified that Ambassador Hubbard had thanked him for the speech afterwards. The ambassador told us he indeed had thanked Secretary Bolton afterwards, but only for making certain changes in the speech that he had requested. Ambassador Hubbard told our staff that he wanted to correct the record on that point, but he was not accusing Secretary Bolton of being deliberately misleading.

That speech was one of several by Secretary Bolton that opponents of the nomination have questioned. Our investigation showed that many of these speeches and congressional testimony were preceded by strong policy debates within the administration. As one witness told our staff, “That’s how good policy is made.” In each case we found that, in the end, Secretary Bolton delivered a speech that was properly cleared and that expressed official U.S. policy.

One of the most sensationalized accusations against Secretary Bolton is that 11 years ago, he chased a woman around a Moscow hotel throwing things at her. This is problematic first because the behavior described seems so out of place. But secondly, because it has been very difficult for our staffs, despite many hours of interviews on this matter, to ascertain just what happened.

The woman, Melody Townsel, who lives in Dallas, admits that she is a liberal Democrat who worked for Mothers Opposing Bush in the last election. Ms. Townsel also told our staffs that her original accusation, contained in a letter that was made public, may have been too strong in some places. She said: “‘Chasing’ may not be the best word.” What she meant was that Secretary Bolton would approach her whenever he saw her at the hotel where they were both staying because, as she describes it, she did not want to meet with him over a legal matter. It is important to remember that Secretary Bolton was a private lawyer at that time. He was not representing the U.S. Government. He was working for a company against which Ms. Townsel had made some very serious charges—charges which proved unfounded—that could have cost his company an important USAID contract in the former Soviet Union.

Ms. Townsel provided no eyewitnesses to the incidents, which are said to have occurred in public or open areas of the hotel. Moreover, although she claimed this was a highly traumatic encounter and that she told several people about it, staff had difficulty finding others who knew about it. Three people whom Ms. Townsel identified as having heard her complaints at the time of the events told staff that they had no recollection of Ms. Townsel mentioning Mr. Bolton. Her boss, Charles Black, of Black, Manafort, Stone and Kelly, who hired her for the post, said she never mentioned it to him. Neither did her immediate supervisor back in Washington. An employee of a sister company who assisted Ms. Townsel in making her charges against the prime contractor on her project and with whom she said she was in close touch at the time, also knows nothing about it. Staffs talked to three representatives of the contractor, a small Virginia firm which has long experience working for USAID overseas. Those officials also heard nothing about this encounter. They said that Secretary Bolton was in Moscow at that time, but he was working as a consultant for a health project they were involved in, not doing legal work for them. We did find one of her friends and co-workers from that time, who was not in Moscow, who recalls talking with her by telephone about it, as well as a subordinate of hers in a later USAID-funded project who recalls her mentioning it.

Ultimately, Ms. Townsel went on to another USAID project in the former Soviet Union, and the company she accused of mismanagement was awarded more USAID contracts and continues to be well regarded.

The original charge against Secretary Bolton is uncorroborated and overstated. On the basis of what we do know, there is nothing to offset Secretary Bolton’s long record of public service in several administrations. It has been charged that collectively the allegations against Secretary Bolton form an unacceptable pattern of behavior. This is an unfortunate argument by opponents because it depends on doubts arising from an intense investigation of accusations, many of which had no substantiation. By its nature, it also discounts the dozens of positive testimonials on Secretary Bolton’s behalf from former coworkers who attest to his character and his effectiveness.

We need to think clearly about the context of the allegations leveled against Secretary Bolton. First, this has been an extremely public inquiry. By its nature, it has encouraged anyone with a grudge or disagreement with Secretary Bolton, stretching back to 1983, to come forward and tell their story. There have been no thematic limits on the allegations that opponents of the nominee have asked to be investigated.

I simply submit that no one working in Washington in high-ranking posi-

tions for that long would come out unscathed from such a process. Any assertive policymaker will develop opponents based on stylistic differences, personal disputes, or partisan disagreements. Most Members of the Senate have been in public life for decades. If we were nominated for a similar position of responsibility after our terms in the Senate, how many of us would want the same standard to be applied to our confirmation process? How many of us would want any instance of conflict or anger directed at our staffs or our colleagues to be fair game?

Second, as mentioned, the oldest allegation dates back all the way to 1983. Thus, we are subjecting 22 years of Secretary Bolton’s career to a microscope. This included service in many Government jobs, as well as time spent in the private sector. Given the length of John Bolton’s service in high-ranking positions, it is inevitable he would have a conflict with coworkers of various ranks and political persuasions. He would have had literally thousands of contacts, meetings, and issues to deal with during his career. In this context, the volume of alleged incidents is not that profound.

Third, in John Bolton’s case, unsubstantiated charges may seem more material than they are because he has a reputation for being an aggressive and blunt negotiator. But this should not be a disqualifying factor, especially for posts that historically have included a number of blunt, plain-spoken individuals, including Jeane Kirkpatrick and our former colleague, Daniel Patrick Moynihan. In fact, President Bush has cited John Bolton’s direct style as one of the reasons he has picked him for this particular job.

It is easy to say any inquiry into any allegation is justified if we are pursuing the truth, but as Senators who are frequently called upon to pass judgment on nominees, we know reality is more complicated than that. We want to ensure that nominees are qualified, skilled, honest, and open.

Clearly, we should pursue credible reports of wrongdoing, but in doing so, we should understand that there can be human and organizational costs if the inquiry is not focused and fair.

We have all witnessed quality nominees who have had to endure a contentious nomination process that opened them up to any charge leveled from any direction. Both Republicans and Democrats have been guilty of employing prosecutorial tactics to oppose nominees with whom they did not agree. Some would say that nominees are fair game. If they accept appointment, they enter the public arena where no quarter will be given. But we need capable people who are willing to serve our Government and the American people.

Among all the other qualifications, it seems we have required nominees to subject themselves and their families to partisan scrutiny. This has implications well beyond this current nomination.

Our Democratic colleagues have recognized this fact when they have defended Democratic nominees in the past. With respect to one nominee in October 1993, Senator BIDEN said:

The Senate does nothing to fulfill its responsibility to advice and consent on Presidential nominations and does nothing to enhance its reputation as the world's greatest deliberative body by entertaining a long and disagreeable litany of past policy disagreements, nor by entertaining anonymous and probably false allegations.

With regard to a troubled 1999 nomination, Senator DODD quite insightfully stated:

I am one, Mr. Chairman, who worries deeply about our ability to attract the best our society can produce to serve our country. It is not easy to submit yourselves and your families to the kind of public scrutiny that a nomination of this magnitude involves. We have got to sort out some ways in which we can go through this process without making it so discouraging to people that those who watch the process who think one day they might like to serve their country will be discouraged from doing so in any administration, and I am deeply worried that if we do not get a better handle on this, that will be the net result of what we accomplish.

Senator DODD also provided comments for a March 1, 1997, Washington Post article about the travails of a different nominee. He said:

It's getting harder and harder to get good people to serve in government. Advice and consent does not have to be abuse.

In an investigation of this type, we constantly have to ask, where do you draw the line? Where does legitimate due diligence turn into partisanship? Where does the desire for the truth turn into a competition over who wins and who loses? Not every line of the inquiry is justified by our curiosity or even our suspicions.

The Foreign Relations Committee has focused a great deal of energy examining several accusations against the nominee. This may leave some observers with the false impression that John Bolton's service has been dominated by discord and conflict. We need to acknowledge that a great many officials with whom he has worked have endorsed him and many subordinates have attested to his managerial character. I would like to cite just a few of the comments received by the committee in support of Secretary Bolton.

Former Secretaries of State James Baker, Larry Eagleburger, Alexander Haig, Henry Kissinger, and George Shultz, former Secretaries of Defense Frank Carlucci and James Schlesinger, former Ambassadors Jeane Kirkpatrick and Max Kampelman, former National Security Adviser Richard Allen, former Arms Control and Disarmament Agency Director Kenneth Adelman, former Assistant Secretary of State David Abshire and former Department of State Counselor Helmut Sonnenfeldt strongly endorsed Secretary Bolton in a letter to the committee. They said:

It is a moment when we must have an ambassador in place whose knowledge, experience, dedication and drive will be vital to protecting the American interest in an effec-

tive, forward-looking United Nations. . . . Secretary Bolton, like the administration, has his critics of course. Anyone as energetic and effective as John [Bolton] is bound to encounter those who disagree with some or even all of the administration's policies. But the policies for which he is sometimes criticized are those of the President and the Department of State which he has served with loyalty, honor and distinction.

Andrew Natsios, the current USAID administrator and M. Peter McPherson, a former USAID administrator, along with 37 officials who worked with John Bolton during his year at USAID wrote:

We know John to be a forceful policy advocate who both encourages and learns from rigorous debate. We know him to be a man of balanced judgment. And we know him to have a sense of humor, even about himself. John leads from in front with courage and conviction—especially positive qualities, we believe, for the assignment he is being asked to take on. He is tough but fair. He does not abuse power or people. John is direct, yet thoughtful in his communication. He is highly dedicated, working long hours in a never-ending quest to maximize performance. Yet he does not place undue time demands on his staff, recognizing their family obligations. What he does demand from his staff is personal honesty and intellectual clarity.

Another letter from former Attorneys General Ed Meese and Dick Thornburgh; former Governors William Weld and Frank Keating; former counsels to the President C. Boyden Gray and Arthur Culvahouse Jr.; and 39 other distinguished officials stated:

Each of us has worked with Mr. Bolton. We know him to be a man of personal and intellectual integrity, deeply devoted to the service of this country and the promotion of our foreign policy interests as established by this President and Congress. Not one of us has ever witnessed conduct on his part that resembles that which has been alleged. We feel our collective knowledge of him and what he stands for, combined with our own experiences in government and in the private sector, more than counterbalances the credibility of those who have tried to destroy the distinguished achievements of a lifetime.

Another letter came from 21 former officials who worked with John Bolton in his capacity as Assistant Secretary of State for International Organization Affairs. It states:

Despite what has been said and written in the last few weeks, John has never sought to damage the United Nations or its mission. Quite the contrary—under John's leadership the organization was properly challenged to fulfill its original charter. John's energy and innovation transformed IO from a State Department backwater into a highly appealing work place in which individuals could effectively articulate and advance U.S. policy and their own careers as well.

A letter also arrived from 43 of John Bolton's former colleagues at the American Enterprise Institute. It stated:

As we have followed the strange allegations suddenly leveled at Mr. Bolton in recent days and reflected among ourselves on our own experiences with him, we have come to realize how much we learned from him, and how deep and lasting were his contributions. . . . Contrary to the portrayals of his accusers, he combines a temperate disposition, good spirit, and utter honesty with his

well-known attributes of exceptional intelligence and intensity of purpose. This is a rare combination and, we would think, highly desirable for an American ambassador to the United Nations.

Former British Prime Minister Margaret Thatcher wrote in a recent letter to Secretary Bolton:

To combine, as you do, clarity of thought, courtesy of expression and an unshakeable commitment to justice is rare in any walk of life. But it is particularly so in international affairs. A capacity for straight talking rather than peddling half-truths is a strength and not a disadvantage in diplomacy. Particularly in the case of a great power like America, it is essential that people know where you stand and assume that you mean what you say. With you at the UN, they will do both. Those same qualities are also required for any serious reform at the United Nations itself, without which cooperation between nations to defend and extend liberty will be far more difficult.

During consideration of the Bolton nomination, we have spent a good deal of time scrutinizing individual conversations and incidents that happened several years ago. Regardless of how each Senator plans to vote, we should not lose sight of the larger national security issues concerning UN reform and international diplomacy that are central to this nomination.

The President has tapped Secretary Bolton to undertake this urgent mission. Secretary Bolton has affirmed his commitment to fostering a strong United Nations. He has expressed his intent to work hard to secure greater international support at the UN for the national security and foreign policy objectives of the United States. He has stated his belief in decisive American leadership at the UN, and underscored that an effective United Nations is very much in the interest of U.S. national security.

I believe that the President deserves to have his nominee represent him at the United Nations. I am hopeful that we will vote to send this nominee to the United Nations without further delay and with a maximum amount of enthusiastic support.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LUGAR. I ask that the time now be equally charged to both sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LUGAR. Mr. President, I ask unanimous consent that quorum calls be charged equally against both sides for the duration of the debate on the Bolton nomination.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BIDEN. Mr. President, I rise today to state what is obvious to the Chair and my colleagues, that I will oppose the nomination of John Bolton to be U.S. representative to the United Nations. I regret, frankly, we are even debating this nomination while the administration continues to withhold relevant material about Mr. Bolton that the committee has requested, and for which no reasonable explanation has been given as to why it has not been provided other than they do not think the information is "relevant" to our inquiry. I will return to that issue later today.

The job to which Mr. Bolton has been nominated is one of the most important ambassadorships the President fills. It is, in fact, the most important one. In the past, it has often held Cabinet rank. Leading figures of their day have held that job, people such as Republican Henry Cabot Lodge, Democrat Adlai Stevenson, President George Herbert Walker Bush, Daniel Patrick Moynihan, Jeane Kirkpatrick, Richard Holbrooke, Senator Jack Danforth. Aside from the President and the Secretary of State, the U.N. ambassador is the best known face of American diplomacy.

It is a job that in my view requires a person with diplomatic temperament, a person willing to listen to other points of view, and blessed with the power to be able to persuade, such as President Bush's father George Herbert Walker Bush was.

It is a job that requires a person of great credibility, such as Governor Adlai Stevenson.

It is a job that requires a person who is not an ideologue, such as Senator Daniel Patrick Moynihan, a Democrat who served a Republican President as ambassador to the United Nations.

And it is a job, in my view, that requires a person who has the complete confidence of the President of the United States and Secretary of State, such as Jeane Kirkpatrick did.

Mr. Bolton is not that person. He is no diplomat, as evidenced by his contempt for opposing views and his inability or unwillingness to listen. His credibility is in grave doubt, as evidenced by his repeated efforts to distort facts to fit preformed views. He is

an ideologue—a bright ideologue, but nonetheless an ideologue, as evidenced by his long record both in and out of Government. And he lacks the trust and confidence of his superiors, as evidenced by the fact that the Secretary of State has felt the need to assure Senators in this Chamber that Mr. Bolton will be "closely supervised." As one of our colleagues said, why in the Lord's name would you send someone to the United Nations who had to be "closely supervised?"

The job of U.N. ambassador is important, to state the obvious, because of the many challenges the United States confronts in the year 2005. I would argue it is a more important post than at any time since 1962 and the Cuban missile crisis. We confront a monumental threat by radical Islamic fundamentalists bent on destroying America and our allies. We confront a radical regime in North Korea and a theocracy in Iran that seek nuclear weapons and the means to deliver them. We confront the challenge of building democratic states in Iraq and Afghanistan, two countries that have known mostly dictatorship and suffering for generations. We confront the challenges of the AIDS pandemic, war and humanitarian catastrophes across the African continent, and the threat of instability in every continent.

Despite our vast economic and military power we cannot—or I should say more appropriately, we need not—face these challenges alone. America's security is enhanced when we work with our allies, and the United Nations is one of the places we can find them. Our security is enhanced when even those who are not considered our allies understand that the threat that we are concerned about is common to all of us, to them as well as us, to almost all nation states.

For better or worse, the United Nations is an essential forum for the advancement of U.S. foreign policy and national security interests in the year 2005—a troublesome forum but in fact a necessary forum. For better or worse, the U.N. Security Council makes decisions that affect international security and stability. Granted, they cannot make any decision without the United States signing off—we can veto it—but they have the ability to isolate us instead of isolating those who should be isolated.

For better or worse, the United Nations provides a means for the United States to gain international support for difficult missions it seeks to undertake, not only in our interest but in the interest of others, allowing us to share the cost and burdens with others and not put it all on the back of the American taxpayer.

The United Nations is not perfect, as the Presiding Officer well knows—far from it. It needs significant reform—again as the Presiding Officer knows. But let's not equate reform of the United Nations with John Bolton, as some of our colleagues have attempted

to do. We have, under the leadership of Jesse Helms and with my help, passed the Helms-Biden legislation reforming portions of the United Nations. Much more needs to be done.

I would note that when we had John Danforth, an incredibly well respected ambassador, up until a couple of months ago, and before him Mr. Negroponte, there was not all this talk about the primary responsibility being reform. They were fully capable of dealing with reform.

I would point out that not even the Secretary of State, Condoleezza Rice, believes John Bolton is necessary for reforming the United Nations. Four days after the Bolton nomination was announced, Dr. Rice appointed another person, Dr. Shirin Tahir-Kheli, "to serve as the Secretary's senior advisor and chief interlocutor on United Nations reform." The State Department press release announcing the appointment made no mention of Mr. Bolton.

Mr. Bolton was not picked because his job was United Nations reform. That is the job of every U.S. ambassador to the U.N., or part of the job. No, this debate is not about U.N. reform or U.N. interests; it is about whether the appointment of Mr. Bolton is in the national interests of the United States of America. I firmly believe, as my friend from Ohio, Mr. VOINOVICH, does, that it is not in the U.S. interests.

There are four reasons to vote no on Mr. Bolton. Each, standing alone, in my view, would justify a negative vote, but taken together they provide an overwhelming case. What is even more extraordinary is that much of the evidence for this case comes from senior officials in the Bush administration who worked with Mr. Bolton. The bulk of the evidence to make the cases I am about to make came from senior Republican administration officials who worked with Mr. Bolton. They had nothing to gain and a good deal to lose by appearing before our committee, but everyone came voluntarily. No one had to be subpoenaed. We asked and they came.

The first reason Mr. Bolton should, in my view, be denied the ambassadorship to the United Nations is that Mr. Bolton repeatedly sought to remove intelligence analysts who disagreed with him. Mr. Bolton was not content to fight the normal policy battles. He had to crush people, even if they were just doing their jobs.

One analyst was Christian Westermann, an expert on biological and chemical weapons with a 20-year career in the U.S. Navy who worked in the State Department's Bureau of Intelligence and Research after retiring from the U.S. military.

In February of 2002, Mr. Westermann was asked by Mr. Bolton's staff, which is standard operating procedure, to begin the intelligence community clearance process for three sentences that Mr. Bolton wanted to put in a speech about the biological weapons effort of Cuba. The speech was not made

yet; the speech was in the making. What is a normal operating procedure in this State Department, the last State Department, and the ones before that, is that when a policymaker wishes to include in a speech intelligence data or assertions that the U.S. government or the intelligence community believes thus and so, it has to be cleared first by the intelligence community.

Mr. Westermann, the State Department's intelligence analyst for biological weapons, had two roles in this process of clearing these three sentences. One was to transmit the material to a clearance coordinator at the CIA who would then seek clearance from all the other intelligence agencies in the Government—Defense Intelligence, et cetera, a whole panoply of the intelligence community. The second function Mr. Westermann had as the intelligence officer at the State Department for biological weapons was to provide the substantive comments of his Bureau—that is, INR—on Mr. Bolton's text to this clearance coordinator; in other words, in addition to what the other intelligence agencies thought about these three sentences, to say what the intelligence analysts in the State Department thought about these three sentences.

In performing that latter function, Mr. Westermann proposed alternative language to the three sentences submitted by Mr. Bolton's staff, a standard means of trying to help a policymaker say something about classified matters so that the sources and methods are not compromised and so that the statement is consistent with the intelligence community's judgments on that point being spoken to. When Mr. Bolton found out that Mr. Westermann suggested alternative language, he hit the roof. He summoned Mr. Westermann to his office and gave him a tongue lashing.

Look, Mr. Westermann does not work directly for Mr. Bolton. There is within the State Department Mr. Bolton's operation, the people who work directly for him, and then there is the intelligence operation, INR, headed at the time by a guy named Carl Ford. At the bottom of the food chain is the guy in charge of biological weapons as an intelligence analyst; that is, Mr. Westermann.

Mr. Bolton summoned Mr. Westermann into his office and, according to Mr. Westermann, Bolton was "red faced" and yelling at him. When Mr. Westermann tried to explain what he had done, Mr. Bolton threw him out of his office.

Then, over the course of the next 6 months, Mr. Bolton tried on three separate occasions to have Mr. Westermann removed from his position. During the committee hearing, Mr. Bolton grudgingly conceded that he sought to remove Mr. Westermann from his portfolio, but he tried to minimize his involvement. Mr. Bolton suggested that he asked one of Mr.

Westermann's supervisors to give Mr. Westermann a new portfolio, but then, he said, "I shrugged my shoulders and moved on." But the evidence is clear that Mr. Bolton did not, as he said, "move on." He tried twice more to remove Mr. Westermann, the biological weapons expert. A few days later, he tried to remove him, and then several months later.

My friend from Indiana—and as we say here, he is my friend—argues this does not matter. Mr. Westermann kept his job, no harm, no foul—my words. But the system had to work overtime to counteract the harmful effects of this episode. Don't take my word for it. Listen to Carl Ford, the former Assistant Secretary of State for INR, who says he supports the President and, in his words, is a huge fan of Vice President CHENEY, and not anyone who has ever been accused of being a liberal Democrat.

Mr. Ford testified that the analysts in his Bureau were "very negatively affected by this incident—they were scared." Ford said that after the Westermann incident, he tried to make the best of a bad situation by using the incident as a training vehicle to explain to his people how to handle similar situations if they came up. At Ford's request, Secretary Powell made a special trip to speak to the INR analysts, where Mr. Powell singled out Mr. Westermann and told the analysts they should continue to "speak truth to power." They had to do this because Mr. Bolton was allergic to people delivering news that his proposed language was not supported by the evidence.

As one of Mr. Westermann's supervisors recounted, Mr. Bolton declared "he wasn't going to be told what he could say by a mid-level muckin' analyst." At the U.N., the special representative has to listen to a lot of people who disagree with him and then report back faithfully on what they are saying. Is Mr. Bolton capable of doing that?

The second analyst Mr. Bolton tried to remove from his position is a more remarkable case for two reasons: The analyst worked in another agency; and his portfolio did not involve Mr. Bolton's area of responsibility, which was arms control and weapons of mass destruction.

The analyst was the National Intelligence Officer for Latin America. He disputed language on Cuba that was used in a speech Mr. Bolton had given, and that he then wanted to give again in congressional testimony.

During the committee hearing, Mr. Bolton again tried to minimize his actions, stating that his effort to remove this individual was "one part of one conversation with one person, one time . . . and that was it, I let it go."

The evidence shows that he did not let it go but, rather, that he and his staff actively discussed the removal of this National Intelligence Officer over the course of 4 months.

In early June of 2002, an aide to Mr. Bolton circulated a draft letter from

Mr. Bolton and Ambassador Otto Reich, Assistant Secretary of State for Latin America. The draft was addressed to Director of Central Intelligence Agency, Mr. George Tenet.

The draft letter urged the immediate replacement of the National Intelligence Officer and indicated that Bolton and Reich would take several measures on their own, including banning the National Intelligence Officer from official meetings at the State Department and from official travel in the Western Hemisphere.

A response to the e-mail from a colleague reported that he discussed the same matter with Mr. Bolton, whom he said "would prefer at this point to handle this in person with [Mr.] Tenet."

The following month—again, going to the issue of whether he tried to get this guy removed—Mr. Bolton traveled to the CIA headquarters to meet with Mr. Stuart Cohen, the Acting Chairman of the National Intelligence Council, where he asked that the National Intelligence Officer be removed from his position.

Mr. Cohen, the Acting Chairman of the National Intelligence Council, said he did not remember many details about the meeting with Mr. Bolton other than Mr. Bolton's intent was clear: He wanted the National Intelligence Officer for Latin America removed.

Later that month—again, remember, Mr. Bolton said: I did not try to get this guy. I let it alone—a senior aide to Mr. Bolton told a senior aide to Mr. Reich that Bolton wanted to meet Reich to "discuss the draft letter to CIA on our favorite subject" and said that "John doesn't want this to slip any further."

The next day, the same aide to Mr. Bolton e-mailed Secretary Reich and his aide and had a new draft to the letter. He said that the draft "relies on John's tough talk with [Mr.] Cohen "about the national intelligence officers.

So much for not trying to get him removed.

Two months later, in September, another draft letter urging the removal of the National Intelligence Officer was exchanged between Mr. Bolton's office and Mr. Reich's office.

Now, does that sound like he "let it go," as he said he did? Remember, his staff said Mr. Bolton said he doesn't want to let this matter "slip any further." If you ask me, this was more than "one part of one conversation . . . one time," as Mr. Bolton said. It was a campaign, a vendetta, against a person Mr. Bolton had never met and whose work Mr. Bolton acknowledges he cannot recall ever reading, all because he questioned Mr. Bolton.

If this is how Mr. Bolton reacts to someone he has never met, how will he control himself in New York? Secretary Rice, the Secretary of State, told the Senator from Ohio that Mr. Bolton will be "closely supervised."

How much energy at the State Department will be diverted to supervising Mr. Bolton?

Thankfully, senior management at CIA had the good sense to rebuff Mr. Bolton's attempts to remove the National Intelligence Officer. The former Deputy Director of Central Intelligence, John McLaughlin, remembers that when the issue was raised with him, he adamantly rejected it. Here is what the Deputy Director of the CIA said:

Well, we're not going to do that, absolutely not. No way. End of story.

Mr. McLaughlin, at the CIA, explained why he so strongly opposed Mr. Bolton's proposal to get rid of this national intelligence officer. And I quote from Mr. McLaughlin, formerly at the CIA:

It's perfectly all right for a policymaker to express disagreement with an . . . analyst, and it's perfectly all right for them to . . . challenge their work vigorously. But I think it's different to then request, because of the disagreement, that the person be transferred. And . . . unless there is malfeasance involved here—and, in this case, I had high regard for the individual's work; therefore, I had a strong negative reaction to the suggestion about moving him.

He is speaking of the National Intelligence Officer.

That, all by itself, is reason to vote against Mr. Bolton—thoroughly outrageous conduct as it related to two intelligence officers who disagreed with him.

A second reason to oppose Mr. Bolton is that he frequently sought to stretch the intelligence—the available intelligence—to say things in speeches and in testimony that the intelligence community would not support. The committee report lays out this allegation in extensive detail, and it is there for every Senator to see. There is ample evidence that Mr. Bolton sought to cherry-pick, as one analyst said, cherry-pick intelligence; sought to game the system, to get the clearances he wanted, or simply sought to intimidate intelligence analysts to get them to say what he wanted.

Again, don't take my word for it. Take the word of an administration appointee, Mr. Robert Hutchings, the Chairman of the National Intelligence Council from 2003 to 2004. Chairman Hutchings said, in the summer of 2003, that Mr. Bolton prepared a speech on Syria and weapons of mass destruction that "struck me as going well beyond . . . where the evidence would legitimately take us. And that was the judgment of the experts on my staff, as well."

Now, remember, this is 2003. We had 160,000 troops in Iraq and in Afghanistan. There was all kinds of talk on the floor of the Senate and in the Nation about whether we would invade Syria next. There was all kinds of discussion and supposition that the weapons of mass destruction that were never found in Iraq—and we later learned had not existed after 1991 or 1995—had been smuggled, for hiding, into Syria. It was

a very delicate moment, in which if, in fact, a senior administration official came forward and said there was evidence that there was a nuclear weapons program in Syria, we might have had a war.

Mr. Bolton wanted to make a speech about that, and here is the guy who headed up the National Intelligence Council, the chairman. He said that what Bolton wanted to say "struck me as going well beyond . . . where the evidence would legitimately take us. And that was the judgment of the experts on my staff, as well."

This is not minor stuff. I remind the American people and my colleagues that an awful lot of Senators voted to go to war in Iraq on the assertion that Iraq had weapons of mass destruction, which now the administration itself acknowledges they did not have. Mr. Bolton, according to the chairman of the National Intelligence Council, wanted to say things about Syria and weapons of mass destruction that struck him and his experts as going beyond what could legitimately be stated.

Chairman Hutchings said that Bolton took "isolated facts and made much more of them to build a case than I thought the intelligence warranted."

Does that sound familiar to you? Remember aluminum tubes, offered by the Vice President as evidence that Iraq had a gas centrifuge system, had reconstituted their nuclear capability, when, in fact, the most informed elements of the intelligence community said those tubes—because they were anodized—couldn't be used for a gas centrifuge system? Facts taken out of context to make a case that didn't exist got us into war prematurely.

Here we now have Mr. Bolton, when people are talking about going to war with Syria, and the head of the National Intelligence Council says Mr. Bolton took "isolated facts and made much more of them to build a case than I thought the intelligence warranted. It was a sort of cherry-picking of little factoids and little isolated bits that were drawn out to present the starkest-possible case."

Let me take you back to aluminum tubes, out of context, an isolated fact, drawn out to present the starkest possible case that Iraq had "reconstituted its nuclear capability."

There used to be an expression my dad used to say in World War II: Loose lips sink ships. Cherry-picking little factoids and little isolated bits drawn out to present the starkest-possible case can cause wars.

Listen to Larry Wilkinson, who served as Secretary of State Colin Powell's Chief of Staff, a military man himself. He told us that because of the problems that the State Department was having with Mr. Bolton's speeches not always being properly cleared by the State Department offices and officials—think of this now, the Chief of Staff, a military man himself, I think a colonel, working for the former chair-

man of the Joint Chiefs of Staff, then Secretary of State, said that because Mr. Bolton didn't properly clear his speeches with the appropriate authorities and experts within the State Department—the Deputy Secretary of State, the No. 2 man, Secretary Armitage "made a decision that John Bolton would not give any testimony, nor would he give any speech that wasn't cleared first by Rich [Armitage]."

Think of that. Here is the guy, head of the arms control and nonproliferation piece of the President's operation at the State Department who needs, as much as anyone, classified information and accurate intelligence, and he has to be told by the No. 2 man at the State Department that he is no longer authorized to make any speech without it first being cleared by the No. 2 man at the State Department. I don't do that with my senior staff. I don't have to. It is truly remarkable.

This may have occurred with one of the six other Presidents with whom I have served since I have been here, but if it has, I am unaware of it, and I would like to know.

Powell's Chief of Staff later told the New York Times, referring to what I just talked about—restrictions that Mr. Bolton could not make a speech without it being cleared by the No. 2 man at the State Department—that "if anything, the [restrictions] got more stringent" as time went on. "No one else"—I assume he means in the entire State Department—"was subjected to these tight restrictions."

Consider this: we have the chairman of the National Intelligence Organization, the Chief of Staff for the President, Secretary of State, the former Deputy Director of Central Intelligence, the former head of an office within the CIA named Mr. Cohen, and the former head of the intelligence apparatus at the State Department—all of them, nary a Democratic appointee in the crowd, pointing out how Mr. Bolton overreached, cherry-picked, had to be disciplined, had to be overruled, had to be supervised. And here Mr. Bolton was, an Assistant Secretary of State, and we want to send him now to the No. 2 job in diplomacy after the Secretary of State?

Listen to Mr. Bolton's own loyal staff. After being told that the intelligence community could not support a statement Mr. Bolton wanted to make on Cuba, a member of Mr. Bolton's staff wrote to a CIA official and said that "several heavy hitters are involved in this one, and they may choose to push ahead over the objections of the CIA and INR . . . unless there is a serious source and methods concern."

We have all been around here. Let's translate that. This is Mr. Bolton's staff writing to a CIA official, when CIA is telling Mr. Bolton that he cannot say what he wants to say. Mr. Bolton's staff writes to the CIA official who said Mr. Bolton could not do that:

“Several heavy hitters are involved in this one.”

I am sure no staff on the floor of the Senate could possibly be intimidated to maybe reconsider a recommendation they made if, in fact, the Chief of Staff of the majority leader or the minority leader, or chairman of the Foreign Relations Committee, or the ranking member sent out an e-mail or a letter to them saying: Look, Jack, I know what you said, but let me tell you something, there are several heavy hitters here who may go beyond you. Translated: Are you sure you want to say he cannot do this? You would have had to have your head in a rain barrel for the past 20 years not to understand what the message was that was being communicated.

Mr. Bolton's staff was saying that Mr. Bolton might make statements in the name of the Government, or at least with the claim that they were supported by U.S. intelligence, despite the analysts' views that these statements were not justifiably based on the evidence. That is more than mere arrogance. It suggests a willingness to defraud the American people, and it suggests that there is a price that will be paid by you, you not-so-senior person, if you raise a ruckus about this.

That e-mail I described was not a one-time event. Mr. Bolton's staff later informed the intelligence community that they wanted to change the rules for reviewing proposed speeches to limit their objections to only those objections related to sources and method.

Let me translate that. I see my friend from Maryland on the floor. If he were an intelligence officer in the United States government who found out that another country was supporting an al-Qaida undertaking and my friend from Maryland was a CIA operative in that other country, if I were to expose the fact that that country was cooperating with the CIA, I might inadvertently disclose who the source of that intelligence is and, by doing so, maybe get my friend killed. Or if that information is picked up by a bugging device placed in a meeting room, if I were to say on the floor that we have a recording saying that Official A of Country A met with al-Qaida, clearly, they might be able to figure out how we knew that, what the method of picking up the information was.

So we are very fastidious in this Senate—those of us who deal with intelligence matters—not to ever reveal a source or a method, and even though the information revealed may not be so classified that we are told by the Agency you cannot say this for fear of revealing a source or a method of picking up this information, we do not disclose it.

There is a second type of intelligence, and that is the intelligence analysis that says: Syria does not have nuclear weapons. That is an analysis by experts in our intelligence community who reached the conclusion, from all kinds of sources and methods, that

Syria doesn't have nuclear weapons, if that were the conclusion.

Now, Mr. Bolton had been stopped repeatedly by various intelligence agencies from saying things that the intelligence did not support. I am making this up. Let's assume Mr. Bolton wanted to say that Syria has nuclear weapons and the CIA analysis says it doesn't. Under the present rules, CIA can say to Mr. Bolton that he cannot say that. So what does Mr. Bolton do? He goes back and says to the intelligence community, through his staff, we want to change the rule. You cannot tell me, I say to my friend from Maryland, what I can say about whether or not they have nuclear weapons. I can say they do, even though you say they don't.

Mr. SARBANES. Will the Senator yield for a question?

Mr. BIDEN. First, let me finish this point. But, his staff says, you can tell Mr. Bolton he cannot say it only if it will reveal a source or a method. In other words, his staff was seeking *carte blanche* to allow Mr. Bolton to cherry-pick, as the former chairman of the National Intelligence Council said, factoids in isolation to make a case that didn't exist.

I will yield to my friend for a question.

Mr. SARBANES. It is my understanding that if a policymaker wants to make a statement reflecting an intelligence judgment, representing the position of the Government—not his own personal position, but the position of the Government—the standard practice is for the statement to be submitted to the intelligence community for clearance, to be certain that the statement accurately reflects the judgment of the intelligence community; is that correct?

Mr. BIDEN. That is absolutely correct.

Mr. SARBANES. So you don't have policymakers making assertions about intelligence matters that are not supported by the intelligence community. If you stop and think about that, it seems to me that is a very wise rule. Otherwise, policymakers can run around making all kinds of assertions about intelligence matters, portraying them as representing the considered judgment of the Government and, therefore, the considered judgment of the intelligence community. That is the kind of review that the intelligence community—in addition to the sources and methods review—was undertaking to do.

As I understand it, it is standard operating procedure for any policymaker—

Mr. BIDEN. If I may interrupt the Senator, any administration official who wishes to purport that he speaks for the administration, which includes the intelligence community, has to have his or her statement cleared on that specific point, yes. That is standard operating procedure.

Mr. SARBANES. And that was the very thing that Bolton not only com-

plained about, but for which he sought to have certain intelligence analysts punished; is that right?

Mr. BIDEN. That is absolutely right. When an intelligence analyst said to him, on two occasions—Mr. Westermann being one—no, Mr. Secretary, you cannot say that because the intelligence community doesn't believe that, the intelligence community doesn't think what you are about to say is accurate, you cannot say it, what did Mr. Bolton do? He tried to get that intelligence analyst fired for doing nothing but his job and telling him, no, boss, you cannot say that; that is not what the intelligence community believes.

That is different than if Mr. Bolton had said: I am going to go out and say, You know, the intelligence community doesn't agree with me, but I, John Bolton, I believe these are the facts. He probably would get fired by the President for doing that, but that is not a violation of any procedure. He is not purporting to speak for the intelligence community when he does that.

Mr. SARBANES. If the Senator will yield for a further question, I understand that the analyst with whom Bolton had this confrontation said that what Bolton was seeking to say didn't represent the judgment of the intelligence community. In other words, the analyst was stating correctly the position of the intelligence community which Mr. Bolton was, in effect, seeking to ignore or go against. So it is not as though the analyst was seeking to impose his own personal opinion. His judgment corresponded with the vetted judgment of the broader intelligence community; is that correct?

Mr. BIDEN. If the Senator will yield, not only the community he worked for, but the entire community. This National Intelligence Officer, who remains nameless because he is undercover, did not give his own opinion. He gave the opinion of what was the consensus of the intelligence community.

The Deputy Director of Central Intelligence, Mr. McLaughlin, said: No, my guy, my CIA officer is right; Mr. Bolton is wrong, and it is wrong to try to get him fired.

In addition to both of these intelligence analysts being backed up by their bosses at the highest level—one at INR, the intelligence operation within the State Department, and one in CIA—in addition to being backed up by them, they got backed up by the policymakers who are their bosses—the Secretary of State of the United States of America and the Deputy Secretary of State of the United States of America—both of whom were superior in terms of authority to Mr. Bolton.

So it is Mr. Bolton who was chastised by the Deputy Secretary of State as a consequence of these encounters, because the Deputy Secretary of State said: Hey, look, John, in addition to the analysts being correct, you are no longer authorized to make any speech that is not cleared by me; you are no

longer authorized to give any testimony before the Congress that is not cleared by me.

So not only were these analysts backed up by their superiors in the intelligence hierarchy, they were backed up by the policymakers.

Mr. SARBANES. Will the Senator yield for a further question?

Mr. BIDEN. Surely.

Mr. SARBANES. I apologize if I am anticipating his statement. As I understand it, when a policymaker requests the transcripts of intelligence intercepts, let's say the intercept of a conversation, the documents that are provided identify the foreign source but they do not usually identify the American; is that how it usually works?

Mr. BIDEN. Let me restate in my own words, so the Senator from Maryland understands. Let's assume there is the country of Xanadu and an American is meeting with the President of Xanadu. In all probability, an American official is meeting with the President of Xanadu. The National Security Agency—with the ability to intercept conversations by multiple methods—picks up a conversation, or somebody's report of a conversation, between an American and the President of Xanadu. That gets reported back, based on subject matter, to the appropriate officer within the State Department or the Defense Department who they feel should know about this conversation because maybe the President said to the American: You know, we have right here in our country 47 al-Qaida operatives. That should go to the person who has that responsibility.

So a lot of stuff went to Mr. Bolton because he is the guy in charge of dealing with nonproliferation and other matters. He would get these NSA, National Security Agency, intercept reports. But in order to protect the identity of the American, for privacy reasons, he would get a statement and it would say: On such and such a date at such and such a time, the President of Xanadu met with an American. They discussed the following things. Here is what they said, here is the conversation.

That is what I understand to be—I know to be—the way in which NSA intercept reports treat a case involving an American.

Mr. SARBANES. It is my understanding that what Mr. Bolton had requested to know, although it was not revealed when they initially provided him the intercepts, was who were the Americans in each of these instances; is that correct?

Mr. BIDEN. At least in 10 instances. On 10 different occasions, when he got access to an NSA intercept that mentioned "an American," Mr. Bolton went back to NSA, and, as I understand it—and I ask to be corrected by my staff—but as I understand it, Mr. Bolton has to say to the head of NSA: I want to know more about this intercept, and I want to know the name of the American in order to better under-

stand the intercept. He did that 10 times.

Mr. SARBANES. And he got the name, presumably.

Mr. BIDEN. To the best of our knowledge, he got the name of the American.

Mr. SARBANES. I understand in trying to do due diligence on the Bolton nomination on the part of the committee, the very able Senator from Delaware, who has had extensive experience on investigatory matters, requested that we be provided with the names of the Americans that Bolton had received from the intelligence agency; is that correct?

Mr. BIDEN. If the Senator will yield, that is correct. Not only did I ask that, but the chairman of the committee asked that, and it was resolved that we were not asking it to be made public, we were not asking those names to necessarily be made available to the whole Foreign Relations Committee, although that was the chairman's preference, and ultimately the chairman concluded it should not even be provided directly to me or the chairman, but it should be made available to the chairman of the Senate Intelligence Committee and the ranking member or vice chairman of the Senate Intelligence Committee, and they should decide how our committee would review the information.

I think the information should be provided to me and to Senator LUGAR, as well, but the way this was parsed out, it was going to be that the National Security Agency was going to come and brief the Senate Intelligence Committee, of which I am no longer a member, and—I thought—tell them the names of these Americans. I might add further, the reason for that is, there are unsubstantiated—I emphasize "unsubstantiated"—allegations that Mr. Bolton may have been seeking the names of these Americans to seek retribution; that it may have been intelligence analysts with whom he disagreed or policymakers against whom he was trying to make a case in terms of the direction of American foreign policy. I do not know that to be the case. The question is why did he need the names.

Mr. SARBANES. It seems to me a further question is that if Mr. Bolton went back to get those names for some reason—he must have had a reason for doing so—why the committee, in deciding whether to confirm him, should not have access to that same information so that we are in a position to ascertain what, if anything, may have been in play by these requests.

Mr. BIDEN. If the Senator will yield, to the best of my knowledge, there is absolutely no substantive reason why information that was provided to an Under Secretary of State down the food chain, and the Under Secretary of State's staff, to the best of my knowledge, why the information provided to them could not be provided to a Senator who has served 28 years, as the Senator has, in the Senate.

Mr. SARBANES. And Senators who are charged with making this very important decision about whether this nominee should be confirmed for this very important position. It seems to me clearly relevant in reaching some judgment about the nominee to have this information provided to those who have to render the judgment.

Mr. BIDEN. If my friend from Maryland will further yield, Senator LUGAR, the Republican chairman of the committee, and I received a letter today dated May 25, addressed to both him and me, from the vice chairman of the Intelligence Committee, saying: It is important to note, however, that our committee did not interview Mr. Bolton, so I am unable to answer directly the question of why he—Mr. Bolton—felt it necessary for him—Mr. Bolton—to have the identity information—that is, the name of the Americans—in order to better understand the foreign intelligence contained in the report. Furthermore, based on the information available to me—the vice chairman of the Intelligence Committee—I do not have a complete understanding of Mr. Bolton's handling of the identity information after he received it.

Continuing quoting: The committee—the Intelligence Committee—has learned during its interview of Mr. Frederick Fleitz, Mr. Bolton's acting chief of staff, that on at least one occasion Mr. Bolton is alleged to have shared the un-minimized identity information he received from the NSA with another individual in the State Department. In this instance, the NSA memorandum forwarding the requested identity—meaning the memorandum forwarding the names of the Americans to Mr. Bolton—to State/INR—that is the State Department's intelligence agency—included the following restriction: "Request no further action be taken on this information without prior approval of NSA."

Continuing to quote the vice chairman of Intelligence:

I have confirmed with the NSA that the phrase "no further action" includes sharing the requested identity of U.S. persons with any individual not authorized by the NSA to receive the identity.

Continuing from the Intelligence Committee vice chairman:

In addition to being troubled that Mr. Bolton may have shared U.S. person identity information without required NSA approval, I am concerned that the reason for sharing the information was not in keeping with Mr. Bolton's requested justification for the identity in the first place. The identity information was provided to Mr. Bolton based on the stated reason that he needed to know the identity in order to better understand the foreign intelligence contained in the NSA report.

According to Mr. Fleitz—

Mr. Bolton's acting chief of staff—

Mr. Bolton used the information he was provided in one instance in order to seek out the State Department official mentioned in the report . . .

It goes on. But my point is, on the one case that Senator ROCKEFELLER

knows of, Mr. Bolton apparently violated the restriction which was imposed upon him when he requested the information, and used that information for a purpose different than he requested.

Having said all of that, even the Intelligence Committee was not provided the names of the Americans, which is a critical issue.

Mr. SARBANES. Would the Senator yield on that point?

Mr. BIDEN. Yes, I will.

Mr. SARBANES. These are the very names that were provided to Mr. Bolton; is that right?

Mr. BIDEN. And his staff, yes.

Mr. SARBANES. And his staff?

Mr. BIDEN. And his staff.

Mr. SARBANES. But there is a refusal to provide them to the committee which now has to make a judgment as to whether Mr. Bolton should be confirmed to be the American ambassador to the United Nations?

Mr. BIDEN. If the Senator would yield, not only a refusal to provide them to our committee that has that responsibility, refusal to provide them even to the Intelligence Committee that is once removed from this process—the same information that was made available to one of several Under Secretaries in the State Department and his staff.

Mr. SARBANES. Well, what rationale is advanced, if any, for this backhanded treatment of the institutions of the Senate, these two important committees, the Intelligence Committee and the Foreign Relations Committee, both of which are trying to conduct due diligence on this nominee?

I might say to my colleague, I remember when we held the nomination hearings for John Negroponte and Richard Holbrooke. That investigation went over an extended period of time and probed very deeply. The end result, of course, was that questions that had been raised were answered satisfactorily, and the body was able to come to a consensus about those nominees.

I cannot think of a rationale that can be offered that would warrant a withholding of this information.

Mr. BIDEN. There is no institutional, constitutional, or previously asserted rationale that has been offered in denying access of the Intelligence Committee or, for that matter, the Foreign Relations Committee chairman and ranking member to this information. I do not remember the exact quote. It may apply to the information we are seeking on Syria—I am not sure—saying that they did not think it was relevant, but I do not recall.

I say to my friend from Maryland, there was no assertion on the part of the NSA, that I am aware of, that asserted that it was executive privilege or even that it was extremely sensitive. We have access to incredibly sensitive information. That is the reason we have an Intelligence Committee. That is the reason we on the Foreign Relations Committee have

cross-pollination on that committee. So there is no reason—the Senator asked why they would deny it. The Senator's speculation is as good as mine. It seems to me they can end this thing very quickly. The only request being made is that Senator LUGAR, Senator ROBERTS, chairman of the Intelligence Committee, Senator ROCKEFELLER, and I sit down in a room on the fourth floor of this building that is totally secure, have someone from the National Security Agency come in and say: Here are the 10 intercept reports and the U.S. person names.

I know more about—I will date myself—I know more about the PSI of an SS-18 Soviet silo, which is highly classified information. Why am I not able to get information in the execution of my responsibilities under the Constitution that is available to a staff member of an Under Secretary of State? Members can guess for themselves. I do not know why. I know it is just not appropriate.

Mr. SARBANES. I thank the Senator for yielding. I just underscore this raises, I think, very fundamental and difficult questions about how we are supposed to carry out our responsibilities, in terms of advice and consent, if we are not allowed to get what appears to be relevant information or what might well be relevant information.

The request is fairly limited, as I understand it, in terms of what is being sought. It seems to me that information ought to be provided to the Senate, or the appropriate agents or organs of the Senate, in order to put us into a position to at least address that aspect of this situation.

There are many other aspects of the Bolton situation that I want to speak to later. But this one, it seems to me, is clearly an instance in which we are simply being blocked or frustrated from having information which is important to us carrying out our task, and is in such contrast with the inquiries that were made about other nominees to be U.S. Ambassadors to the United Nations. Of course, I mentioned two of those. The inquiries there went over quite a sustained period of time.

We heard these complaints that Bolton is being held up. His nomination only came to us in March, I believe, of this year—March. Ambassador Holbrooke was nominated in June of 1998. He was finally confirmed in August of 1999. In the interim, these extensive investigations were run. I do not have the exact dates on Ambassador Negroponte, but I know that period of time extended well beyond what is already involved with respect to John Bolton.

Mr. BIDEN. If the Senator will yield, I think Negroponte was nominated in May and confirmed in September.

Mr. SARBANES. Well, there you are. That underscores the point I am trying to make.

I thank the Senator for yielding.

Mr. BIDEN. Let me continue.

Mr. ALLEN. Mr. President, if I may ask the Senator from Delaware how much longer he expects to be?

Mr. BIDEN. I will be about another 12 to 15 minutes.

Mr. ALLEN. OK.

Mr. BIDEN. Mr. President, while my friend from Maryland is here, I want to point out, first of all, the request is very limited. We are looking for the names in 10 reports. It is totally circumscribed, the request as relates to this issue which you so painstakingly went through, explaining what it was that worried everybody—and worries everybody—about Mr. Bolton and the use of intelligence information, even after he has been proscribed, prevented, from being able to speak without clearance, which is—you and I have been here a long time—fairly remarkable. That may have happened to other people in the State Department. I can't recall it happening.

Mr. SARBANES. If the Senator will yield, this is an Under Secretary of State. This is like the No. 4 person in the Department.

Mr. BIDEN. That's right. Now, after that occurs, or in the process of this occurring, Mr. Bolton's Chief of Staff contacts the CIA on a disputed issue about what can be said, and says—I don't know if you were here when I said this. To tell you the truth, I thought I knew all this, but I was surprised when my staff pointed this out. Mr. Bolton's acting Chief of Staff said Mr. Bolton wanted to make a statement on Cuba, and they didn't want to let him make that statement.

Mr. Bolton's staff gets back to the CIA and says: Several heavy hitters are involved in this one, and they may choose to push ahead over your objections and the objections of INR, unless there is serious source and method concerned.

Remember, going back to our discussions?

Mr. SARBANES. Yes.

Mr. BIDEN. Then he, this staff member, goes and contacts the CIA and says: You know, we would like to change the ground rules. We can say the intelligence community thinks the following, even if you disagree. We don't have to clear it with you. The only thing we have to clear with you is whether or not we are exposing a source or a method. Let's have that new deal.

Mr. SARBANES. Of course, that represented a sharp departure from previous practice.

Mr. BIDEN. A complete departure. But the point I am trying to make is he keeps pushing the envelope, he keeps pushing the envelope.

Mr. SARBANES. I take it, if the Senator will yield—I take it this is of such importance now because we are dealing with this problem as to whether intelligence is being misused.

Mr. BIDEN. Yes.

Mr. SARBANES. Decisions are being made by policymakers that reflect their policy attitude—

Mr. BIDEN. Right.

Mr. SARBANES. Not substantiated or backed up by the findings of the intelligence community. We have been through this issue. It seems to me a critically important issue.

Mr. BIDEN. Right. I would argue it is being pushed by a person whom everyone would acknowledge is an ideologue, or at least confirmed in what his views are and who seeks facts to sustain his opinion.

Look, the big difference, I say to my friend from Maryland, is that every time he tried to do that, repeatedly tried to do that in his job, his present job—every time he tried to push the envelope, every time he tried to intimidate, fire, cajole an intelligence officer to change his reading to comport with his prejudice, there was somebody there to intervene to stop him beyond the intelligence officer. There was the intelligence officer's boss, the deputy head of the CIA; the head of INR; the Deputy Secretary of State, the No. 2 man; the Secretary of State. That was bad enough.

But now where is Bolton going? Bolton is going to be the equivalent of the Secretary of State at the U.N. Bolton has, I don't know how large the embassy is, but a very large contingent of Americans working for him in New York City—I am told there are about 150 people there. No one, in that operation, can control the day-to-day, moment-to-moment assertions he is making. No one can say: You cannot do that, John. He's his own boss.

Now there is only one person who can do that. Well, the President can always do that. There is only one other person who can do that, and that is the Secretary of State.

Go back to the comment our friend from Ohio made, our Republican friend, in the committee. He said, when he spoke to the Secretary of State, she said, and I am paraphrasing: Don't worry. We will control him. Acknowledging that even though you are sending this guy up to what has been a Cabinet-level position, another Cabinet-level officer is going to have to control him. I would respectfully suggest our Secretary of State has her hands full as it is, without having to babysit Mr. Bolton so he doesn't get America in trouble—America; I don't care about John Bolton; I don't even care about the U.N. in this regard; I care about America.

This isn't complicated. Anybody can figure this out. Everybody acknowledges this guy is a loose cannon. Everybody acknowledges this guy has done things that, if he were able to do them unfettered, not overruled, would have at least raised the ante in the tension and the possibility of conflict with at least Syria and Cuba, among other places. And everybody acknowledges that he so far stepped out of line in the State Department that the Republican head of the State Department, Colin Powell, had to go down to analysts and say, basically: Don't pay attention to him. You did the right thing.

And then the No. 2 man at the State Department, a former military man himself, says: By the way Mr. Bolton, no more speeches by you unless I sign off on them.

Now we are going to take this guy, we are going to send him to the single most important ambassadorial spot in all of America's interests, and to make us feel confident, the Secretary of State says: Don't worry, we will supervise him.

Come on.

Mr. SARBANES. Will the Senator yield on one other point I would like to make?

Mr. BIDEN. Please.

Mr. SARBANES. First of all, I want to pay tribute to the intelligence analysts and their superiors who stood up to this pressure to which the Senator has referred. They were put in an extremely difficult situation, and they performed admirably.

It is asserted by some that no harm resulted from the pressure Mr. Bolton and his staff were placing on these people because they did not do what Mr. Bolton wanted them to do.

That seems to me to be an upside down argument. The fact that they had the strength to resist this is a tribute to them, but it is certainly no excuse for Mr. Bolton and his staff engaging in this behavior. And the fact they resisted—which is a credit to them—is still a detriment to Mr. Bolton and his staff for engaging in this practice.

So the argument that Mr. Bolton and his staff did not succeed in their efforts does not absolve them of responsibility for having tried.

Mr. BIDEN. It is as though I try to rob a bank and it turns out they shipped all the money out and there was no money there. I walk out and I get arrested. I say: Wait a minute, no harm, no foul, I didn't get any money. I went in to rob the bank, that is true, but I didn't get any money. So what is the problem? What is the problem?

Look, I told you about Mr. Bolton's staff, I assume with Mr. Bolton's authority, trying to get the intelligence community to change the groundrules. I gave the one example.

There is a second example. He did not just do this once. The e-mail I just described was not a one-time event. Later, Mr. Bolton's staff informed the intelligence community they wanted to change the rules for the review of Mr. Bolton's proposed speeches and to have the CIA and the intelligence community limit their objections only to matters related to the source and methods. They go on, in one meeting with intelligence analysts—a meeting Mr. Bolton called but he was unable to attend at the last minute—his staff informed the assembled analysts that Mr. Bolton wanted to hear only concerns relating to sources and methods from them or ideas that would strengthen his argument. But if his arguments were merely wrong, he did not want to hear about it.

Got that? I am not making this up. He, Bolton, calls the meeting of the

CIA types, the INR types, to come into his office—he calls them into his office, and I guess he got called away and could not attend. But his staff says: The boss wants to make it clear there are only two things he wants to hear from you. If he wants to say the Moon is made of green cheese, the only thing he wants to hear from you is: You cannot say that because you will give away the fact that we have eyes. We have a source and a method that we do not want to release. Or he wants to hear from you how we can bolster the argument that the Moon is made of green cheese. But he does not want to hear from you if he is wrong. He does not want to hear from you if you do not believe the Moon is made of green cheese. That is none of your business. He does not want to hear that.

Look, I don't know how you define an "ideologue."

Mr. SARBANES. That is a pretty good definition.

Mr. BIDEN. I think it is pretty close. It is like that famous expression in a different context of Justice Holmes. He said prejudice is like the pupil of the eye. The more light you shine upon it, the tighter it closes.

It seems the more information you gave Mr. Bolton that conflicted with his predetermined ideological notion, the less he wanted to hear it. If you persisted in giving it to him, which was your job, he would try to get you fired.

This is not a minor deal. At the very moment when whoever we have as our ambassador to the United Nations is going to be the man, unfortunately, or woman, who will have to stand up before the whole world and say, We have evidence that North Korea is about to do the following; or, We have evidence that Iran has pursued their nuclear option to a point they are violating the NPT—let me ask the Senator, are we going to send John Bolton to a place where we have already squandered our credibility by saying something that we did not know, or saying things we thought we knew that were wrong, are we going to send John Bolton up to be the guy to make a case relating to our national security?

I ask my friend a rhetorical question—if, in fact, we fail to convince the Security Council, if we fail to convince our allies and those with a common interest that a threat exists and they do not come along, what are our options? Our options are to do nothing about it or to act alone. That is what I mean when I say I am concerned about U.S. interests.

There is a story I first heard from Zbigniew Brzezinski that I have used many times since. The Senator knows it as well. During the Cuban missile crisis, the very time when Adlai Stevenson stood up and said, don't tell me that, we know the President of the United States, John Kennedy, desperately needed—although we could have done it alone—desperately needed the support of the rest of our allies in the world for what we were about to do,

confront the Soviet Union. And he sent former Secretary of State Dean Acheson to Paris to meet with then-President Charles de Gaulle. I am told this is not an apocryphal story; it is historically accurate. Acheson walked in to the Presidential palace, the President's office, and made his case. Then, after making his case, allegedly, he leaned over to pick up the satellite photographs to show President de Gaulle that what he spoke of was absolutely true, and he had pictures to show it.

At that moment, paraphrasing, to the best of my knowledge, de Gaulle put up his hands and said: You need not show me the evidence. I know President Kennedy. And I know he could never tell us anything that could take us to war that wasn't true.

Do you think there is anyone, anyone, anyone—including our own delegation in the United Nations—who would accept an assertion from John Bolton on the same grounds?

Now, my friend, the chairman and others, will argue: Well, Joe, if it is that critical, he will not be making the case. That is probably true. It may be the Secretary of State making the case, who has great credibility. It may be the President of the United States. But there are a thousand little pieces that lead up to building coalitions that relate to our self-interest, based upon an ambassador privately sitting with another ambassador and assuring him that what he speaks is true.

This is absolutely the wrong man at the wrong time for the most important job in diplomacy that exists right now.

Mr. President, I ask my colleagues, is John Bolton a man in the tradition of Adlai Stevenson or Jack Danforth or any number of people I can name?

There is a third reason to oppose Mr. Bolton.

This is one that has animated the interest and concern of my friend from Ohio even more than it has me; and that is, that Mr. Bolton engages in abusive treatment of colleagues in the State Department, and he exercises frequent lapses of judgment in dealing with them.

Again, do not take my word for it. Carl Ford, the former Assistant Secretary of State for Intelligence, described Mr. Bolton—and I am using Carl Ford's colorful language, I guess it is an Arkansas expression; he is from Arkansas—he said Mr. Bolton is a “quintessential kiss-up, kick down kind of guy.”

He also objected, Mr. Ford did, in strong terms, to the treatment of one of his subordinates, Mr. Westermann. He said:

Secretary Bolton chose to reach five or six levels below him in the bureaucracy, bring an analyst into his office, and give him a tongue lashing. . . . he was so far over the line that [it's] one of the sort of memorable moments in my 30-plus year career.

Listen to Larry Wilkerson, Secretary Powell's chief of staff, who referred to Mr. Bolton—I am not making up these

phrases—he referred to Bolton as a “lousy leader.” And he told the committee that he—Wilkerson had an open-door policy. Some Senators and others have that policy. They literally keep their door open so anyone in the organization can feel free to walk in and say what is on their mind. He said his open-door policy—this is the chief of staff for the Secretary of State—he said his open-door policy led to a steady stream of senior officials who came into his office to complain about Mr. Bolton's behavior.

Listen to John Wolf, a career Foreign Service Officer for 35 years, who worked under Mr. Bolton as the Assistant Secretary of State for Non-proliferation. Mr. Wolf said that Mr. Bolton blocked an assignment of a man he—Mr. Wolf—described as a “truly outstanding civil servant,” some 9 months after that civil servant made an inadvertent mistake.

And Mr. Wolf says that Mr. Bolton asked him to remove two other officials because of disagreements Mr. Bolton had over policy, and that Mr. Bolton “tended not to be enthusiastic about alternative views.”

If that is not a quintessentially State Department, career Foreign Service Officer phrase: he “tended not to be enthusiastic about alternative views.”

Listen to Will Taft, a man whose name became known here in the investigations relating to Abu Ghraib and the treaties that were discussed about the treatment of prisoners. Mr. Taft served in the State Department as legal adviser under Secretary Powell during the tenure of Mr. Bolton. And before that, he was general counsel in two other Government Departments, as well as Deputy Secretary of Defense, and formerly an ambassador to NATO—significant positions.

Mr. Taft told our committee he had to take the extraordinary step of going to his boss—Mr. Taft's boss—to rein in Mr. Bolton after Bolton refused to work with the State Department attorney on a lawsuit in which the State Department was a defendant.

This resulted—I will skip a little bit here—this incident caused the Deputy Secretary of State, Mr. Armitage, to write to Mr. Bolton a memo reminding him that the rules applied to him, as well as others in the State Department, and that he was required—Mr. Bolton was required—to work with State Department lawyers.

There is a fourth reason, beyond his treatment of individuals—and I could go on for another hour citing examples of his alleged mistreatment of subordinates and colleagues at the State Department and in other endeavors—there is a fourth reason that, all by itself, would justify Mr. Bolton not being confirmed; and that is, Mr. Bolton gave testimony to the Foreign Relations Committee under oath that at best was misleading.

Again, do not take my word for it. It is true that I think Mr. Bolton should not go to the United Nations, and I am

of a different party. But do not take my word for it. Listen to Tom Hubbard, referred to by the chairman earlier today. Mr. Hubbard is a retired Foreign Service Officer whose last post was as Ambassador to South Korea. During our hearing on April 11, Senator CHAFEE asked Mr. Bolton about a speech that Mr. Bolton gave in Seoul, South Korea, in 2003.

Let me give you some context. This was on the eve of the President's initiative to begin what is referred to as the Six-Party Talks: the two Koreas, Japan, Russia, the United States, and China—a very delicate moment. Mr. Bolton has made it clear, in many speeches he has made, what he thinks of Kim Jong Il, and that is not inappropriate. And he has made it pretty clear that he rejected the idea proffered by me, and I believe even by Senator LUGAR, and by other Senators here, several years ago that we should talk to the North Koreans—not negotiate, talk with them—and find out what it would take to make a deal and let them know what our bottom line was.

Mr. Bolton is not the architect of, but a disciple of, the policy of containing and putting the North Korean regime in a position where he thinks if enough pressure is put on them they would topple. And we are going back to when he was making a speech in Seoul, South Korea, in 2003, on the eve of the first Six-Party Talks.

The speech was filled with inflammatory rhetoric, even though it may be true, about the North Korean leadership. The result of him having given the speech was that the talks were almost scuttled.

Mr. Bolton, in reply to Senator CHAFEE of our committee regarding that speech, said:

I can tell you [Senator] what our Ambassador to South Korea, Tom Hubbard, said after the speech.

Meaning his speech.

He said [to me], “Thanks a lot for that speech, John. It'll help us a lot out here.”

Got this, now: He makes what is termed an inflammatory speech. He is asked: Wasn't that inflammatory, and didn't that cause us real trouble in pursuing the foreign policy objectives of the President to get these talks underway? And Bolton, in effect, says: No. And then the Senator, in effect, says: Well, didn't our Ambassador to South Korea think it was damaging? And he says: No. He not only didn't think it was damaging, he said to me: “Thanks a lot for that speech, John. It'll help us a lot out here.”

Now, you would draw from that exchange that this speech was totally consistent with the administration's policy, that it was something that was helpful, and that Bolton was doing a good job.

Now, we didn't call Ambassador Hubbard. I may be mistaken, but I think the Republican majority staff got a call from Mr. Hubbard, the former ambassador to South Korea, who I guess saw this on C-SPAN. I don't know what

exactly prompted it. Maybe he read it in the newspaper. And he says: I want to talk to you guys. And in an interview which was totally appropriate, without minority staff there, he paints a very different story, accurately reported by the majority staff.

Ambassador Hubbard remembers that little exchange about the Bolton 2003 speech on the eve of the Six-Party Talks quite differently. The day after the committee hearing, Hubbard voluntarily contacted the committee to make clear that he disagreed at the time with the tone of the speech and thought the speech was unhelpful to the negotiating process and—this is the important part—and that he, Bolton, surely knew that, that I, Hubbard, thought it was unhelpful and was damaging.

Hubbard then told the Los Angeles Times that although he had talked to Mr. Bolton and thanked him for removing from his speech some of the attacks on South Korea. Remember this now, the speech was about North Korea. The only thing the ambassador was able to convince Bolton to do was take out some of the stuff that attacked our ally South Korea, whom, I might note parenthetically, if, God forbid, there is a war, we need on our side. We have 30,000 American troops there. Bolton is making a speech characterized as an inflammatory speech about North Korea and is going to attack our ally South Korea, as well.

And our ambassador says: Please don't do that stuff about South Korea. And so Hubbard says: It is true. I thanked him for removing some of the attacks he was about to make on South Korea.

Then he went on to say, but "it's a gross exaggeration to elevate that [statement] to praise for the entire speech and approval of it."

I don't know how you can comport how those two statements work out. Bolton saying: Remember that the ambassador said, thanks a lot for that speech, John. It helps us a lot out here. And the ambassador is saying that Mr. Bolton knows better. That is a gross exaggeration.

In other testimony, Mr. Bolton frequently tried to claim he had not sought to fire or discipline the INR intelligence analyst, Mr. Westermann.

He said:

I never sought to have [him] fired.

He later said:

I, in no sense, sought to have any discipline imposed on Mr. Westermann.

And finally, he said:

I didn't try to have Mr. Westermann removed.

This is incredibly disingenuous. It is just not true. The record is clear that Bolton sought on three occasions that I referenced earlier to have Mr. Westermann removed from his position and given another portfolio. And by the way, you don't get another portfolio. If the only job you do in a restaurant is cook and they say you can't cook any-

more, there are not many jobs left for you. This guy's expertise was dealing with chemical and biological weapons. Mr. Bolton wanted him taken off the case.

As a lawyer, Mr. Bolton surely knows that civil servants have job protections and can't be readily fired. By asking repeatedly that this man be moved from his established area of expertise, he was endangering the man's career and sending a message of intimidation that was heard loud and clear throughout the Intelligence and Research Bureau. Mr. Bolton did not have the honesty or the courage to admit that fact to the Foreign Relations Committee. Where is this straight talker we hear so much about?

The President has said that in his second term, one of his priorities is "to defend our security and spread freedom by building effective multinational and multilateral institutions and supporting effective multilateral action." If this is a serious objective, he sure is sending the wrong man to put together these kinds of coalitions.

It is manifestly not in our interest to send John Bolton to the United Nations.

It is not in our interest to have a person who is "a lousy leader" in charge of a mission of 150 professionals who need leadership.

It is not in our national interest to have a conservative ideologue who doesn't listen to others trying to rebuild frayed alliances at the United Nations.

It is not in our national interest to have a man with a reputation as a bully trying to construct coalitions necessary to achieve U.N. reform.

It is not in our interest to have someone with a reputation for taking factoids out of context, exaggerating intelligence information, as our spokesman in New York during the crises to come with Iran and North Korea, when we will have to convince the world to take action to stop nuclear weapons programs.

Is this the best the President of the United States can do? Is this the best among the many tough-minded, articulate, conservative Republican foreign policy experts?

The record presented by the Foreign Relations Committee is clear. The documents we have uncovered; the interviews with those who had to pick up the pieces at INR and CIA, in the office of the Secretary of State, and in South Korea; the testimony of former Assistant Secretary of State Carl Ford, a conservative Republican; all of this record has given us clear warning that Mr. Bolton is the wrong man for this job.

Mr. Bolton's nomination is not—I emphasize "not"—in the interest of the United States of America. I don't know that I have ever said this before on the floor, but I believe that if this were a secret ballot, Mr. Bolton would not get 40 votes in the Senate. I believe the President knows that. I wish the Presi-

dent had taken another look at this and found us someone—I am not being facetious and I am not the first one to say this, I say to my friend from Virginia, the single best guy we could send to the United Nations right now at this critical moment is former President Bush. I cannot think of anybody better. He would get absolutely unanimous support on this side of the aisle.

Mr. Bolton is no George Herbert Walker Bush. I guess not many people are. But this guy should not be going to the U.N.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, in the years I have been privileged to serve in this Chamber, I have so thoroughly enjoyed working with my good friend from Delaware. We have done a lot of things together. I listened carefully to his framework and remarks. I respectfully disagree, and I will so state my reasons momentarily.

But I wondered if we could discuss for a few minutes the following. Before we start, I think it would be advisable for both sides to have from the Presiding Officer the time remaining on both sides for the record, so Senators listening will have an idea.

The PRESIDING OFFICER. The majority has 116 minutes remaining of time, and the minority has 64 minutes.

Mr. WARNER. I thank the Chair.

Mr. BIDEN. Parliamentary inquiry: Is that for today?

The PRESIDING OFFICER. Yes.

Mr. BIDEN. And there is additional time tomorrow, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BIDEN. I thank the Chair.

Mr. WARNER. Mr. President, to my good friend from Delaware, one of the interesting aspects of what has occurred in the Senate over the last week or so is an impetus to go back and do a lot of historical research. I went back and looked at the Articles of Confederation and the Founding Fathers and what they had to say about this provision of advise and consent in the Constitution.

It is interesting. I was very taken aback with how they went about modifying. If the Senator and others will indulge me, I would like to discuss that for a moment or two because I think it poses a question I would like to put to my good friend. That begins at this juncture.

You may ask why it is particularly appropriate for the Senate to be in executive session today, because on this day in 1787, 218 years ago, our Founding Fathers of the United States Constitution first reached a quorum so that the Constitutional Convention could draft our Constitution and they could proceed. It took several years to get it done. George Washington had been calling for such a convention for years, but it was not until this day, 218 years ago, that the convention finally began.

From May 25, 1787, straight through the summer, 55 individuals gathered in Philadelphia to write our Constitution. It was a hot summer, with long and arduous debate, and many drafts went back and forth. Careful consideration was given. Finally, in mid-September, it was over. It was a monumental achievement, one that would enable the United States today, 200-plus years later, to become the oldest, continuously surviving republic form of Government on Earth today.

I mention all this because one of the key compromises our Founding Fathers made throughout the Constitutional Convention was with respect to the advise and consent clause. Our Framers labored extensively over this section of the Constitution, deferring final resolution of the clause for several months. Some of the Framers argued that the President should have total authority to appoint. Others thought both the House of Representatives and the Senate should be involved in the process. Ultimately, a plan that was put forth by James Madison—if I may say proudly—of Virginia, won the day, where the President would nominate judges and executive nominees, and the Senate would reject or confirm them.

In Federalist Paper No. 76, in 1788, Alexander Hamilton explains in detail exactly why this compromise was so important. Let me read a portion of Hamilton's quote:

It has been observed in a former paper that "the true test of a good government is its aptitude and tendency to produce a good administration." If the justness of this observation be admitted, the mode of appointing the offices of the United States contained in the foregoing clauses must, when examined, be allowed to be entitled to particular commendation. It is not easy to conceive a plan better calculated than this to promote a judicious choice of men for filling the offices of the Union.

I presume he wasn't looking into the future, so I will add "women."

Today, this great compromise can be found, unmodified, in article II, section 2 of the Constitution. This section of the Constitution reads in part as follows:

The President shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States. . . .

Thus, the Constitution provides a role for both the President and the Senate in this process. The President has the responsibility to nominate, and the Senate has the responsibility to render advice and consent on the nomination.

While article II, section 2 of the Constitution doesn't explicitly make a distinction between the Senate's role with respect to executive branch nominees and judicial nominees of the other branch of Government, the tradition of the Senate, in recognition of the Constitution, dictates otherwise.

Traditionally, a President, especially after taking office following an elec-

tion, is given greater latitude in selecting individuals to serve in the executive branch of Government. This is in recognition of the fact that the Constitution treats Senate-confirmed executive branch nominees far differently than Senate-confirmed judges.

In contrast to Federal judicial nominees who, once confirmed under the Constitution, serve a lifetime appointment in the third branch of Government, independent of the President, executive branch nominees serve under the President solely at the pleasure of the President. That phrase, "at the pleasure of the President," is paramount. This time-honored phrase, "at the pleasure of the President," has been used by Presidents throughout American history to show the American people that the President is the final arbiter of accountability for executive nominees.

I say that because I have fought hard here recently to deal with this question of the judicial nominees, along with some others. I am not here to seek whether we did right or wrong; history will judge that. But it was a magnificent experience to go back and study the process and listen to many scholarly people and to read extensively. But it is clear to me there is a difference between the judicial nominee who goes for life on the third independent branch— independent of Congress and the executive branch—and the President's right to select those individuals who he, together with his fellow Cabinet officers and others in the administration, feels are best suited to do the job. Would you agree there is a difference in that? I yield for the purpose of answering the question.

Mr. BIDEN. Mr. President, I will answer the question. Let me say to my friend that regarding Federalist No. 76, I suffer from teaching the subject. For the last 16 years, I have taught a course in the separation of powers. I wrote a treatise, an entire book, on this subject. There is another phrase in Federalist No. 76 the Senator didn't read that I think is appropriate to mention.

Federalist No. 76 was about the issue—remember, the Federalist Papers were trying to convince a public that didn't have a television set or a radio that their legislative body should ratify the Constitution. It was sort of pamphleteering. That is what they were doing. They were taking arguments against the Constitution and framing them, setting them up, knocking them down, and making the case. The issue in Federalist No. 76 was whether the President would have undue influence on the Senate. Would he not be able to pressure the Senate because he was chief executive officer? Hamilton said: Don't worry about that. He went on to explain that there could be no better system than the one that was arrived at.

The compromise he is talking about, by the way, is the Connecticut Compromise. It was not until shortly before

that the Founders decided—this is the only reason this got resolved—that the great State of Virginia with, I think, the first or second largest population at the time, could only have two Senators, and the small State of Delaware would have two Senators. That was the Connecticut Compromise. That is what it was about.

The reason it came about was that is they wanted to make sure that the minority would be able to be protected. He used the phrase—and I compliment and associate myself with my friend from Virginia; I know that is not why he sought recognition and why he asked the question, but what he did yesterday with Senator BYRD is what Alexander Hamilton was talking about—Alexander Hamilton in Federalist 76 used the following phrase in rebutting the argument that the President would be able to pressure the Senate. He said there will always be a sufficient number of men of rectitude to prevent that from happening. The Senator from Virginia demonstrated yesterday that there always is a sufficient number of men of rectitude—he and Senator BYRD—in averting a showdown that may have literally, not figuratively—

Mr. WARNER. Together with 14 in total.

Mr. BIDEN. It is true.

Mr. WARNER. Coequal.

Mr. BIDEN. The Senator from Virginia, Mr. WARNER, and Senator BYRD were the catalyst that came along and rescued something that had been attempted and written off, at least by the six Democrats with whom I had been talking, as failed until the two of them came along. This in no way is to denigrate the significant efforts of the others.

Mr. WARNER. The leadership of Senators MCCAIN, BEN NELSON, and everybody else.

Mr. BIDEN. The reason I say this is that, in the debates in the Constitutional Convention on this nominating process, on three occasions I believe it was Governor Wilson of Pennsylvania—I am not positive of that—proposed a motion that the President of the United States should have the power alone to appoint his Cabinet and inferior officers in the court. It never got, to the best of my knowledge, more than seven votes. The only consideration that almost passed twice was that only the Senate, without the President even in on the deal, could make those appointments. If we look at the constitutional history, the President was an afterthought in the nominating process. That is what Madison's notes show. That is what the history of the debate in the State legislative bodies shows.

So here we are, the Connecticut Compromise comes along guaranteeing that small States will be able to have an impact on these choices, but go back and look, and I think it is Federalist 77—do not hold me to that—but it is Hamilton's treatise on why there was a need

to have the Senate involved in choosing not only judges but appointments to the Federal Government. There was the fear that what happened in the British Parliament would be repeated; that, in fact, the King and the leaders of the majority would appoint incompetent people, such as their brothers-in-law, their friends, to be surrounding them in their Cabinets, in the lesser offices of the Federal Government.

So it was a genuine concern and a clear understanding—I think the phrase in Federalist 76 is; this is off the top of my head—if by this we are limiting the President, so be it; that is our intention.

To the specific question, yes, there is more deference given to the President of the United States in the appointment of his Cabinet than there is to his appointments to the Supreme Court, district court, any lower court, or any other appointed office in the Government. But the single exception that was intended by the Framers, if you read what they said, in terms of even appointing those around him, if the persons he would pick, notwithstanding that they would reflect the President's political views, if the appointment inures to the detriment of the United States, they should be opposed.

There have not been many occasions when I have opposed nominees to the President's Cabinet or Cabinet-level positions, and I imagine there have not been many my friend from Virginia has opposed. But I opposed two in the Clinton administration. I opposed one in the Carter administration. I think I opposed two in the Reagan administration. In each case, my opposition—and this would be only the second one I have opposed in this administration—is because the appointment of that individual, notwithstanding the fact that he or she is the choice of the President, would have the effect of negatively affecting the standing, security, or well-being of the United States.

So there are exceptions, and I would argue Mr. Bolton, as my friend from Ohio, I suspect, is going to make a compelling case, falls into the category of, yes, the President gets who he wants, unless the appointment of that person would inure to the detriment of the United States.

That is the central point I am trying to make. I understand my friend does not agree with me, but I honestly believe Mr. Bolton going to the U.N. will inure to the detriment of the United States, notwithstanding the President's judgment that it would not do that.

Mr. WARNER. Mr. President, I thank my colleague for the colloquy. We did settle clearly that greater latitude is given to the President.

Mr. BIDEN. That is right; I acknowledge that.

Mr. WARNER. And the Senator from Virginia does not infer that latitude is a rubberstamp, that everyone goes through. Clearly—and I know my good

friend from Delaware speaks as a matter of clear conscience—I speak as a matter of clear conscience.

Mr. BIDEN. If the Senator will yield, I am confident that is true about the Senator.

Mr. WARNER. Correct, and we have a difference of views as it relates to our conscience.

Mr. BIDEN. If the Senator will yield, I respect that difference.

Mr. WARNER. I thank my friend. I would also go back to Federalist 76 and read the following provision dated Tuesday, April 1, 1788, author Alexander Hamilton:

The President is "to nominate, and, by and with the advice and consent of the Senate, to appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and other officers of the United States whose appointments are not otherwise provided for in the Constitution. But the Congress may by law vest the appointment of such inferior offices as they think proper in the President alone, or in the courts of law, or in the heads of departments. The President shall have the power to fill up all vacancies which may happen during the recess of the Senate, by granting commissions. . . ."

This is the operative paragraph to which I wish to refer:

It has been observed in a former paper that "the true test of a good government is its aptitude and tendency to produce a good administration."

I said that.

If the justness of this observation be admitted, the mode of appointing the officers of the United States contained in the foregoing clauses, must, when examined, be allowed to be entitled to particular commendation. It is not easy to conceive a plan better calculated than this to promote a judicious choice of men for filling the offices of the Union; and it will not need proof, that on this point must essentially depend the character of its administration.

Mr. President, our distinguished President has served in office 4 years. He was reelected with a clarity by the votes. He is now putting together his administration for these coming years. The nomination of John Bolton, with whom I have had considerable experience in work, in whom I have a strong sense of confidence—he has chosen this individual, I might say by and with the consent of his Secretary of State, a very able and most credible individual, in my experience, in working with the distinguished current Secretary of State.

The President, together with his principal Cabinet officers, has put together an extraordinary national security team. John Bolton will be a valuable addition to this team.

The President and his Secretary of State, Condoleezza Rice, have been clear in their belief that John Bolton has the experience and skills to represent the United States at the United Nations and to carry out the President's priorities to strengthen and reform the United Nations. I agree with the confidence they place in this nominee.

John Bolton has had a long and distinguished career in public service and

in the private sector. Most recently, he has served for the past 4 years as the Under Secretary of State for Arms Control and International Security Affairs. In that capacity, Secretary Bolton worked to build a coalition of over 60 countries to help combat the spread of weapons of mass destruction through the Proliferation Security Initiative, PSI. He was a leader in creating the G-8 Global Partnership, which invited other nations to support the Nunn-Lugar nuclear threat reduction concept. As a result, many other nations are now participating with the United States in helping to eliminate and safeguard dangerous weapons and technologies which remain in the countries of the former Soviet Union.

Previously, John Bolton has served as Assistant Secretary of State for International Organization Affairs, as an Assistant Attorney General in the Department of Justice, and many years ago he held several senior positions in the Agency for International Development. He has also had a distinguished legal career in the private sector.

It is no secret that Mr. Bolton has at times advocated or represented positions which have sparked controversy. He has done so with a frankness and assertiveness that demonstrate his strongly held beliefs. As the Senate considers this nomination, we should keep in mind the words of Secretary Rice. She stated:

The President and I have asked John Bolton to do this work because he knows how to get things done. He is a tough-minded diplomat, he has a strong record of success and he has a proven track record of effective multilateralism. Secretary Rice concluded her remarks by saying, and I quote again: John, you have my confidence and that of the President.

Given the enormity of problems facing the U.N. today, we have an obligation to send a strong-minded individual to help constructively to solve these problems and to build the confidence of the American people in the U.N.

I share the President's and the Secretary's belief that John Bolton will enthusiastically advance the President's goal of making the United Nations a stronger, more effective international organization.

I urge my colleagues to support this nomination and to send Mr. Bolton to the U.N. to represent our Nation and to advance the President's agenda of reform. Such reform is necessary to restore American confidence in the U.N. and to ensure that the U.N. will remain a vital and respected international organization in the years to come.

Mr. President, I ask unanimous consent to print in the RECORD two articles from the New York Times and the Washington Post with regard to the Bolton nomination.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 11, 2005]

THE BEST MAN FOR THE JOB

(By James A. Baker III and Edwin Meese III)

The image that critics are painting of John Bolton, President Bush's nominee to be our

representative at the United Nations, does not bear the slightest resemblance to the man we have known and worked with for a quarter-century.

While we cannot speak to the truthfulness of the specific allegations by his former colleagues, we can speak to what we know. And during our time with Mr. Bolton at the Justice and State Departments, we never knew of any instance in which he abused or berated anyone he worked with. Nor was his loyalty to us or to the presidents we served ever questioned. And we never knew of an instance in which he distorted factual evidence to make it fit political ends.

At the heart of the claims made by Mr. Bolton's critics is the charge that he was impertinent to those beneath him and duplicitous to those above. The implication is that Mr. Bolton saw himself as something of a free agent, guided by nothing more than his own notions of what he thought good policy might be. Woe be to those who might dare to disagree, according to these critics, be they lower-level analysts or cabinet members.

In our experience, nothing could be further from the truth. John Bolton was as loyal as he was talented. To put it bluntly, he knew his place and he took direction. As cabinet members, we took our direction from our presidents, and Mr. Bolton was faithful to his obligations as a presidential appointee on our respective teams. In his service as assistant attorney general and assistant secretary of state, we had complete confidence in him—and that confidence turned out to have been well placed. In our view he would be no different in fulfilling his duties as our United Nations ambassador.

In any administration there are going to be disagreements over process and policy, both in formulation and execution. It is not uncommon to have battle lines within any administration drawn between idealists and pragmatists. But what has made John Bolton so successful in the posts he has held, and what makes him so well suited for the position at the United Nations, is that he exhibits the best virtues of both idealists and pragmatists.

Mr. Bolton's political principles are not shaped by circumstances or by appeals to the conventional wisdom. He knows, as Abraham Lincoln once put it, that "important principles may and must be inflexible." He also knows that those principles often have to be fought for with vigor.

On the other hand, he understands from his long experience at the highest levels of government that in order to succeed, one has to work with those whose views may differ; he knows the importance of principled compromise in order to make things happen.

A most fitting example was his contribution, when serving as an assistant secretary of state, in getting the United Nations General Assembly in 1991 to abandon its morally noxious doctrine that Zionism was a form of racism. This took extraordinary diplomatic skill, combining the clear articulation of the philosophic position of the United States and his own personal persuasiveness. That this effort succeeded where earlier efforts had failed came as no surprise to anyone who had worked with Mr. Bolton. The power of his mind and the strength of his convictions make him a most formidable advocate.

These skills have been on display more recently in his current position as undersecretary of state for arms control and international security. Not even his detractors deny, for example, that he was instrumental in building a coalition of 60 countries for President Bush's Proliferation Security Initiative to combat the spread of nuclear weapons technology.

At a time when all sides acknowledge that fundamental reform is needed at the United

Nations lest it see its moral stature diminished and its possibilities squandered, we need our permanent representative to be a person of political vision, intellectual power and personal integrity. John Bolton is just that person.

[From the Washington Post, April 24, 2005]

BLUNT BUT EFFECTIVE

(By Lawrence S. Eagleburger)

President Bush's nomination of John Bolton as U.S. ambassador to the United Nations has generated a bad case of dyspepsia among a number of senators, who keep putting off a confirmation vote. That hesitation is now portrayed as a consequence of Bolton's purported "mistreatment" of several State Department intelligence analysts. But this is a smoke screen. The real reasons Bolton's opponents want to derail his nomination are his oft-repeated criticism of the United Nations and other international organizations, his rejection of the arguments of those who ignore or excuse the inexcusable (i.e., the election of Sudan to the U.N. Human Rights Commission) and his willingness to express himself with the bark off.

As to the charge that Bolton has been tough on subordinates, I can say only that in more than a decade of association with him in the State Department I never saw or heard anything to support such a charge. Nor do I see anything wrong with challenging intelligence analysts on their findings. They can, as recent history demonstrates, make mistakes. And they must be prepared to defend their findings under intense questioning. If John pushed too hard or dressed down subordinates, he deserves criticism, but it hardly merits a vote against confirmation when balanced against his many accomplishments.

On Dec. 16, 1991, I spoke to the U.N. General Assembly on behalf of the United States, calling on the member states to repeal the odious Resolution 3379, which equated Zionism with racism. As I said then, the resolution "labeled as racist the national aspirations of the one people more victimized by racism than any other." That we were successful in obtaining repeal was largely due to John Bolton, who was then assistant secretary of state for international organizations. His moral outrage was clearly evident as he brilliantly led and managed the successful U.S. campaign to obtain sufficient votes for repeal. The final vote, 111 to 25, speaks volumes for the success of his "direct" style.

Bolton's impressive skills were also demonstrated at the time of the Persian Gulf War, when he steered a critical series of resolutions supporting our liberation of Kuwait through the U.N. Security Council. During this period we negotiated some 15 resolutions up to and through the removal of Saddam Hussein's forces from Kuwait. Adoption of the key Security Council document, Resolution 678, was not a foregone conclusion and faced the possibility of a Chinese veto until the final vote. While our diplomacy to obtain this and other council votes was conducted on a global scale, Bolton was deeply engaged in managing this worldwide effort.

These are but two examples of why I believe Bolton possesses the substantial qualifications necessary to be our ambassador to the United Nations. By now it should be obvious to all that the halcyon days when our advice was sought and our leadership welcomed because the security of others depended on the protection we gave are no more. I recognize that John's willingness to speak bluntly has raised questions. Perhaps there was a time when those concerns had merit—but not now. Given what we all know about the current state of the United Na-

tions, it's time we were represented by someone with the guts to demand reform and to see that whatever changes result are more than window dressing.

It is clear that the future of the United Nations and the U.S. role within that organization are uncertain. Who better to demonstrate to the member states that the United States is serious about reform? Who better to speak for all Americans dedicated to a healthy United Nations that will fulfill the dreams of its founders?

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

THE PRESIDING OFFICER (Mr. COBURN). THE CLERK WILL CALL THE ROLL.

The bill clerk proceeded to call the roll.

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

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

Mr. VOINOVICH. Mr. President, I recently sent my colleagues a letter regarding the nomination of John Bolton. I realize that they are all busy and likely they have not had an opportunity to read the letter. I will begin my remarks today by reading the letter to my colleagues so that it will be a part of the RECORD.

Dear colleague: Throughout my time in the Senate, I have been hesitant to push my views on my colleagues. However, I feel compelled to share my deep concerns with the nomination of John Bolton to be Ambassador to the United Nations. I strongly feel that the importance of this nomination to our foreign policy requires us to set aside our partisan agenda and let our consciences and our shared commitment to our nation's best interests guide us. At a time when the United States strives to fight terrorism globally, to build a stable and free Iraq, to find a peaceful resolution to the nuclear ambitions of Iran and North Korea, to spread democracy in the place of oppressive regimes, and to enact needed reforms at the United Nations, it is imperative that we have the support of our friends and allies internationally. These strong international relationships must be built upon robust and effective public diplomacy.

I applaud our President for understanding this and for his leadership on U.S. public diplomacy. He and Secretary Rice have taken important steps to reach out to the international community and strengthen relationships.

Additionally, I applaud the President's decision to appoint Karen Hughes to enhance U.S. public diplomacy at the State Department and recently to get even the First Lady involved in these important efforts to promote public diplomacy [and improve the world's opinion of the United States of America].

However, it is my concern that John Bolton's nomination sends a negative message to the world community and contradicts the President's efforts. In these dangerous times, we cannot afford to put at risk our nation's ability to successfully wage and win the war on terror with a controversial and ineffective Ambassador to the United Nations. I worry that Mr. Bolton could make it more difficult for us to achieve the important U.N. reforms needed to restore the strength of the institution. I strongly believe that we need to reform the U.N., make it a viable institution for world security, and remove its anti-Israel bias. However, I question John Bolton's ability to get this job done.

I know that you are very busy, but I would appreciate it if you would review my edited statement before the Foreign Relations Committee as to why I think we can do much better than John Bolton . . .

In my closing words I stated this:

Mr. Chairman, I am not so arrogant to think that I should impose my judgment and perspective of the U.S. position in the world community on the rest of my colleagues. We owe it to the President to give Mr. Bolton an up or down vote on the floor of the U.S. Senate. My hope is that, on a bipartisan basis, we send Mr. Bolton's nomination to the floor without recommendation and let the Senate work its will.

I plead with my colleagues in the Senate that if this nomination gets to the floor—

And we are here today—

to consider this decision and its consequences carefully, to read all the pertinent material, and to ask themselves several pertinent questions: Is John Bolton the best possible person to serve as the lead diplomat to the United Nations? Will he be able to pursue the needed reforms at the U.N., despite his damaged credibility? Will he share information with the right individuals, and will he solicit information from the right individuals, including his subordinates, so that he can make the most informed decisions? Is he capable of advancing the President's and the Secretary of State's efforts to advance our public diplomacy? Does he have the character, leadership, interpersonal skills, self discipline, common decency, and understanding of the chain of command to lead his team to victory? Will he recognize and seize opportunities to repair and strengthen relationships, promote peace and uphold democracy—as a team—with our fellow nations?

I mentioned in my letter the Senate faces today a very important decision, whether to send John Bolton to New York to be the next U.S. Ambassador to the United Nations. I believe we can do better, and we owe it to the United States of America, the U.S. State Department, our soldiers overseas, our children, and our grandchildren to do better than Mr. Bolton. This is not my opinion alone. The overwhelming opinion of the colleagues I have talked to about John Bolton is that he is not an ideal nominee; that they are less than enthusiastic about him and many were surprised at the decision. Many of my colleagues have said that the only reason they are going to vote for him is because he is the President's nominee. I agree with my colleague, Senator BIDEN. I think if we had a secret vote on John Bolton, he would not get 50 votes from the Senate.

I want to explain to my colleagues here today why it is I think Mr. Bolton should not be confirmed. One of my deepest concerns about this nomination involves the big picture of U.S. public diplomacy and the President's acknowledged need to improve it. It was not too long ago when America's love of freedom was a force of inspiration to the rest of the world, and America was admired for its democracy, generosity, and willingness to help others in need of protection. Today, the United States is criticized for what the world calls arrogance, unilateralism, for failure to listen and seek support of its friends and allies. There has been a

drastic change in the attitude of our friends and allies in such organizations such as NATO and the countries' leaders whom we need to rely upon for help.

I discovered this personally during a trip I took to London, Serbia, Montenegro, and Italy last year, where I met with several individuals from various international backgrounds and attended the NATO parliamentary meeting in Venice. In London I met with several individuals from the Atlantic Partnership, chaired by Lord Powell, who told me that the United States needed to do something to improve its public diplomacy with countries where leaders are under a great amount of pressure. They mentioned Tony Blair, who has put his neck on the line to support the United States and needed the United States to improve its public diplomacy to meet the concerns of his constituency.

We all know that Tony Blair lost a significant number of parliamentary seats because of these concerns. The group emphasized that we needed to do more in public diplomacy to reach out to our friends and allies so that we could work together to accomplish the daunting tasks before us.

In Venice I attended the NATO Parliamentary Assembly. I could not believe some of the comments that were being made about the United States—from our allies. It was a stark contrast to the parliamentary meetings I attended in Budapest in 2000, when our allies voiced the concern: What about this Bush who is running for President? Is he an isolationist?

In Venice I heard their concerns that the United States is very much involved in international affairs but acts unilaterally, without any concern by the United States of its allies and friends.

I have traveled a great deal in my career, and I have met with leaders and academics in the international community during previous wars. There has never been as drastic a shift in the international community's perception as there has been during the last 2 or 3 years. The countries that previously admired the United States for its values and principles of democracy and freedom, encouraging other nations to develop their own democracies and speak out against injustices, now criticize the United States for its failure to respect their views and opinions.

It troubles me deeply that the United States is perceived this way in the world community. I am troubled because the United States will face a deeper challenge in achieving its objectives without their support. We will face more difficulties in conducting the war on terrorism, promoting peace and stability worldwide, and building democracies, without help from our friends to share the responsibilities, leadership, and costs.

Even as recently as last night, the former President of the Czech Republic and champion of democracy, Vaclav

Havel, told me over dinner that the United States needs to improve its public diplomacy, that we have become isolated in too many instances.

If the United States wants to win the war on terrorism, win the peace in Iraq, promote freedom globally, and prevent new conflicts, we need to have the help of our friends. In order to have the help of our friends we need to have robust public diplomacy. For if we cannot win over the hearts and minds of the world community, we are not going to be able to create the team that we need and our goals will be more difficult to achieve.

Additionally, we will be unable to reduce the burdens on our own resources, the most important of which is the lives of the men and women in our Armed Forces who are leaving their families every day to serve this country overseas.

Now, 1,700 U.S. men and women—over that—have given their lives in Iraq and Afghanistan; over 12,000 have been wounded.

Nothing can compare to the cost of human lives, but the financial costs of the conflict in Iraq and Afghanistan are also placing a tremendous human resources burden on our country. Weeks ago we passed the \$82 billion supplemental bill for our operations in Afghanistan and Iraq. I understand that we will need at least \$50 billion next year. The costs of this war are not going down anytime soon.

We need the help of other countries to share the financial burden that is adding to our national debt, and the human resource burden that our Armed Forces, National Guardsmen, contractors, and their families are bearing so heavily now. The key is public diplomacy.

As I say, I applaud the President and the Secretary of State for understanding that public diplomacy is an important objective and beginning this new term with an emphasis on repairing relationships. I applaud the President and Secretary Rice for reaching out to our friends in the world community and articulating that the United States does respect international law and protocol.

The President's recent visits to Latvia, the Netherlands, Moscow, and Georgia, underscore the priority he places on strengthening U.S. public diplomacy. The way that he embraced the Russian people will serve the country well as we negotiate with President Putin to improve nuclear security cooperation and support U.S. positions on Iran and North Korea.

The President has also enlisted the added value of the First Lady in pursuing an agenda to improve U.S. public diplomacy in the Middle East, an important initiative. I also applaud the President's decision to appoint Karen Hughes to help lead the public diplomacy effort at the State Department.

Let's send Karen Hughes to be the next ambassador to the United Nations. There is someone who would

really make a difference for us, and deal with the challenge that we have in public diplomacy.

The President clearly understands the importance of renewing our relationships and making clear that we want to work with our friends to achieve our many foreign policy goals. It is important to send a message that, though the United States may have differences with our friends at times, and though we may need to be firm about our positions, we are willing to sit down, talk about them, discuss our reasoning, and work for a solution.

It is my strong belief in the need to improve U.S. public diplomacy and in the efforts of the President that has caused me to pause and reflect so deeply on the nomination of Mr. Bolton because, I asked myself, what message are we sending to the world community? In the same breath we are considering a nominee for ambassador to the United Nations who has been accused of being arrogant, of not listening to his friends, of acting unilaterally, and of bullying those who do not have the ability to properly defend themselves. These are the very characteristics we are trying to dispel in the court of world opinion.

We must understand, next to the President, Vice President, and Secretary of State, the most prominent public diplomat is our ambassador to the United Nations. It is my concern that the confirmation of John Bolton would send a contradictory and negative message to the world community about U.S. intentions. I am afraid that his confirmation will tell the world we are not dedicated to repairing our relationships or working as a team but that we believe only someone with sharp elbows can deal effectively with the international community.

I want to make it clear that I do believe that the U.N. needs to be reformed if it is to be relevant in the 21st century. We need to pursue its transformation aggressively, sending the strong message that corruption will not be tolerated. The corruption that occurred under the Oil for Food Program made it possible for Saddam's Iraq to discredit the U.N. and undermine the goals of its members. This must never happen again, and severe reforms are needed to strengthen the organization. And, yes, I believe it will be necessary to take a firm position so that we can succeed. But it will take a special individual to succeed in this endeavor, and I have great concerns with the current nominee and his ability to get the job done.

To those who say a vote against John Bolton is a vote against reform of the United Nations, I say nonsense. Frankly, I am concerned that Mr. Bolton would make it more difficult for us to achieve the badly needed reforms to this outdated institution. I believe there could be even more obstacles to reform if Mr. Bolton were sent to the U.N. than if it were another candidate. Those in the international community

who do not want to see the U.N. reformed will act as a roadblock, and I fear Mr. Bolton's reputation will make it easier for them to succeed.

I believe that some member nations in the U.N. will use Mr. Bolton as part of their agenda to further question the credibility and integrity of the United States of America and to reinforce their negative U.S. propaganda.

If we send Mr. Bolton to the United Nations, the message will be lost because our enemies will do everything they can to use Mr. Bolton's baggage to drown his words. The issue will be the messenger—the messenger and not the message.

Another reason I believe Mr. Bolton is not the best candidate for the job is his tendency to act without regard to the views of others and without respect to chains of command. We have heard Mr. Bolton has a reputation for straying off message. He is reported to have strayed off message more often than anyone else holding a responsible position at the State Department during Secretary Powell's years as Secretary of State.

U.S. Ambassador to South Korea Thomas Hubbard testified that Bolton rejected his request to soften the tone of a July 2003 speech on North Korea policy and stated that the speech hurt, rather than helped, efforts to achieve the President's objectives.

Here is the question from a committee staffer:

And what was your impression of the speech when you first read it, the day before it was going to be delivered? Did you suggest changes in it?

We are talking now of the question to Ambassador Hubbard.

I think our most important comment was that we thought the tone was way too strong, that he used derogatory terms about Kim Jung Il . . . throughout the speech, in virtually every sentence. And I and my staff argued that was counterproductive to our interest in getting the North Koreans back into the talks [on their reducing their nuclear threat.]

Committee staffer:

And was Mr. Bolton aware of the South Korean request to avoid inflammatory language that might complicate the Six-Party process?

Ambassador Hubbard:

Yes.

Committee staffer:

Did he make all the changes [in the July 2000 speech] that had been suggested?

Ambassador Hubbard:

No, I don't believe so. You know, I think that—to be very clear, we didn't go through the speech, scratching out the word "dictator" every time we saw it—you know, that—we made an overall comment . . . that we felt that was counterproductive and overblown.

Committee staffer:

Did you believe the speech advanced the President's objective of achieving a peaceful denuclearization of the Korean Peninsula through negotiations? Or, if not, why not?

Ambassador Hubbard:

No, I don't think it advanced the process . . . In my view, the invective . . . gave the

North Koreans another excuse or pretext not to come back to the committee.

Committee staffer:

Did Bolton advance President Bush's North Korea policy?

Ambassador Hubbard:

My belief is that his actions hurt.

According to reliable sources at the State Department, it was after that speech that it was made clear to Mr. Bolton he would have to clear any future speeches through the Secretary or Deputy Secretary and that he would be put on a very short leash. This was just one of the many times he was called on the carpet.

In fairness to Mr. Bolton, the sources have said to me, once reprimanded, Bolton got back on track but that he needed to be kept on a short leash.

Who is to say that Bolton will not continue to stray off message as ambassador to the U.N.? Who is to say he will not hurt, rather than help, United States relations with the international community and our desire to reform the United Nations?

When discussing all of these concerns with Secretary Rice—John Bolton's propensity to get off message, his lack of interpersonal skills, his tendency to abuse others who disagree with him—I was informed by the Secretary of State she understood all these things and in spite of them still feels John Bolton is the best choice. She assured me she would be in frequent communication with him and that he would be supervised very closely.

My private thought, and I should have shared this with the Secretary of State, is why in the world would you want to send someone to the United Nations who requires such supervision?

I am also concerned about Mr. Bolton's interpersonal skills. I understand there will be several vacant senior posts on the staff when Mr. Bolton arrives in his new position. As a matter of fact, I understand all the top people are leaving. I understand one of the most respected and qualified people at the U.N., Anne Patterson, will be leaving her post, and others will be departing, as I mentioned.

As such, Mr. Bolton will face a challenge of inspiring, leading, and managing a new team, a staff of roughly 150 individuals, perhaps more, whom he is going to need to rely upon to get the job done. As we know, all of us are only as good as the team we have surrounding us. We are all aware of the testimony and observations related to Mr. Bolton's interpersonal and management skills.

With that record in mind, I have concern about Mr. Bolton's ability to inspire and lead a team so he can be as effective as possible in completing the important tasks before him. And I am not the only one. The Senate Foreign Relations Committee received letters from 102 U.S. diplomats who served under administrations for both sides of the aisle saying Mr. Bolton is the wrong man for the job.

Colin Powell's chief of staff, Colonel Lawrence Wilkerson, testified before the committee that Mr. Bolton would make "an abysmal ambassador," and that "he is incapable of listening to people and taking into account their views."

I would like to read some of Mr. Wilkerson's testimony.

Mr. Wilkerson:

I would like to make just one statement. I don't have a large problem with Under Secretary Bolton serving our country. My objections to what we've been talking about here—that is, him being our ambassador at the United Nations—stem from two basic things. One, I think he's a lousy leader. And there are 100 to 150 people up there that have to be led; they have to be led well, and they have to be led properly. And I think, in that capacity, if he goes up there, you'll see the proof of the pudding in a year.

I would also like to highlight the words of another person I myself respect and who worked closely with Mr. Bolton. He told me if Bolton were confirmed, he would be ok for a short while, but within 6 months his poor interpersonal skills and lack of self-discipline would cause major problems. He told me Mr. Bolton is unable to control his temper.

I would like to read some quotes from the testimony of Christian Westermann, the analyst from the Bureau of Intelligence and Research, and Tom Fingar, Assistant Secretary of State for Intelligence and Research, about Mr. Bolton's patterns of losing his temper and getting angry.

Mr. Westermann:

He was quite upset that I had objected and he wanted to know what right I had trying to change an Under Secretary's language.

This was in a speech and Mr. Westermann had to send that speech over to the CIA and then it came back from the CIA.

And what he would say, or not say or something like that. And I tried to explain a little bit of the same things about the process of how we clear language. And I guess I wasn't really in a mood to listen and he was quite angry and basically told me I had no right to do that.

By the way, Mr. Westermann did not work in Mr. Bolton's section of the State Department. He worked in INR, another department, another department, not under his direct supervision.

And he [Mr. Bolton] got very red in the face, shaking his finger at me and explaining to me I was acting way beyond my position, and for someone who worked for him. I told him I didn't work for him.

Staffer:

And when [Bolton] threw you out of the office, how did he do that?

Committee staffer:

He just told me to get out and get Tom Fingar, he was yelling and screaming and red in the face, and wagging his finger. I'll never forget the wagging of the finger.

Committee staffer:

Could you characterize your meeting with Bolton? Was he calm?

Mr. Tom Fingar:

No, he was angry.

Additionally, I want to note my concern that former Secretary of State

Colin Powell, the person to whom Mr. Bolton answered over the last 4 years, was conspicuously absent from a letter signed by former Secretaries of State recommending Mr. Bolton's confirmation. Of all the people who worked with Mr. Bolton, Powell is the most qualified person to judge the man and his ability to serve as the Secretary's ambassador to the U.N. and he did not sign the letter.

In fact, I have learned that several well-respected leaders in our foreign policy community were shocked by Mr. Bolton's nomination because he is the last person thought to be appropriate for the job.

There are several interesting theories on how Mr. Bolton got the nomination. I am not going to go into them in the Senate. If anyone would like to talk to me about that, I am happy to discuss it with them; otherwise, I urge you to get in touch with senior members of the Foreign Relations Committee and ask them.

We are facing an era of foreign relations in which the choice of our ambassador to the United Nations should be one of the most thoughtful decisions we make. The candidate needs to be both a diplomat and a manager. He must have the ability to persuade and inspire our friends, to communicate and convince, to listen, to absorb the ideas of others. Without such virtues, we will face more efforts in our war on terrorism, to spread democracy and to foster stability globally.

The question is, is John Bolton the best person for the job? The administration says they believe he is the right man. They say despite his interpersonal shortcomings, he knows the U.N., he can reform the organization and make it more powerful and more relevant to the world.

There is no doubt John Bolton should be commended and thanked for his service and his particular achievements.

He has accomplished some important objectives against great odds. As the sponsor of legislation that established an office on global anti-Semitism in the State Department, I am particularly impressed by his work to repeal the U.N. legislation equating Zionism with racism. I wholeheartedly agree with Bolton that we must work with the U.N. to change its anti-Israel bias, and I applaud his work on this issue.

In 2003, I sent a letter to Secretary General Kofi Annan of the United Nations to express my profound concern about the appalling developments in the U.N. and the Palestinian Observer's equation of Zionism with Nazism and ask that the United Nations condemn the remarks and maintain a commitment to human rights.

Further, I am impressed by Mr. Bolton's achievements in the area of arms control, specifically on the Moscow Treaty, the G8 "10-Plus-10-Over-10" Global Partnership Fund, and the President's Proliferation Security Initiative.

Now, it has been suggested that we should vote for Mr. Bolton because of his achievements and qualifications despite his reputation as a "bully" and his poor interpersonal skills.

I agree that Mr. Bolton has had some achievements, but I am dubious that Mr. Bolton's record of performance has been so overwhelmingly successful that we should ignore his negative pattern of behavior and credibility problems with the international community.

For the last 4 years, Mr. Bolton served as the top arms control and non-proliferation official for the State Department. The most pressing non-proliferation issues affecting U.S. national security today involve the threat of Iran's nuclear ambitions, the threat of North Korea's nuclear ambitions, and the need to expand and accelerate our cooperation with the Russian Federation to secure and dismantle Russia's nuclear and WMD infrastructure to keep it out of the hands of would-be terrorists or proliferant nations.

The United States has not had significant success on these issues in the last 4 years. In the case of North Korea, they have withdrawn from the Non-proliferation Treaty and the situation has become more critical during Bolton's watch. Our U.S. Ambassador to South Korea, Thomas Hubbard, stated that Mr. Bolton's approach on North Korea was damaging to U.S. interests. With regard to our cooperation with Russia to secure its WMD infrastructure and fissile material, I have read several reports that Mr. Bolton also hurt efforts to move beyond the legal holdup of "liability" that has stymied our programs.

On May 16, a Newsweek article reported that for several years, the disposal of Russia's 134-ton hoard of plutonium has been stymied by an obscure legal issue in which Washington has sought to free U.S. contractors from any liability for nuclear contamination during cleanup. It says that: Bolton bore a very heavy responsibility for festering the plutonium issue. It reports that a former State Department official said: In 2004, Bolton quashed a compromise plan by his own non-proliferation bureau, even after other agencies had approved it.

I must say I am unimpressed by Mr. Bolton's failure to secure a compromise during his 4 years that would enable us to move forward to secure this material from terrorists.

The situation in Iran is also very concerning and has only worsened in the last 4 years.

Among our accomplishments in non-proliferation, there is no doubt that Libya's decision to dismantle its WMD infrastructure was one of the largest successes of the last 4 years.

We really rejoiced over that. However, there is credible reporting that Mr. Bolton was sidelined from the negotiations by the White House and that some believed he might hurt their chances of succeeding with Libya. Additional reports indicate that Mr.

Bolton was sidelined at the request of British officials working on the issue, because they felt he was a liability during the negotiations.

Mr. Bolton has also been given a great deal of credit for his work on getting Article 98 agreements with several countries and important military partners. Article 98 agreements secure U.S. military officers from prosecution under the International Criminal Court while conducting operations or military exercises in a foreign country.

I support the efforts to secure Article 98 agreements and protect U.S. Forces against what could be a politically driven trial in a foreign country. However, I understand that Mr. Bolton worked to secure these agreements by putting a hold on all U.S. military education and training assistance to these countries—understanding that the last seven countries we brought into the United Nations never signed that Article 98 treaty.

This assistance that we provide to these countries provides education to military officials about U.S. and Western military doctrine, the importance of a civilian-run military, civil-military relations, and respect for human rights. It provides basic leadership training and other important training that enables foreign troops to interoperate with U.S. forces and international forces—such as English language training and general combat training. This is very important assistance at a time when we are fighting with a coalition in Afghanistan and a coalition in Iraq. But at the very same time that we were seeking additional supporters in Iraq, some military officials arriving at U.S. airports to receive the military education training were turned away because of Mr. Bolton's strong-arming tactics.

As I understand it, several different State Department officials asked Mr. Bolton to remove the holds because of the negative impact they were having on our allies, and he refused to listen to their views.

I ran into this when I was in Croatia a couple weeks ago. I talked to the new Prime Minister of Croatia, Ivo Sanader, and he was saying: I have to sign Article 98. If I don't get it, then we get no help whatsoever in terms of advice about how we civilianize our Army and so forth. And there are people in the Defense Department who think it is a good idea. And I think it is a good idea because we have to be concerned, in some of those countries that have gone democratic, that if things get bad, we do not want to see a coup d'etat come from the military part of their operation. So we should be doing everything we can to civilianize it. But, no, can't do it. Mr. Bolton doesn't want to do it.

Mr. President, how are we supposed to persuade our friends and allies to join us in Iraq and Afghanistan when we are cutting off the English-language training and other military training that would enable them to send troops to serve with us?

In fact, the policy is contradictory to U.S. public diplomacy efforts as well as efforts to secure support in Iraq and Afghanistan, but Mr. Bolton did not listen to the views of his staff who told him that the policy was damaging our bigger picture interests.

For this reason, I question the suggestion that Mr. Bolton's qualifications and his record of performance is so outstanding that we should vote for him, despite his negative pattern of behavior.

But this is another issue that is deeply concerning to me. We cannot deny that Mr. Bolton's record shows a pattern of behavior that is contradictory to that of an effective Ambassador.

I would like to read to you a quote by Mr. Carl Ford, who headed the Bureau of Intelligence and Research, INR, in the State Department from 2001 to 2003. He testified that Mr. Bolton is a "kiss up and kick down" leader who does not tolerate those who disagree with him and goes out of his way to retaliate for their disagreement.

Here is what Mr. Ford said:

Unfortunately, my judgment, my opinion, he's a quintessential "kiss-up, kick-down" sort of guy . . . I'm sure you've met them. But the fact is that he stands out, that he's got a bigger kick and it gets bigger and stronger the further down the bureaucracy he's kicking.

Others who have worked closely with Mr. Bolton have stated that he is an ideologue and that he fosters an atmosphere of intimidation and does not tolerate disagreement, does not tolerate dissent, and that he bullies those who disagree with him.

I would like to read some excerpts from the testimony of the Ambassador to South Korea, Thomas Hubbard, and Mr. John Wolf, Assistant Secretary of the Nonproliferation Bureau, who worked directly under Mr. Bolton.

COMMITTEE STAFFER. There have been press reports—one in December of 2003, in USA Today, that—I'll just read you the quote from that story. Quote, "In private, Bolton's colleagues can be scathing. One high-level coworker calls Bolton 'an anti-diplomat who tries to intimidate those who disagree with his views.' Another diplomat says, 'No one in the Department dares to criticize Bolton on the record, because he has support at the highest levels of the Administration. Despite his often blunt public pronouncements, he's never publicly chastised or contradicted,' the diplomat says." Does that sound like the John Bolton you know?

AMBASSADOR HUBBARD. It sounds, in general, like what I experienced.

COMMITTEE STAFFER. Did that—did Mr. Bolton prevent those views of debate [on policy issues from the Nonproliferation Bureau] from getting up to the Deputy Secretary?

MR. WOLF, [Assistant Secretary of Nonproliferation]: There were long and arduous discussions about issues before they got to the Secretary.

COMMITTEE STAFFER. And, in those discussions, how would you characterize Mr. Bolton's demeanor and professionalism in listening to alternative points of views or listening to those who disagreed with his point of view? Did he have an open mind?

MR. WOLF. He tended to hold on to his own views strongly, and he tended not to be—he tended not to be enthusiastic about alternative views.

Mr. WOLF. He did not—he did not—he did not encourage differing views. And he tended to have a fairly blunt manner of expressing himself.

COMMITTEE STAFFER. Would you go so far as to say that he discouraged alternative views through his demeanor and through his response when people presented alternative views to him?

MR. WOLF. He did not encourage us to provide our views to the Secretary . . . our alternative views.

Colin Powell's chief of staff Lawrence Wilkerson testified that Mr. Bolton tended to focus on accomplishing his own goals as a matter of "bean-counting" and refused to consider the repercussions of his methods on the greater policy objectives of the United States.

I would like to quote from Colonel Wilkerson's testimony:

Second, I differ from a lot of people in Washington, both friend and foe of Under Secretary Bolton, as to his, quote, "brilliance," unquote. I didn't see it. I saw a man who counted beans, who said '98 today, 99 tomorrow, 100 the next day,' and had no willingness—in many cases, no capacity—to understand the other things that were happening around those beans. And that is just a recipe for problems at the United Nations. And that's the only reason that I said anything.

Mr. Wilkerson again:

My prejudice and my bias will come out here, because I think one of the number-one problems facing the country right now—and, you know, I'm here because of my country—

This is Wilkerson. He volunteered. We didn't go out and get him. He volunteered.

—not because of anybody else—is North Korea . . . So when people ignore diplomacy that is aimed at dealing with that problem in order to push their pet rocks in other areas, it bothers me, as a diplomat, and as a citizen of this country.

And I have citations on all of this in the testimony.

Wilkerson again:

It was the same thing with nonproliferation. The statistic I mentioned before, which I think Under Secretary Bolton mentioned in his speech in Tokyo on February the 7th, if I remember right—I still keep up with this stuff, Northeast Asia—and he said the Clinton Administration, in eight years, had sanctioned China eight times, and the Bush Administration, in four years, had sanctioned China 62 times. As I used to say, what's the measurement of effectiveness here? What's it done? Is the sanctioning of 62 times an indication that China is proliferating more? Or is it an indication that we're cracking down? I'd love to see the statistic for the next four years, if Bolton were to remain Under Secretary. It would be 120 or 140. And what is the effectiveness of this? Are we actually stopping proliferation that was dangerous to our interest? Or are we doing it, and ignoring other problems that cry out for cures, diplomatic? And no one sits and says, you know, "Okay, that's correct, that's correct, this is correct, this is what's effective, this isn't effective." The one time I had a conversation with John about this, I asked him, "How do you go beyond sanctions, John? War?" [Bolton's implied answer was:] "Not my business." [In other words, that was not his problem.]

Former Assistant Secretary of the Intelligence and Research Bureau Carl Ford testified he had never seen anyone behave as badly in all his days at

the State Department and that he would not have even testified before the Committee if John Bolton had simply followed protocol and simple rules of management.

Mr. FORD. I can guarantee you . . . that if Secretary Bolton had chosen to come to see me, or in my absence, my Principal Deputy, Secretary Tom Fingar, I wouldn't be here today. He could have approached me in the same tone, and in the same attitude—shaking his finger, red in the face, high tone in his voice—and I wouldn't be here today. If he had gone to Secretary Powell, or Secretary Armitage, and complained loudly about the poor service that he was receiving from INR and the terrible treatment that he had been stabbed in the back by one of INR's analysts, I wouldn't be here today. The fact is, it is appropriate, if someone is unhappy with the service they're getting from one of the services or organizations in a bureaucracy, that they should complain. They should yell as loud as they want to. But, instead of doing any of those three things, Secretary Bolton chose to reach five or six levels down below him in the bureaucracy—

By the way, a bureaucracy he was not in charge of

—bring an analyst into his office, and give him a tongue lashing, and I frankly don't care whether he sang scat for five minutes, the attitude, the volume of his tone, and what I understand to be the substance of the conversation—he was so far over the line . . . That is, I've never seen anybody quite like Secretary Bolton . . . I don't have a second and a third or fourth, in terms of the way he abuses his power and authority with little people . . . There are a lot of screamers that work in government, but you don't pull somebody so low down in the bureaucracy that they're completely defenseless. It's an 800 pound gorilla devouring a banana. The analyst was required simply to stand there and take it, and Secretary Bolton knew when he had the tirade that, in fact, that was the case.

I want to note that in Mr. Bolton's testimony, he justifies his anger and retaliatory actions against Mr. Westermann by citing an apologetic e-mail from Mr. Tom Fingar, Assistant Secretary of the Intelligence Bureau. And when I met privately with Mr. Bolton, he said: Right after it happened, I received this apologetic e-mail from Mr. Fingar. So we asked Mr. Fingar and Mr. Ford about the e-mail.

COMMITTEE STAFFER. You said . . . that what Mr. Westermann did was entirely within the procedure, he was never disciplined, it was perfectly normal, that the only failure of his was lack of prudence. And then here [in the e-mail to Bolton] you say it's "entirely inappropriate," and "we screwed up, it won't happen again." That seems like a rather different assessment.

Mr. FINGAR. Well, I knew I was dealing with somebody who was very upset, I was trying to get the incident closed, which I didn't regard as a big deal. I know John [Bolton] was mad. I assumed, when people are mad, they get over it. So, did I lean over in the direction of "Sure, we'll take responsibility?" He thanked me for it, at least as far as I'm concerned, in my dealings with Bolton, that closed it.

So basically it was, somebody is mad. You send them back an e-mail and say our guy didn't do what he was supposed to do. You hope they will get off your butt and it will be over with. But it

wasn't over. He kept going after him. We have to move this guy. We have to bring somebody else in here. I can't deal with him. That is the way he acts.

Mr. FORD:

. . . knowing him [Fingar] well, I'm assuming it simply was, as you said, this guy [Bolton] was furious, he could potentially do great damage to the bureau, and he [Fingar] was just trying to put him back in the box and keep him from doing any more harm. And I can't fault him for that.

I also want to point out that Carl Ford, Lawrence Wilkerson, and almost all of the witnesses who came before our committee are appointees of the Bush administration. These are loyal Republicans who say: I am a conservative Republican. I am loyal to the President, that they could not abide Mr. Bolton's nomination because of their concern for his conduct and his erratic, often unprofessional, behavior.

That is what this is about.

I have to say that after pouring over the hundreds of pages of testimony and speaking with many individuals, I believe John Bolton would have been fired if he had worked for a major corporation. That is not the behavior of a true leader who upholds the kind of democracy President Bush is seeking to promote globally. This is not the behavior that should be endorsed as the face of the United States to the world community at the United Nations.

It, rather, is my opinion that John Bolton is the poster child of what the diplomatic corps should not be. I worry about the signal we are sending to the thousands of individuals under the State Department who are serving their country in foreign service and civil service, living in posts across the world and in some cases risking their lives, all so they can represent our country, promote diplomacy, and contribute to the safety of Americans everywhere.

What are we saying to these people? And I care about human capital. I have been working on it now for over 6 years. When we say to these people that we look to confirm an individual with this record to one of the highest positions in the State Department, what are we saying to these people? I was in Croatia. I was in Slovenia. They can't believe it.

I want to emphasize that I have weighed Bolton's strengths carefully. I have weighed the fact that this is the President's nominee. All things being equal, it is my proclivity to support the President's nominee, as most of us. However, in this case, all things are not equal. It is a different world today than it was 4 years ago. Our enemies are Muslim extremists and religious fanatics who have hijacked the Koran and have convinced people that the way to get to Heaven is through Jihad and against the world, particularly the United States. We must recognize that to be successful in this war, one of our most important tools is public diplomacy, more than ever before—intelligence and public diplomacy. After

hours of deliberation, telephone calls, personal conversations, reading hundreds of pages of transcripts, and asking for guidance from above, I have come to the determination that the United States can do better than John Bolton. We need an ambassador who understands the wisdom of Teddy Roosevelt's policy to walk softly and carry a big stick. The U.S. needs an ambassador who is interested in encouraging other people's points of view and discouraging any atmosphere of intimidation. The world needs an American ambassador to the U.N. who will show that the United States has respect for other countries and intermediary organizations, that we are team players and consensus builders and promoters of symbiotic relationships.

In moving forward with the international community, we should remember the words of the Scot poet Bobbie Burns who said:

Oh, that some great power would give me the wisdom to see myself as other people see me.

And when thinking of John Bolton earlier today, I thought of one—I don't know whether it is a fairy tale, or whatever, called "The Emperor Has No Clothes." We are going to vote tomorrow, and I am afraid that when we go to the well, too many of my colleagues are not going to understand that this appointment is very important to our country. At a strategic time when we need friends all over the world, we need somebody who is going to be able to get the job done. Some of my friends say: Let it go, George. It is going to work out.

I don't want to take the risk. I came back here and ran for a second term because I am worried about my kids and my grandchildren. I just hope my colleagues will take the time before they get to this well and do some serious thinking about whether we should send John Bolton to the United Nations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I wanted to take a second to say to my friend and colleague from Ohio, I have been through a lot of this debate over the last several weeks and months. A lot of things are going on today, but I hope my colleagues and others—if they have not had a chance to listen to my colleague from Ohio—will read his comments. They are heartfelt. I know the feeling. I remember several occasions, but there was a time when I was one of two Democrats to support John Tower many years ago, when he was being considered for the nomination as Secretary of Defense. I supported John Ashcroft to be Attorney General from the previous administration.

I know when you are being different and standing up and going against the tide from people on your own side, it can be a lonely moment. I know what it feels like to be there. If you do it out of conviction and belief and because of how important these issues are, then I think all of us, regardless of where you

come out on the issue, appreciate the courage and the determination of a Member who does it.

I am comfortable with my colleagues' remarks, with his position. As I told him the other day, I have been here a long time now—24 years in the Senate—and there are moments like this when I am deeply proud to serve with my colleagues. GEORGE VOINOVICH and I don't agree on a lot of issues. We are of different political persuasions and parties. But my respect for him as a Member of this body is tremendous. Whether you agree with GEORGE VOINOVICH or not, this is a Senator.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I deeply respect my colleague from Ohio, and I deeply respect the passion that he brings to his concern about this nomination.

I also bring passion and concern. I have been involved as chairman of the Permanent Subcommittee on Investigations and have been looking at the U.N. and the oil for food scandal—a scandal which allowed Saddam Hussein to rebuild his military capacity, to bribe individuals close to the leadership of member states of the Security Council, to fund terrorism. I have looked at the U.N. over recent years, at the scandals of sexual abuse and child prostitution in Africa, where U.N. officials were not responded to for months and months. I have looked at the world in which we live, and the challenges we face, and I realize the United States cannot be the world's sole policeman, the world's sole humanitarian provider. We cannot do it on our own. We need partners and we need a U.N. that is strong and credible.

This President has made a decision that the person who can best do the heavy lifting that is required for U.N. reform is John Bolton. He does that by looking at the record of John Bolton. I respect the President for that commitment to reform the United Nations, and as I look at this dangerous world in which we live, I think it is essential that we seize this moment of opportunity now. I think it is essential that we confirm this nomination.

The reality is that John Bolton is a man of strong conviction. Clearly, there are some differences of perspective even in the State Department. There was an editorial in the Washington Post on May 12 of this year in which the writer said:

The committee interviews have provided some colorful details without breaking new ground on what has long been a well-understood split in the first Bush administration, a split between those who saw themselves as the pragmatic diplomats, (the Powell camp) and those, like Mr. Bolton, who saw themselves as more willing to bruise feelings here and abroad in standing up for U.S. interests.

In the end, the Post concludes:

The nominee is intelligent and qualified; we still see no compelling reason to deny the president his choice.

Former Secretary of State—perhaps the model of the Secretaries of State—

Lawrence Eagleburger, a career foreign service officer, said in an April 22 Washington Post op-ed:

The real reasons Bolton's opponents want to derail his nomination are his oft-repeated criticism of the United Nations and other international organizations, his rejection of the arguments of those who ignore or excuse the inexcusable (i.e., the election of Sudan to the Human Rights Commission) . . .

And a couple weeks ago the election of Zimbabwe.

As to the charge that Bolton has been tough on subordinates, I can say only that in more than a decade of association with him at the State Department, I never saw or heard anything to support such a charge. Nor do I see anything wrong with his challenging intelligence analysts on their findings.

My colleague from Ohio and my colleagues across the aisle talked about an incident with an analyst—Westermann—in which Bolton had a speech that he was preparing on the issue of Cuba's capacity to develop biological weapons. That speech then was supposed to be sent to analysts in the process. That is the process—send it around to analysts and they come back and tell you whether you can say what you want to say. In the end, the speeches have to get cleared.

What happened with Mr. Westermann is this. What you have heard so far is that John Bolton was angry at Mr. Westermann. My colleague from Ohio said he was quite upset as to why he would change language. That is what happened. What happened is not that Westermann sent something around and then got it back, and then Bolton had a concern with the conclusion. What happened is that when Bolton gave the document with the language to Westermann, he sent it on. What he told Bolton's chief of staff was: I sent your language to the CIA intact and only at its source citations.

What really happened, and what the record shows and demonstrates, is that what Westermann did is that he had sent it around, but he inserted language that basically said what Bolton wanted to say would not fly. So Bolton doesn't know, when he gets it back, that that piece is out. Clearly, he wanted to say it, but they said he could not. His concern with Westermann—and the testimony reflects this also—was not about policy. He said: I disagree with you going behind my back. I disagree with you not being honest with me, not telling me up front that in fact this is what you did rather than saying I circulated it, but I find out that, in effect, you lied to me.

John Bolton was angry and he said: I have lost confidence in someone who cannot be honest with me, who goes behind my back, and I have to find out about it from another source. That was the conversation he had with Westermann. What you hear and what is portrayed about Mr. Bolton is that somehow there is this pattern of abuse. What is cited is that he had this conversation with Westermann—by the way, after that conversation, Mr. Bolton did check with Westermann's

superiors and got an e-mail. We heard about that e-mail. The e-mail said—and this is from Mr. Fingar, one of the superiors of Westermann:

We screwed up but not for base reasons. It won't happen again.

So Bolton finds out that he has been toolled by somebody who did not tell him the truth about what happened. He checks with his superior and gets an e-mail that says, by the way, we made a mistake, this will not happen again.

My colleague from Ohio says they were just doing that because they found out somebody was upset. But if you are looking at it from John Bolton's perspective, what you see is: I was angry because somebody did something which is confirmed by their source, the senior person there, that, in fact, what they did was wrong.

It is interesting because Fingar basically said it was not a big deal. As far as I am concerned, that closed it.

We get a representation somehow that did not close it, that John Bolton is going around pounding this issue and looking for retribution with Mr. Westermann. In fact, the report shows just the opposite.

What happened here is Bolton was upset. He went to the guy who caused the problem. He also tried contacting his superior. He was not around. He eventually got to Fingar who came back with an e-mail—I use his language—"We screwed up," and that is it. That is it.

Then we hear the testimony of Carl Ford, a long-term, good, loyal employee of the State Department, and we hear about Ford and his representations about Mr. Bolton. John Bolton's interaction with Carl Ford was a 2 or 3-minute conversation in front of a water fountain. So it was not a matter of somebody going around to get retribution and they are angry. That was it, literally Bolton ran into Ford at a water fountain. What Ford was upset about was that John Bolton went to his guy. It was his guy on his team. Ford was upset with that. I guess you have two guys with pretty strong feelings. But that was the conversation.

John Bolton did not call the Secretary of State, did not call the Deputy Secretary of State, did not call others in the Department, did not pursue it. If I am angry about something, really angry about something, I want to take care of it and I take care of it, particularly a guy like John Bolton. He is not a soft guy, no question about that. But the interaction regarding Westermann was bumping into someone at a water fountain and having an exchange. Westermann's boss basically said: Don't mess with my guys. And that is Mr. Ford. His experience with John Bolton is essentially that 2-minute conversation—that is it—I think until he leaves.

Then the only other conversation on the record that Mr. Bolton had about Mr. Westermann is a number of months later, he was visiting with another official within the agency and asked how

are things going and is there anything that troubles you? Only when asked that question does he even bring up the incident again, and that is it.

So this image being portrayed about somehow hounding down a lower level employee—by the way, Westermann was a 20-year Navy veteran; he was not a kid wet behind his ears. I have to tell you, if it was the private sector, Mr. Westermann may have been fired for not being honest with his superior, for going behind somebody's back. That is what happened.

I want to go back to the Washington Post article, the Eagleburger comment. Here is what is really happening here. When John Bolton's name was put forward as the nomination by the President, my colleagues on the other side made it very clear they were going to oppose this nomination. The issue then was his comments he made about the United Nations. My colleagues on the other side of the aisle did not think John Bolton was respectful enough of the United Nations and he did not deserve to be confirmed. That was the issue. It was about policy differences between John Bolton and my colleagues on the other side of the aisle.

What happened is because that argument did not sell, they then began an examination of some of these interpersonal exchanges and what became the Westermann issue, what became a series of contacts with John Bolton, with legitimate concerns, characterized as a series of a pattern abuser.

There were concerns raised about North Korea and about John Bolton's comments regarding North Korea, somehow that he was straying off message, that he was saying things that should not have been said, that he gave a speech in July 2000 in which I think he called Kim Jong Il, the North Korean President, a tyrant, which, by the way, he is. The comment was he was straying off message, that he was saying things that should not have been said.

I have a copy of a letter from former Secretary of State Colin Powell. It is dated August 26, 2003, when he was Secretary of State. He is sending a letter to JON KYL of the Senate. He says:

Dear Jon, I am pleased to reply to your recent letter concerning John Bolton's speech in Korea and our reaction.

Undersecretary's Bolton speech was fully cleared within the Department. It was consistent with Administration policy, did not really break new ground with regard to our disdain for the North Korean leadership and, as such, was official.

“ . . . and, as such, was official.”  
“Fully cleared.” “was official.”

If one sat here and listened to what was said before, one would think somehow this guy was off there on his own saying things that were disruptive to policy.

That is not the way it works. For the public who may not understand, when we have a senior State Department official making speeches in North Korea, making speeches about Cuba and its policy regarding procurement of bio-

logical weapons, these speeches are cleared. There is a process. There is not a single instance in the record where John Bolton is somehow substantiated for having said things that were not policy, said things that were disruptive of policy.

At times did he challenge analysts? Yes, he did, and that is probably a pretty good thing to do. Analysts do not speak from a holy mountain. They come in with a perspective. We have seen enough history now in the last couple of years where analysts had a perspective and they were wrong. John Bolton challenged analysts, but in the end, each and every time, what he did was he delivered the message he was supposed to be delivering.

There was a question concerning Libya and the allegation, by the way, in Newsweek—an allegation in Newsweek. My colleagues quote Newsweek as if it is the Holy Bible. Newsweek—credible reporting that he was sidelined, and then there was a conversation, an anonymous source, that somehow the British Foreign Secretary Jack Straw was complaining to Powell about John Bolton. The anonymous source, according to a Bush official, told them that Secretary of State Powell's Under Secretary for Arms Control was making it impossible to reach allied agreement on Iran's nuclear program. Powell turned to an aide and said: Get a different view on the problem, Bolton is being too tough. Jack Straw flatly rejects this. Here is what Straw's press spokesman is saying:

Conversations between the Foreign Secretary and our U.S. counterpart are private and we do not normally comment on their content. However, the Foreign Secretary has no recollection whatsoever of telling the U.S. administration or any other whom it should or should not put in charge of its business. John Bolton held a senior position in counterproliferation arms control in the last administration and senior UK officials worked closely with him on a range of issues.

The bottom line is Mr. Powell never told Mr. Bolton he was being too tough in dealing with our European allies. Mr. Bolton has continued to represent the Bush administration's firm position that Iran has yet to make their strategic decision not to pursue nuclear weapons capability and, therefore, Iran's violation of its commitments under the Nuclear Nonproliferation Treaty should be referred to the United Nations Security Council.

There was another concern about an article 98 issue. The allegation was that somehow Mr. Bolton blocked military aid for Eastern European NATO candidate countries, even though there are article 98 restrictions, concerns for not agreeing to take U.S. servicemen to the International Criminal Court, have been waived. Bolton wanted to pressure them to sign the article 98 agreements.

Rich Armitage, the No. 2 person at the State Department under Colin Powell, has refuted this claim. He said: I did not consider this unusual at all. Different fiefdoms at State often have

different positions and Deputy Secretaries resolve them. It was part and parcel of daily life. Again, allegation made and claim simply not true.

I could go on. I would just like to touch upon a few more. One of them had to do with an allegation that Mr. Bolton, before he worked for the State Department, was involved in a situation where he yelled at a colleague, a woman whom he worked with. I think this conversation was supposed to have taken place in Moscow at the time. This individual said that Bolton had yelled and screamed at her, chased her around.

We had a full committee hearing. The allegation was raised. It was raised in front of the press, raised in front of the media that somehow John Bolton—there was a source that said this woman had complained. It ended up that this woman, a very political woman, one of the leaders of Mothers Against Bush, a liberal activist, had made the claim on liberal Air America. Under questioning, when asked about whether she had been chased or harassed by Mr. Bolton, her testimony was: Well, I may have overstated that.

We then get letters from the president of the company that held the contract for which this woman worked. He said: I certainly did not hear contemporaneously from any other employee in Moscow that anything occurred between Mr. Bolton and Ms. Townsel in Moscow. Consequently, it is difficult to understand how she could make such accusations with any veracity. He then went on to talk about some of her conduct and was very concerned about that. He concluded that he found Bolton to be very intelligent, hard working, loyal, ethical, and there was nothing to this. Ultimately, my colleagues on the other side kind of dropped that but after it was made public, after they discussed it in public, though I believe they had in their hands the same letters, the same rebuttal. That is one of the problems. There are individuals who—John Bolton, by the way, has been before this Senate three and perhaps four times. He has been before this body, been scrutinized, been confirmed three to four times. Now we reach a point, and maybe it is the atmosphere around here, maybe the partisan divide has gotten so great, but what starts out with a concern over policy then slips into attacks on the personal. People's character is disparaged, even though there is no basis for it, disparaged publicly, disparaged in the media.

Folks then rely upon credible reporting in Newsweek magazine, when the sources then who are close to the issue come back and say that credible reporting simply is not very credible. People go through a ringer. If I was listening to some of these allegations, I would come to some conclusions about character, but then when one looks, for instance, at the Westermann incident and hears about serial abuse, they find out it was one conversation because

Mr. Bolton believed he got stabbed in the back; that the other conversation took place over a water fountain and that was it, except when asked, about 6 months later, "Is there anything that bothered you?" and he said, "He has not bothered me." But we get a characterization of temperament and loss of temper and somehow being impolitic. It is simply not credible.

I was there for just about every portion of every hearing and heard all the evidence. For all of these claims that are made, if one looks, as they say, at the rest of the story, they find out that they are not credible.

It really gets back perhaps to where we started, that in the end this is about policy. We should end where it began. There are those who simply disagree with Mr. Bolton's approach. When I say "approach," Mr. Bolton has made it very clear that he believes in the institution; that he is committed. He made the commitment—and I am going to take him at his word—to work with the institution. That is what he is going to do.

I think we have to take him at his word, and we have to accept the fact that the President believes that U.N. reform is important and Mr. Bolton has the capacity to do the job. He negotiated the Treaty of Moscow, negotiated the U.N. reversing its position on a resolution that had been in place a number of years which said Israel was a racist state. Everybody said that would be impossible to change, and John Bolton provided the leadership to get the U.N. to reverse itself on that issue. He clearly has the qualifications and the skills. He has the support of the President. He has the support of the Secretary of State. He has my support. I know how important this job is. I know we have this window of opportunity and we have to seize it.

I was a former prosecutor, and I know how it works. In Minnesota, the prosecution gives a closing argument and the defense goes after. There is no prosecution rebuttal. So I would often go in front of the jury and I would say: What you have to watch out for is the "rabbits in the hat" approach, that what you are going to hear come out on the other side is they are going to unleash a number of rabbits that are going to come running out of that hat.

In this case, the first rabbit is of positions on the U.N.; the second rabbit is of policy positions; the third rabbit is saying things that should not have been said; the fourth rabbit is personal behavior, et cetera, hoping that somebody on the jury chases one of those rabbits. Instead, what we need folks to do is keep their eye on the main thing. The main thing, as Steve Covey said: One thing is keep the main thing the main thing.

The main thing is that this President has a belief that this U.N. needs reform. The main thing is that John Bolton has a long and distinguished record of service to this country and an ability to get things done. He has the

toughness it is going to take to get 191 nations to stop putting Zimbabwe and Sudan on the Human Rights Commission. He has that ability. He has the confidence of the President. In the end, elections matter. The President of the United States won the election. He has chosen someone to carry out that vision, and that person has the record and the ability to do that. There is nothing in this record that undermines that. There is nothing in this record that he ever said he changed intelligence. There is nothing in this record that he ever got anybody fired.

What is in this record is a distinguished record that has been attacked, savaged, and abused. I hope that does not have the chilling effect on others who want to serve this country.

John Bolton is willing to serve this country. He deserves the right to do that, and I hope that my colleagues agree and they support his confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I speak as vice chairman of the Senate Intelligence Committee, and I oppose the nomination of John Bolton to be U.S. Ambassador to the United Nations. I purposely highlight that position on the Intelligence Committee because it is Mr. Bolton's pattern of attempting to distort and to misuse intelligence that is primary as a reason for my opposing his nomination. I have many reasons to oppose his nomination, but I will restrict myself to my work on the Intelligence Committee.

Senator BIDEN and other members of the Foreign Relations Committee have walked through some of these facts, although perhaps not all of them yet, related to Mr. Bolton. So I will not go into all of the details. I do intend to provide some background and expand on at least one critical issue. I want to explain why this issue should matter to my colleagues and why Mr. Bolton's actions should disqualify him from this position.

As my colleagues know, beginning in June of 2003, the Senate Intelligence Committee undertook an exhaustive inquiry into the intelligence concerning Iraq prior to the war. After more than a year, the committee unanimously approved a scathing 511 page report describing the intelligence community's systematic failures, particularly on issues related to weapons of mass destruction. One of the central issues to the committee's review was the question of "whether any influence was brought to bear on anyone to shape their analysis to support policy objectives."

It was a question so important, in fact, and so fundamental to our committee's oversight role that answering it was one of the four specific tasks laid out by Chairman ROBERTS and me at the beginning of this inquiry.

The issue of maintaining objectivity goes to the very heart of intelligence

and intelligence oversight. Our intelligence agencies are charged with gathering information around the world and then objectively analyzing the information and providing it to the rest of the Government. Intelligence consumers, then, rely on that intelligence for a variety of activities. Often, that information forms the foundation of the very national security policies we depend upon to keep our country safe. It is absolutely essential that our intelligence is objective, independent, and accurate. If it is not, then the system does not work, we waste billions of dollars each year, and we end up making a critical national security decision or a series of them based upon flawed assumptions.

In the extreme, intelligence that is manipulated or shaped to fit preconceived conditions could lead the country into a war that we should not be fighting. This, of course, was the concern that many of us had when we began our investigation of prewar intelligence. It was a central point of the committee's review—a central point. It was something we pursued aggressively. In that case, the committee did not find evidence that the administration officials as a whole attempted to coerce, influence, or pressure analysts to specifically change their judgments—specifically change their judgments—relating to Iraq's WMD. I supported that finding, although in my additional views I described what I thought was a more pervasive environment of pressure, created prior to the war, to reach conclusions that supported the administration's policies.

I describe this effort now, however, not to revisit these issues that we investigated but to impress upon my colleagues and the public how serious it is when policymakers are accused of attempting to manipulate the intelligence process. This is behavior we cannot tolerate, and this is the pattern of behavior Mr. Bolton has exhibited during his tenure as Under Secretary of State. As I said, Senator BIDEN, Senator DODD, and others have done a superb job in describing the specific incidents. Let me add a few points to provide context for these episodes.

First, I want everyone to understand that the Intelligence Committee was aware of these allegations long before Mr. Bolton was nominated to this job. These are not incidents dredged up after he had been nominated.

The committee's Iraq report briefly mentions the case of an INR analyst—that is, the State Department intelligence analyst—who had the courage to stand up in a committee hearing and acknowledge what he described as political pressure. When the committee staff interviewed this analyst, they discovered that the instance involved Cuba and not Iraq. That being the case, the committee did not pursue a review because we were doing Iraq, not Cuba.

Unfortunately, the committee's final report described and commented on this incident without conducting a

complete investigation of the facts. It is now clear from the record developed by the Foreign Relations Committee in their excellent work that Under Secretary Bolton attempted to exact retribution against this intelligence analyst because his analysis did not support Mr. Bolton's views.

As with the case of the INR analyst, the State Department analyst, the committee previously was aware of the allegations of politicization related to the former National Intelligence Officer for Latin America. We knew about it. In the course of a briefing to the committee staff in November of 2004, this individual described an effort to have him removed because his analysis was at odds with the views of certain policymakers, including Secretary Bolton. Unfortunately, the committee did not follow up on these allegations until March, when the minority staff on the committee began scheduling interviews. I speak now of the Intelligence Committee, not the Foreign Relations Committee. It is clear from these interviews that the minority staff on the Intelligence Committee did and from the much more extensive work done by the Foreign Relations Committee that Under Secretary Bolton and others, particularly Otto Reich, who was Acting Assistant Secretary of State for Latin America, sought to have the National Intelligence Officer reassigned because his analysis did not support their policies.

These two episodes, in my mind, are enough to disqualify Mr. Bolton from this position. But there is more to this pattern of abusing the intelligence process. During the course of the nomination process, we learned that on at least 10 occasions, Mr. Bolton had sought to learn the identity of 19 U.S. persons—this has been discussed on the Senate floor, but I am going to add something—19 U.S. persons mentioned in intelligence reports. There has been a great deal of speculation as to why he wanted these names, whether it was proper to seek this information.

To answer these questions, Chairman LUGAR asked Chairman ROBERTS and me to solicit information from the appropriate agencies. Eventually—eventually—eventually, the new Principal Deputy Director of National Intelligence, GEN Michael Hayden, briefed Senator ROBERTS and myself. He did not brief Senator LUGAR and Senator BIDEN—Chairman LUGAR and Ranking Member BIDEN. That is a mystery to me. I don't understand that. But he briefed us on the content of the intelligence in question.

Let me be clear. We did not receive the names, the very names provided to Under Secretary Bolton—which is an extraordinary sense of control of one branch of Government over another. We did not receive those names. We read everything associated with those names but not the names themselves. They were not given to us.

Based on my limited review, I noted from the rest of the context nothing

improper about the request. That, however, was not the end of the story. As part of our effort to respond to Chairman LUGAR's request for information, the committee staff interviewed several individuals with knowledge of Under Secretary Bolton's request for these names. During one of those interviews, a senior member of his staff described actions Under Secretary Bolton took after he received one of those names.

According to this individual, upon receiving the name from the National Security Agency, the NSA, Under Secretary Bolton shared that information with another State Department official. The reasons for this action are not clear, but it seems inconsistent with the stated reasons for obtaining the name.

Let me explain. I must take a moment to describe the information we are talking about and put Mr. Bolton's action in some context. When a U.S. intelligence agency—in this case, the National Security Agency—receives a report that includes information concerning a U.S. person, that information is, so to speak, minimized—that is the technical term—for privacy reasons, meaning that the U.S. name is replaced with a generic designation such as “named U.S. Government official,” or “named U.S. citizen,” but that is all. Remember, this is information that is already classified at the highest levels, or it would not receive this treatment—classified at the highest levels and shared with a very limited number of people in order to protect the source of that information. The U.S. name is even more closely guarded and not provided unless an appropriately cleared official reading that intelligence report makes a specific request for it in order to better understand the foreign intelligence, and it is only intelligence that that person can be concerned with.

The rules for dealing with this kind of comprehensive information are very strict. It is only provided on a case-by-case basis at the request of a specific individual. The National Security Agency has a formal and very well established procedure for processing such requests and for providing the names to the requester.

When a decision is made to release the name, it is transmitted with a cover sheet with the following admonition:

Request no further action be taken on this information without prior approval of the National Security Agency.

Probably that would not have to be there because anybody at that level understands that already, but nevertheless it is there, front and center. This language is clear. This language is unambiguous. But Mr. Bolton apparently disregarded it. Neither the NSA, the National Security Agency, nor the State Department's Bureau of Intelligence and Research has a record of him seeking the necessary approval to further disseminate the name. Now his defenders say he never saw that re-

striction. I don't know if that is accurate, but I do know that it is entirely irrelevant because he knew about that. Anybody who is experienced to receive intelligence at that level has to know that.

He knew the classification of the intercepts. He knew the sensitivity of information referencing U.S. persons. He knew the special procedures he had to go through to get that name. He knew the requirement to closely guard this information, even if he had not seen the specific language on the transmittal letter. Any attempt to place blame for his action on others is thinly veiled, sad, and wrong.

I still have questions about this episode, but it appears to me on its face that he violated the restrictions placed on this information by the National Security Agency. Even if we discover his actions were technically not a security violation, if by a 1 in 1,000 percent chance it turned out to be true, it emphasizes something even worse, and that is a cavalier attitude to be, therefore, projected into the future in dealing with extremely sensitive intelligence information.

This is part of a pattern which shows a blatant disregard for the importance of the intelligence process which is the spear tip of this Nation's internal security and security around the world and the sensitivity of the information contained in intelligence products.

When viewed collectively, these actions demonstrate Mr. Bolton's unfitness for this position. I thereby urge my colleagues to oppose his confirmation. I thank the Presiding Officer.

Mr. DODD. Will the Senator yield?

Mr. ROCKEFELLER. I yield to the Senator.

Mr. DODD. Let me thank my colleague from West Virginia who holds the very difficult position, along with Senator ROBERTS, of being the ranking member and chairman, respectively, of the Intelligence Committee. It is a very difficult job.

For those who have served some time, we appreciate immensely the tremendous difficulty of trying to manage and handle the information that comes their way. I am particularly grateful to my colleague for his comments here today regarding the issue of the intelligence analysts and the handling of very delicate information.

As my colleague from West Virginia knows, and I state this in the form of a question, Senator BIDEN, obviously, and Senator LUGAR, going back to April 11, have requested information regarding the intercepts that the Senator from West Virginia has just described, along with other information from the State Department regarding testimony that Mr. Bolton was to give before a House committee dealing with weapons of mass destruction in Iraq. We have been unable the last number of weeks to get the necessary information from the administration regarding these allegations.

As such, we are asking the administration today if they would not be forthcoming with that information, to give the chairman and the ranking member of the Intelligence Committee unredacted versions of these intercepts, along with the chairman and ranking member of the Foreign Relations Committee—not all members of the committee, not all Members of the Senate. I believe this is the normal operating procedure when matters like this arise, that requests are made of the administration for information and they go to selected, designated members to review, to determine whether there is something that as Members of this body we ought to be aware of in the consideration—relevant information in the consideration of a nomination.

My question is, Is this an inappropriate request from the Senator from Delaware and the Senator from Indiana, to get unredacted versions, to go to the Intelligence Committee and the Foreign Relations Committee for them to be able to review, to determine whether they would be relevant to this nomination?

Mr. ROCKEFELLER. I say to the Senator from Connecticut it is not only appropriate, but it is necessary. The Senator from Connecticut described the very condition of its sensitivity and its importance and therefore the importance of its place in this nomination consideration.

The fact that only Senator ROBERTS and myself were briefed for a long period of time is part of the way the administration either shares very sensitive information which they do not want other committee members to have—which, of course, makes other committee members furious, as it would me, but they cannot take chances—but what that emphasizes is the importance and the confidentiality and the high degree of sensitivity of the information. When you are putting somebody potentially into the United Nations to effect policy, to reflect the views of the President more directly than the President can do on a daily basis, to reflect the views of the rest of the world toward the United States, this kind of thing must be available to Senator ROBERTS and myself and, just as importantly, to Senator LUGAR as chairman of the Foreign Relations Committee, for Heavens' sake, and Senator JOE BIDEN, the ranking member.

Mr. DODD. Let me further ask my colleague, if I may, as I understand it, when a policymaker requests of the National Security Administration the raw data on an intercept, there must be a written explanation for why the policy center or policymaker is seeking that information; is that not correct?

Mr. ROCKEFELLER. That is correct. And that is not available.

Mr. DODD. That was my second question. Was that available to the ranking member and the chairman of the Intelligence Committee?

Mr. ROCKEFELLER. No, it was not available and it is part of this pattern.

We have to decide if there are two branches of Government or one.

Mr. DODD. I thank my colleague and I appreciate again his comments.

I will be very brief in my comments this afternoon. I notice there are other Members here. I saw my friend from Virginia, Senator ALLEN, in the Chamber. Senator COLEMAN of Minnesota has already spoken, but he may want to speak. I think Senator LEVIN of Michigan may be coming over shortly.

I will reserve for tomorrow further discussion of the nominee himself and the reasons for my objection for this nomination going forward, but, rather, I will focus in these brief minutes, if I may, on where we are and the procedural situation in which we find ourselves.

I say to my colleagues it is awkward. We have just come through a rather contentious period in the history of the Senate over the last number of days dealing with how we deal with executive branch nominees. It would not have been my choice to have this matter come up in the midst of all this or in the wake of all of this. I would have preferred we had dealt with judicial nominations, which I thought was the primary rationale for the crisis we ran into over the extended debate rule.

However, it is clearly the choice and the right of the majority, in my view, to set the agenda. As such, they have set the agenda to bring Mr. Bolton's nomination up before the Senate rather than additional judicial nominations before the Memorial Day recess.

I have been asked and objected to a unanimous consent request that would have allowed for an up-and-down vote on Mr. Bolton at some point tomorrow afternoon. I have said to the majority leader and the minority leader, it is not my intention at all to filibuster this nomination. That is not what I want to have occur at all.

I have suggested we ask the administration, once again, would they be forthcoming and give us this information about the National Security Agency intercepts to go just to Senator ROCKEFELLER, Senator ROBERTS, Senator LUGAR, and Senator BIDEN for review to determine what, if any, information in those 10 intercepts involving 19 names of American citizens that might have some relevancy to the nomination of Mr. Bolton. That request has been rejected since April 11, basically, and there have been numerous requests.

The second request involves a request that Senator BIDEN has expressed a strong interest in detailed information regarding testimony of the weapons of mass destruction in Syria that was to be the subject of congressional testimony by Mr. Bolton. That information is also being sought.

I commend and thank the majority leader, by the way. Earlier today in my conversations with him, I expressed that I had no desire to filibuster this

nomination but would he transmit the request—I am not suggesting he support the request—but would he transmit the request to the appropriate personnel at the State Department or the White House regarding this information. Graciously, the majority leader has said he would do so, and I presume he has.

No cloture motion has yet been filed, but it is my understanding, because it is the way I framed the request, that I would not insist upon a normal period of time to expire before a cloture motion could be invoked, or could be raised, nor would I insist that there be an adequate amount of time after the cloture motion, if it were invoked, be required, the 30 hours of debate; but, rather, we would truncate all of that some time tomorrow afternoon to give everyone an exact time to express themselves on either the motion to invoke cloture or on the nomination itself.

If we are unable to get this data, information, which has been requested now for 6 weeks, I will urge my colleagues not to invoke cloture. I would do so most reluctantly, and I urge my colleagues, regardless of feelings about the nominee.

This is what I want to address. We all have had strong views on Mr. Bolton. I see my friend from Virginia. He has been eloquent in his defense of Mr. Bolton, as has my friend from Minnesota.

I listened to the remarkable speech given by our colleagues: Senator VOINOVICH of Ohio, Senator BIDEN, Senator SARBANES, Senator ROCKEFELLER, and others. There are strong feelings about this nomination. But put aside your strong feelings about the nominee and think for a minute about what we are asking for as an institution; that is, data that pertains to this nomination.

I noted with some interest earlier today that one of the newspapers that covers Capitol Hill reported that a House Appropriations Committee, obviously under the control of the Republicans—the majority—was expressing a similar problem in getting information out of the administration on matters they thought were important.

I do not think this desire to deprive the committees of information on Mr. Bolton is unique. I believe it is a pattern that we, as Members of this equal branch of Government, must defend ourselves on, that if the administration—this administration or any administration—believes they can successfully deprive legitimate requests for information pertaining to a matter that is before us, particularly one that invokes as much debate as this nomination has, then we all suffer. Whether you are for Mr. Bolton or against Mr. Bolton is not the point. The point is, we ought to have a right to have information given to us, under controlled circumstances—not to the availability

of every Member under every circumstance but we have set up mechanisms which allow us to have information to determine its relevancy to something such as this.

Consider, if you will—I am speaking hypothetically now, obviously—that the administration deprives us of this information, the Senate invokes cloture, and there is then a vote to confirm Mr. Bolton and in a matter of days or weeks we discover that the very information requested is so damning that every Member of this body would have been against the nomination had they known the information at the time of the vote. There is the possibility of that, I would suggest to my colleagues, or I would not have requested the information.

How would we feel institutionally at that point if we did not stand up for ourselves as Senators in insisting that this administration—or any administration when there was a legitimate request for information pertaining to a nomination such as this—ought to be forthcoming, and we ought not to have to go through the parliamentary procedures and debates and invoking various tactics in order to put pressure, in order to get this information? It seems to me that ought to be forthcoming. For those reasons, I am grateful to the majority leader for transmitting the request.

I have also said, just to complete this, that if, in fact, cloture is invoked, that then I am prepared to vote immediately thereafter on the Bolton nomination. To make my point, I am not anxious for an extended debate or filibuster beyond cloture. Obviously, if cloture is not invoked, then my assumption would be the matter would go over until after the Memorial Day recess, in which case we might have some additional time to solicit the information we are seeking.

My preference would be we get the information. We still have time. It is only 5:30 in the evening tonight. If the administration would say: Listen, we can give you this information—even if we do not get it until tomorrow morning, there ought to be adequate enough time, from tomorrow morning to the afternoon, by the appropriate committees to go over the unredacted versions of this—by the way, not crossing out the names of the very people we want to know—who they are—in addition to the rationale for the request, so we can make a determination as to whether those intercepts, and the requests of them, have pertained to Mr. Bolton's determination to punish certain people in the intelligence branch of the State Department because of their analysis that Mr. Bolton had some difficulty with.

Also, of course, there is the request that Senator BIDEN is calling upon; that is, whether there was some effort here to cook up the books regarding the weapons of mass destruction or the allegation of weapons of mass destruction in Syria.

That is not going to be that hard. It could be done in a matter of hours, and we could then vote on Mr. Bolton's nomination by tomorrow afternoon, up or down, one way or the other. I would hope my colleagues would join in this effort. If we tell the administration as a body that we have a right to this information, I would wage anything to my colleagues that the administration would be forthcoming with it. It is because they believe there are more than 40 Senators here who will vote to invoke cloture that they will not provide the information. The minute they think we might insist upon seeing it, I think the information will be forthcoming.

There are those who have told me, by the way, as a general matter that while this was an extraordinary request in some sense, in others it may not have been an extraordinary request. I am thinking about Mr. Bolton's request now. So there may very well be there is nothing in these requests that should cause any of us any concern. It may be true, as well, regarding the Syria allegations. If that is the case, then there is nothing to fear by any of this to bring it up. But in the meantime, institutionally, in my view, as Senators representing a coequal branch of Government, when there is a legitimate request for information and an appropriate and proper means by which we receive and handle that information, it ought to be forthcoming. When we fail to insist upon that, in any administration, we weaken the ability of this place to do its job. That is really what is at stake in the debate here more than anything else at this moment.

Now, there will, obviously, be further debate about Mr. Bolton. We all know that. We have been through it. Those of us who serve on this committee have had hours of debate on this issue. I suspect my friends from Virginia and Minnesota could quote my remarks about Mr. Bolton, as I could theirs. We have listened to each other for countless hours about this issue. Our colleagues will soon get the benefit of these remarks as we repeat them again in the next 24 hours or so.

That is not the issue tonight for this Senator. The issue for this Senator tonight is, does the Senate, as a body, when there is a nomination before it—when there is critical information that serious Members of this body believe is pertinent to the debate before us—should we have the ability under controlled circumstances to access that information? If my colleagues believe the answer is no and the administration is not forthcoming, then you ought to invoke cloture. If you believe we ought to have a right to this information, even though you support the nominee, as a matter of principle, as U.S. Senators charged under the Constitution to be responsible for the confirmation of high-level Federal employees and nominees, then it seems to me our answer, despite our views about the nominee, ought to be yes and to say with

one voice: We support the nominee—if we do—but, Mr. President, in your administration, it is appropriate that you be forthcoming on the request.

There is the chairman of the Intelligence Committee and the ranking member, and there is the chairman of the Foreign Relations Committee and the ranking Democrat—four Senators. For them to get the unredacted versions of these intercepts and the information regarding Syria is not some breach of intelligence. Remember, Mr. Bolton and his staff had access to this information. They could read those names. They know what is in it. Does some Under Secretary of State have more rights than the Senator from Virginia or the Senator from Minnesota or the Senator from Connecticut or the Senator from Kansas? I don't think so.

The PRESIDING OFFICER. The time of the minority has expired.

Mr. DODD. Mr. President, I will conclude just by saying I would hope my colleagues would consider this, and rather than get to the point tomorrow night of having to invoke cloture, would they not even quietly ask the administration to be forthcoming? We do not need to go through this. We could have a vote on Mr. Bolton up or down tomorrow afternoon, one way or the other, and avoid this precedent-setting circumstance where legitimate information is not forthcoming. That is the point I wanted to make this evening.

I thank the Chair and thank my colleagues.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I will speak very briefly and yield to my colleague from Virginia.

Mr. President, I would note that the chairman of the Intelligence Committee is here, and I suspect he will respond to some of these issues.

There is just one point the distinguished Senator from West Virginia raised again and again, and I just want to make the RECORD very clear; that is, again, he stated that it is clear, in his words, that the Under Secretary criticized this employee "because his analysis did not support Bolton's view." I want to make it clear, the record does not support that. In fact, it was very clear that John Bolton said to the intelligence analyst:

You are welcome to disagree with me, but not behind my back.

That is what this was about. In fact, the analyst himself gave some conflicting reasons of why he did not tell Bolton that he had tubed his language before he sent it around. He never told him that. That is what this is about. In fact, when the analyst was asked whether he disagreed with the statement "You are welcome to disagree with me"—it is Bolton speaking to the analyst—"but not behind my back," his comment was, "That does ring a bell." So that is what this is about. It is about process, it is not about policy.

The last thing I would note is that we have had 10 hours of hearings, 35 separate staff interviews, 2 business meetings, 29 different people producing 1,000 pages of transcripts and 800 pages of documents from the State Department. This individual has gone through a very thorough review.

I appreciate my colleague from Connecticut not holding us up.

Clearly, if cloture is invoked, we could wait another 30 hours. I thank him for that. But the record is clear it is time to move forward.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, I thank my wonderful colleague from Minnesota, Senator COLEMAN, for his rebuttals of what has been said. As Senator COLEMAN and I have listened to this in the Foreign Relations Committee for many weeks—and all of these different issues and allegations and charges that have been refuted—we understand that what we are now off on are the detours and tangents, avoiding the reality and what is important; that is, John Bolton being the right person to bring accountability, being a watchdog for the \$2 billion the American taxpayers send to the United Nations every year. The United Nations ought not to be a front for terrorist organizations or anti-Americanism.

John Bolton has a record of performance that is exemplary, from the Proliferation Security Initiative to repealing the odious resolution that likened Zionism to racism. They don't want to talk about the United Nations and the reform that is needed.

They talk about John Bolton being straightforward. He is straightforward. He is not going to get seduced by the flowery language and pontifications of bureaucrats internationally. He is going to advance freedom and the interests of the United States and get other countries to join us.

Having been a quarterback, there is a key player you always want to put in when you want to refute allegations of the side in opposition. I note that all of these individuals who have been criticizing Mr. Bolton, before they heard any of these allegations about intercepts, anything about the sensibilities of different Government officials being offended by Mr. Bolton, all of them—Senators BIDEN, BOXER, KERRY, DODD, SARBANES, and ROCKEFELLER—in 2001, voted against Mr. Bolton in his position as Under Secretary before they heard any of these allegations.

Now to talk about and to present the facts on this latest fishing expedition that we are hearing from the opposition of Mr. Bolton insofar as the conversations, the perfect person to speak on this and to answer the issue is the chairman of the Intelligence Committee, Senator ROBERTS of Kansas. He will rebut the allegations so far as matters dealing with intelligence are concerned.

The PRESIDING OFFICER. The Senator from Kansas is now recognized.

Mr. ROBERTS. I thank the Chair. I certainly thank the distinguished Senator from Virginia. This is sort of a quandary for me in that sitting in my office listening to the debate, I was having a hard time putting two and two together with my understanding of what the Intelligence Committee determined—not the committee but the vice chairman and myself. And in listening to the statements, they just didn't jibe. It is not my intent to perjure the intent of the distinguished vice chairman, but I sure have a different take on this. I think it is supported by facts.

I am rising in the hope of providing some clarification surrounding one of the issues related to the nomination of John Bolton to be U.S. ambassador to the U.N.

On April 28, the vice chairman and I, Vice Chairman ROCKEFELLER, received a letter from the distinguished chairman of the Foreign Relations Committee, Senator LUGAR. In that letter, the chairman asked the Senate Intelligence Committee to look into all information surrounding the process by which Mr. Bolton, between the years 2001 and 2004, requested the names of U.S. persons that had been redacted from various intelligence products. The Intelligence Committee was asked to solicit all information regarding the process by which Mr. Bolton's requests were handled, the contents of the responses, and the process by which they were communicated, as well as any conclusions reached by the appropriate intelligence agencies or elements thereto as to any violations of procedures or directives or regulations or law by those with knowledge of Mr. Bolton's requests. That was a pretty clear letter. That sets out some pretty clear questions.

It is my understanding that the vice chairman of the committee, the distinguished vice chairman and a person whom I respect, Senator ROCKEFELLER, sent his own letter to Senator BIDEN with a different interpretation of the issues than I have described. I also understand that Senator BIDEN read that letter on the floor this afternoon. I regret that a meeting in the Intelligence Committee did prevent me from responding at that particular time, but since the distinguished vice chairman has made his remarks and his interpretation, perhaps this timing is even better. But what I don't understand is why the distinguished Senator from Delaware read only one of the letters from the vice chairman when he had both in his possession.

Nevertheless, in his letter of April 28, Senator LUGAR asked the Intelligence Committee to assist the Foreign Relations Committee in ascertaining the facts. This is what I attempted to do, and I think my letter certainly speaks for itself. Unfortunately, I believe that the vice chairman's account did omit some important facts which I believe give a much clearer picture of what actually took place.

This morning, I sent a letter back to Senator LUGAR detailing my findings and conclusions. This letter, which was also provided to Senator BIDEN, provides the rest of the story. With your indulgence, I will read my letter into the RECORD, as addressed to the Honorable RICHARD G. LUGAR, chairman of the Committee on Foreign Relations. It reads:

Dear Mr. Chairman:

I write in response to your April 28, 2005 letter asking this committee to examine a number of intelligence-related issues that have been raised during the Committee on Foreign Relations' consideration of the nomination of Under Secretary John Bolton to be the United States Representative to the United Nations. My hope was to respond jointly with Vice Chairman Rockefeller.

While we both agreed there was nothing within the contents of the intelligence reports in question that caused us any concern, we were unable to agree on a final text in response.

This was not for lack of trying. One day, 2 days, 3 days, a week, I think it was 10 days, trying to work out a joint letter. It just didn't happen. So we have two versions. I don't quite understand why, but especially since we both met with General Hayden, who is the Director of National Intelligence and who was the head of the NSA and, as such, is the head of intercepts and signals intelligence.

I might say right now that I really do not like this business of coming to the floor of the Senate and talking about signals intelligence and intercepts. That causes me great concern. It is of the highest classification.

I continued to Senator LUGAR:

Nevertheless, I am going to convey to you my findings and conclusions.

After completing an examination of these issues I have found no evidence that there was anything improper about any aspect of Mr. Bolton's requests for minimized identities of U.S. persons. I further found no violations of procedures, directives, regulations or law by Mr. Bolton. Moreover, I am not aware that anyone involved in handling these requests had any concerns regarding these requests at any point in the process.

State Department records indicate that Under Secretary Bolton's office did request the minimized identities of U.S. persons that are contained in the National Security Agency signals intelligence products on ten separate occasions. Every request was processed by the State Department's Bureau of Intelligence and Research.

The acronym for that is INR.

In each case, INR personnel followed standard procedure by preparing a written request which included a justification for the request.

INR sought the identities on behalf of Secretary Bolton's office in each instance to better understand or assess the foreign intelligence value of the information that was contained in these documents. Senior INR officials were then responsible for determining whether the requests were reasonably related to Under Secretary Bolton's area of responsibility.

Continuing my response to Senator LUGAR:

In every instance, they were so determined and electronically transmitted to the NSA for approval. The NSA approved all ten of

Mr. Bolton's requests and transmitted its responses to [the State Department and the] INR. INR officials then notified Mr. Bolton's staff that they had received the responses and made them available.

Committee staff interviewed INR analysts and NSA officials responsible for processing the requests for the identities of U.S. persons contained in signals intelligence products. None of the individuals interviewed indicated that there was anything improper or inappropriate about Mr. Bolton's request.

We were also briefed by General Michael Hayden, former Director of the NSA and current Principal Deputy Director of National Intelligence—

He is a man who I think gives the best briefing of anybody in the intelligence community, and who was approved in regard to his nomination to that position by unanimous consent by this body.

He also stated that Under Secretary Bolton's requests were not only appropriate, but routine. In fact, INR records indicate that since May 2001, INR submitted 489 other requests for minimized identities.

John Bolton requested 10.

Finally, the Vice Chairman and I reviewed all ten documents—

We reviewed the intercepts. That is what we are supposed to do. That is the job of the Intelligence Committee. It is limited to only us two, and for darn good reason, because of the classified nature of the subject at hand.

—containing the references to U.S. persons that generated Under Secretary Bolton's requests. The documents we received did not contain the actual identities of the minimized U.S. persons. After reviewing the content of each report, however, it was apparent to us both—

This is my recollection of the meeting, and I cannot conceive of any other recollection that is accurate.

—that it was not necessary to know the actual names to determine whether the requests were proper.

Ultimately, I found no basis to question the justification for, or the appropriateness of, Mr. Bolton's requests for the identities of U.S. persons contained therein.

I continue in my letter to Senator LUGAR:

Further, General Hayden informed us that it is not uncommon for senior government officials above the rank of Assistant Secretary to make such requests. It is worth noting that Mr. Bolton did not request the identity of every U.S. person referenced in the documents which would have been his prerogative.

I can remember the distinguished vice chairman's comments indicating they didn't even ask for all of them.

While I found that Mr. Bolton's conduct was entirely appropriate and consistent with the protection of intelligence sources and methods, I did find that there are significant deficiencies in the process by which U.S. person identities are provided to requesters of such information.

We have had a lot of discussion about questioners.

As your committee has now learned, a request for a U.S. person identity is a routine occurrence in the intelligence process. The incidental collection of U.S. person identities is a fact of life in the signals intelligence business. Because U.S. persons are

not the targets of foreign intelligence collection, their identities are, as a matter of policy, redacted or minimized to protect their privacy. When an intelligence analyst or policymaker determines that a U.S. person identity is necessary to better understand and assess the intelligence value of the information, they are permitted to request that identity. The NSA evaluates that request and either grants it or denies it. As already discussed, all of Mr. Bolton's requests were reviewed by both the INR and NSA and were granted.

In the course of our review, we found that the Assistant Secretary for INR requested the identities so that they could be passed to Under Secretary Bolton. The NSA provided the U.S. person identities to the INR in the form of Information Memoranda addressed to the Assistant Secretary for INR. We were provided a copy of one of the memoranda, dated 20 February, 2003. This document included a paragraph which stated:

"You may disseminate the information as requested, provided it retains the classification as stated in paragraph two above. Request no further action be taken on this information without prior approval of NSA."

Now, that is important—"request no further action be taken on this information without prior approval of NSA."

The NSA confirmed that it uses standard dissemination guidance language in response to customer requests for release of identities. We were also told that Mr. Bolton was not provided the 20 February 2003 Information Memorandum containing this language.

Upon further inquiry, we learned INR does not provide the NSA transmittal sheets containing the U.S. person information, or the handling information contained therein, to the requesters of the identities, nor does it specifically instruct the requester on the handling of such information. The INR passes U.S. person identities verbally, without any further guidance. The NSA expects the INR to provide specific handling instructions at the time INR provides the identity to the requester.

Not only did INR not provide such instructions to Mr. Bolton, it does not provide them to anyone. Also, it has never established any formal procedures to train or educate requesters Department-wide on the appropriate handling of U.S. person identities.

This came as somewhat of a shock to me, and it is something we have to review in the Intelligence Committee.

In fact, in the case of the 20 February 2003 memorandum, the INR did not pass the identity directly to Under Secretary Bolton, but rather passed it to an individual within his office, an action which violated the express dissemination guidance contained in the Information Memorandum. The Assistant Secretary at the time of this violation was Carl Ford.

The NSA did not in this particular instance, and does not as a matter of course, do anything to ensure that its dissemination guidance is actually followed by the Assistant Secretary for INR or any official in any other Department government-wide.

The NSA depends upon the recipient to provide specific handling instructions to the requester and to handle the information appropriately and in accordance with instructions. It appears that Assistant Secretary Carl Ford did neither in this case. The INR's failure to instruct the recipients of U.S. person identities on their proper handling has left the State Department officials essentially to fend for themselves.

During the course of this review, we learned that Mr. Bolton, in the absence of

any guidance from INR or the NSA, discussed the U.S. person identity contained in the 20 February 2003 Information Memorandum with one other individual.

This has been pointed out as a big deal by the vice chairman and my good friends across the aisle.

This particular individual was the person referenced in the report.

This person worked directly for Under Secretary Bolton, possessed the necessary security clearances, received and read the same intelligence report in the course of his duties, and understood that he was the U.S. person referred to therein.

I don't see what the problem is in that regard. Is this the big problem here that somebody is alleging illegal activities? By the way, the first time I learned about that was reading about it in the New York Times, as opposed to reading the letter disseminated by Senator ROCKEFELLER to the distinguished vice chairman of the Senate Foreign Relations Committee.

The NSA request that recipients of information about specific identities of U.S. persons take "no further action" with regard to the information provided is driven by concerns about the privacy rights of named individuals. These privacy concerns do derive from Attorney General-approved minimization procedures which regulate the collection, processing, retention, and dissemination of information to, from, or about any U.S. persons. The request is also prompted by concerns about protecting intelligence sources and methods.

Not to mention the chilling effect it would have in regards to all intelligence analysts.

Mr. Bolton's actions in this instance would not implicate any of these concerns. He discussed the identity with the actual named person who was not only fully cleared to receive the information, but already possessed the same information. It is also important to note that the NSA's guidance is formulated as a "request," not a mandate. When asked why the NSA "requests" rather than requires, that "no further action" be taken with a U.S. person identifies without prior approval, the NSA responded by stating that the language is now "currently under review."

So it is a pretty nebulous standard we are referring to in terms of any alleged misconduct.

I intend to work closely with the Director of National Intelligence to ensure that our intelligence agencies and elements are doing everything they can to assist and educate the requesters of U.S. person identities in the proper handling and protection of this information. We must do everything we can to not only protect the privacy of our citizens, but to protect and preserve intelligence sources and methods.

I do not think you will find any quarrel among anyone on the Intelligence Committee or the vice chairman or myself on that.

It is for this reason that I was a bit surprised and dismayed when a member of your committee—

Again, this is the letter that I sent to Senator LUGAR—

broached this issue in the course of your public confirmation hearings. Normally, intelligence sources and methods are discussed in closed session to protect our continuing ability to collect the intelligence we all agree is so vital to our Nation's security.

As is often the case, some individuals, who are not familiar with intelligence issues, perceive that something is unusual and concerning when, as in this instance, it is actually very routine. That is why the U.S. Senate created the Intelligence Committee to deal with these issues in an informed, responsible, and secure manner. It is my hope, in the future, intelligence issues will be discussed in executive session so that we can protect what are vital national security assets.

I appreciate your recognition of our unique ability to assist with intelligence-related issues as you consider this very important nomination. We take very seriously our oversight responsibilities and our obligation to protect highly sensitive intelligence information. Your consideration of our duty to protect intelligence sources and methods is greatly appreciated.

Sincerely Pat Roberts, Chairman.

With a copy showing to the Honorable JOSEPH R. BIDEN, Jr.

Mr. President, I said I beg your indulgence in the reading of that entire letter on the floor of the Senate. That is the text of the letter I did send back to Senator LUGAR and obviously copied to Senator BIDEN as of this morning.

Why my colleagues chose to give you only part of the story is a question only they can answer. I have my thinking about that, but I am not going to go into that on the floor of the Senate.

I also would like to add a bit of texture to some of the statements that have been made here today in regards to Mr. Carl Ford of "kiss up and kick down fame." That has been quoted a lot. Mr. Ford has made a number of other statements that I think are relevant to these issues raised by my friends in opposition to Bolton's nomination.

For example, on page 276 of the Senate Intelligence Committee's Iraq WMD report, Mr. Ford addressed the issue of whether it was appropriate for policymakers to view intelligence assessments with skepticism.

I will just tell you that every member of the Intelligence Committee now, after our WMD report, does not take anything at face value, and I think that has helped. We just had a hearing today in which we had a response that I think was certainly more candid: Tell me what you know; tell me what you don't know; tell me what you think. I think there has been a historic change in the intelligence community as a result of our report and the WMD Commission, appointed by the President and the 9/11 Commission, in the interest of all Senators.

Mr. Ford said if a policymaker "believed everything that the intelligence community told him, including what INR tells him, he'd be a fool. You should know better than anybody that a lot of the stuff we turn out is"—well, I am going to change the name. I am not going to say what is here. I am going to say it is a lot of what we have in our Dodge City feedlots—"and that a policymaker who sticks to that intelligence, I don't even want to be in the same room with. They've got to know the stuff isn't that good. So the notion

that they sometimes disagree with us I find fine."

That is a little slightly different take on what we have been hearing so far. I guess what Mr. Ford meant to say—and he has been before the committee many times; he is a fine man—is that it is fine to disagree with intelligence analysts as long as you are not John Bolton. I only highlight some of the things to emphasize that there seems to be a double standard for this particular nominee.

With the indulgence of my colleagues, I would also like to address some additional misperceptions about the intelligence community that were published as minority views in the Senate Foreign Relations Committee report on Mr. Bolton's nomination. The minority claims that policymakers should be restricted from making public statements that "defame U.S. intelligence agencies." I find this to be a rather absurd concept.

I do not know how one "defames" an entire Government agency, but I do know that criticism played a vital role in our collective effort to reform the intelligence community and demand change for failure. I am not aware of any special status that insulates members of the intelligence community from criticism, nor should there be. That should be a slam dunk.

I am also unaware of any special status that prevents intelligence analysts from having their views or actions challenged by policymakers. Intelligence analysis is not an exact science. Intelligence analysts are not infallible and their assessments are not unassailable. While the intelligence community has had many successes in the past few years for which it should, and can, be proud—there are many good things they have done in protecting the homeland and providing real-time intelligence to the warfighters—astounding failures, such as 9/11 and Iraq, should make it clear that the intelligence community does make mistakes.

I often lament that policymakers did not ask enough tough questions about Iraq's suspected WMD programs prior to the war. Let me just say that persistent questioning to an analyst is not viewed by the analysts, in the 250 analysts we interviewed, as being pressured. If anything, we should be asking more questions. If anything, several members of the Intelligence Committee, whom I admire and respect and am very proud to be their chairman, ask more repetitive questions of witnesses every time we have a hearing than people are complaining about in this particular case.

Perhaps, if we all had been more diligent, the intelligence community would have been more attuned to the gaps in its information and more accurate in its judgment. I, for one, now make it a point to repeatedly and persistently question analysts who come before our committee to ensure that I understand their judgments, under-

stand the information upon which they base those judgments, and form my own opinions about gaps in their logic.

The vice chairman and I have agreed on that, to look at every capability we have in regard to national security threats. Do we have the intelligence capability? Do we have the collection? Do we have the analysis? Is there a consensus threat analysis that makes sense? Are there gaps?

We do not want to repeat past mistakes. I am not going to go down the laundry list, starting with Khobar Towers and ending up with 9/11 or the Madrid bombing or whatever it is we are talking about, or the USS *Cole*. We have to put that one in.

So basically I resent any suggestion that this performance of my duty is somehow improper. I do not think that is right. Intelligence is a serious business, dealing with life-and-death issues. In my experience, our intelligence analysts understand this. They know that defending their views is vital to the process and are fully capable of doing so. These are individuals who work every day to defeat terror and defend our national security. They are tough and they are good. They are not delicate, hothouse flowers unable to defend their views or take criticism. They are, however, humans involved in a fundamentally human process. Intelligence analysts can make mistakes and their judgments are not immune from their own biases.

Intelligence assessments should inform policy, not dictate it. Ultimately, as policymakers we need to understand that intelligence is merely a tool that at times can have great value as well as serious limitations.

If we are going to make an informed judgment of Mr. Bolton's fitness for this position, please, I implore my colleagues, let us do it based upon all the facts known to us, not just the facts we like or pick out.

In conclusion, I have looked at the intercept issue and allegations surrounding Mr. Bolton's management style. I have found nothing which would give me pause in voting for his confirmation. I support the Bolton nomination. I urge my colleagues to do the same.

I yield the floor.

Mr. DODD. Will my colleague yield before he leaves the floor?

Mr. ROBERTS. Sure. Why not.

Mr. DODD. I thank my colleague for doing so. Let me preface my question to him by telling him how much—as I said to Senator ROCKEFELLER, I have great admiration and respect for the work the chairman and the ranking member do.

Mr. ROBERTS. I thank the Senator for his comments.

Mr. DODD. It is a very difficult committee and I respect immensely my colleagues' efforts there. I note in my friend's letter which he has provided and read in detail to us, there was a reference—and to be quite candid, I think I am the Senator the Senator is

referencing here because I am the Senator who raised the question during the Foreign Relations Committee confirmation hearing of Mr. Bolton. Here my colleague says, and I am quoting now from page 4, the last paragraph of the Senator's letter to Senator LUGAR, and I am getting down near the end of it, maybe the last sentence of that paragraph: It is for this reason that I was a bit surprised and dismayed when a member of your committee—speaking of this Senator—broached this issue in the course of your public confirmation hearings. Normally intelligence sources and methods are discussed only in closed session.

I will ask unanimous consent that the transcript of the question I raised to Mr. Bolton at that particular time be printed in the RECORD.

The question was basically a very simple one. The question was: I want to know whether you requested to see NSA information about other American officials? That is the question. There was no reference to sources and methods. A simple question: Did you request to see this information, yes or no?

And he went on to answer the question.

Now, I ask the chairman of the Intelligence Committee, is that an inappropriate question to ask of a nominee? It was a simple question: I want to know whether you requested to see NSA information about any other American officials? Mr. Bolton's answer is: Yes, on a number of occasions I can think of, and he goes on to talk about it.

My point of your letter is, there is a discussion that this Senator was acting inappropriately because I was seeking methods and sources. The only question I asked of Mr. Bolton in that public hearing was: Did you make such a request? Does my colleague believe I was violating some procedures regarding the gathering of intelligence by asking that simple question?

Mr. ROBERTS. I would never raise the question about my colleague and friend about acting inappropriately, especially in regard to intent. I am concerned about us talking about intercepts and all of this that I went through in the letter on the Senate floor. I am concerned about many things that have been talked about publicly, quite frankly, leaks that appeared in the press that I find out about later as chairman and have to address. I cannot speak to them because they are classified. It is the classic case of Catch-22, where something appears in the press or perhaps somebody says something on the floor inadvertently—if it is done on purpose, that is another matter. That can be referred to the Ethics Committee—and that certainly is not the case in terms of my distinguished colleague. Then comes sort of a feeding frenzy and we end up with things that should not be in the public discourse that are highly classified, highly compartmented. Signals intelligence is one of the highest compartmented topics we deal with.

Mr. DODD. I agree with my colleague.

Mr. ROBERTS. It was only Senator ROCKEFELLER and myself who were briefed by General Hayden, and that was a very good meeting. We went over virtually every intercept, as it should be. That was my point. That is what the Intelligence Committee does. It is accepted practice for the full committee, which many members of the full committee have trouble understanding, that only the vice chairman and the chairman have access to this kind of highly compartmented material. So when this kind of thing is bandied about on the floor in a generic way, it causes me great concern.

Mr. DODD. Well, I understand that. It is just that this Senator in this—

The PRESIDING OFFICER. The Senator from Kansas controls the time.

Mr. DODD. If he would yield, this sentence in this letter suggests that this Senator—because I am the one who asked the question—crossed the line. Let me read my whole question.

Mr. ROBERTS. I am not referring to the Senator from Connecticut by name. OK?

Mr. DODD. I am the only one who asked the question that day.

Mr. ROBERTS. Pardon me?

Mr. DODD. I am the only one who asked the question of Mr. Bolton. I asked the question in this way: I want to read the question because I want to make sure I do not overstep a line here, and then I asked the question: Did you . . .

My concern is that there is a suggestion, as the one who asked the question, that I had somehow—and I do not disagree with my colleague, by the way.

Mr. ROBERTS. Reclaiming my time, I think I addressed the Senator's personal concern. The Senator knows me well enough to know that when I say I am not accusing him personally of anything that would be inappropriate, I have stated I am talking about open discussion of intelligence information, quite frankly, not only in this nomination process but in the Intelligence Authorization Act in regard to a whole series of other subjects I will not go into, that many people have spoken to on the floor, many people have talked to the press about, and I do not think it is appropriate.

I will say again, I am not accusing the Senator of anything inappropriate. I think from the whole standpoint of this body, subjects such as this should be done in executive session. I think that because of all the problems we have had in regard to leaks and in regard to information that is not helpful to our national security. That is about as far as I will go with it. I could go through quite a laundry list of concerns I have of things that have been made public and what has happened in regard to our adversaries, what has happened in regard to our intelligence capability, and I worry about it. So my concern was basically the continued

open discussion of things of this nature, not the Senator from Connecticut.

Mr. COLEMAN. Will my colleague from Kansas yield?

Mr. ROBERTS. I would be happy to yield.

Mr. COLEMAN. I take it my colleague from Kansas was not at the business meeting when the Bolton nomination was discussed. My colleague from Kansas was not at the hearing where the Bolton nomination was discussed. I do not know if it would surprise my colleague to note that in the business meeting, other Senators, not the Senator from Connecticut—this issue of intercept was raised again by another Senator and a similar question was asked. So it is not just the Senator from Connecticut who raised the issue during the questioning of Mr. Bolton.

But, in fact, during the business meeting this came up again and again. I presume my colleague from Kansas must have been informed of that, to raise the level of concern he has.

Mr. ROBERTS. I thank the Senator for his clarification.

Mr. DODD. If my colleague will yield for just one additional point. I agree with respect to General Hayden as well. I noted because I watched the hearing—our colleague from Michigan is here and participated in the hearing—when General Hayden, in his confirmation hearing, was before the Armed Services Committee, there was a rather extensive discussion with General Hayden about the whole issue of intercepts. General Hayden was very forthcoming in that discussion about it. I have great respect for him as well. About the Web site here, I ask unanimous consent to have printed in the RECORD the Web page for the National Security Agency, the page headed, "Signals Intelligence."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SIGNALS INTELLIGENCE

The National Security Agency collects, processes and disseminates foreign Signals Intelligence (SIGINT). The old adage that "knowledge is power" has perhaps never been truer than when applied to today's threats against our nation and the role SIGINT plays in overcoming them.

NSA's SIGINT mission protects the nation by:

Providing information in the form of SIGINT products and services that enable our government to make critical decisions and operate successfully.

Protecting the rights of U.S. citizens by adhering to the provisions of the 4th amendment to the Constitution.

Using the nation's resources responsibly, according to the best management processes available.

SIGINT is derived from the signals environment that is described by the graphic above. Other agencies within the Intelligence Community are responsible for other types of intelligence:

Human Intelligence (HUMINT) is primarily the responsibility of the CIA and DIA,

Imagery Intelligence (IMINT) belongs to NGA,

Military Intelligence and Measurement and Signature Intelligence (MASINT) belongs to DIA.

Together, these different yet complementary disciplines give our nation's leaders a greater understanding of the intentions of our enemies.

NSA's SIGINT mission provides our military leaders and policy makers with intelligence to ensure our national defense and to advance U.S. global interests. This information is specifically limited to that on foreign powers, organizations or persons and international terrorists. NSA responds to requirements levied by intelligence customers, which includes all departments and levels of the United States Executive Branch.

The prosecution of the SIGINT mission has evolved from the relatively static, industrial age, Cold War communications environment to the ubiquitous, high speed, multi-functional technologies of today's information age. The ever-increasing volume, velocity and variety of today's communications make the production of relevant and timely intelligence for military commanders and national policy makers more challenging than ever.

NSA has a strong tradition of dedicated, highly qualified people deeply committed to maintaining the nation's security. While technology will obviously continue to be a key element of our future, NSA recognizes that technology is only as good as the people creating it and the people using it. NSA remains committed to its core mission of exploiting the Agency's deep analytical skill and technological capabilities to ensure the nation maintains a significant strategic advantage in the advancement of U.S. interests around the world.

As much as modern telecommunications technology poses significant challenges to SIGINT, the many languages used in the nations and regions of the world that are of interest to our military and national leaders require NSA to maintain a wide variety of language capabilities. Successful SIGINT depends on the skills of not only language professionals but those of mathematicians, analysts, and engineers, as well. The nation is indebted to them for the successes they have won.

SIGINT plays a vital role in our national security by employing the right people and using the latest technology to provide America's leaders with the critical information they need to save lives, defend democracy, and promote American values.

#### INTRODUCTION TO NSA/CSS

The National Security Agency/Central Security Service is America's cryptologic organization. It coordinates, directs, and performs highly specialized activities to protect U.S. information systems and produce foreign intelligence information. A high technology organization, NSA is on the frontiers of communications and data processing. It is also one of the most important centers of foreign language analysis and research within the government.

Signals Intelligence (SIGINT) is a unique discipline with a long and storied past. SIGINT's modern era dates to World War II, when the U.S. broke the Japanese military code and learned of plans to invade Midway Island. This intelligence allowed the U.S. to defeat Japan's superior fleet. The use of SIGINT is believed to have directly contributed to shortening the war by at least one year. Today, SIGINT continues to play an important role in keeping the United States a step ahead of its enemies.

As the world becomes more and more technology-oriented, the Information Assurance (IA) mission becomes increasingly challenging. This mission involves protecting all

classified and sensitive information that is stored or sent through U.S. government equipment. IA professionals go to great lengths to make certain that government systems remain impenetrable. This support spans from the highest levels of U.S. government to the individual warfighter in the field.

NSA conducts one of the U.S. government's leading research and development (R&D) programs. Some of the Agency's R&D projects have significantly advanced the state of the art in the scientific and business worlds.

NSA's early interest in cryptanalytic research led to the first large-scale computer and the first solid-state computer, predecessors to the modern computer. NSA pioneered efforts in flexible storage capabilities, which led to the development of the tape cassette. NSA also made ground-breaking developments in semiconductor technology and remains a world leader in many technological fields.

NSA employs the country's premier cryptologists. It is said to be the largest employer of mathematicians in the United States and perhaps the world. Its mathematicians contribute directly to the two missions of the Agency: designing cipher systems that will protect the integrity of U.S. information systems and searching for weaknesses in adversaries' systems and codes.

Technology and the world change rapidly, and great emphasis is placed on staying ahead of these changes with employee training programs. The National Cryptologic School is indicative of the Agency's commitment to professional development. The school not only provides unique training for the NSA workforce, but it also serves as a training resource for the entire Department of Defense. NSA sponsors employees for bachelor and graduate studies at the Nation's top universities and colleges, and selected Agency employees attend the various war colleges of the U.S. Armed Forces.

Most NSA/CSS employees, both civilian and military, are headquartered at Fort Meade, Maryland, centrally located between Baltimore and Washington, DC. Its workforce represents an unusual combination of specialties: analysts, engineers, physicists, mathematicians, linguists, computer scientists, researchers, as well as customer relations specialists, security officers, data flow experts, managers, administrative officers and clerical assistants.

Mr. DODD. It is on public document and goes on at some length. I am not sure, my colleague may want to look at this. Maybe the agencies might be more careful about what it says here as well.

The point all along here is the simple question whether access to these records will be granted to the appropriate Members here in the Senate. I appreciate immensely what my colleague said here today. He's a remarkable Senator who does a terrific job, and I thank him for engaging with me a bit in this colloquy, but I was concerned when I saw that line as somehow being singled out about raising the question about whether or not Mr. Bolton made a request. That is all I asked that day. I knew it was an important matter, and it ought to be dealt with not in a public setting, that that ought to be done behind closed doors with the Intelligence Committee to go into further detail about what actually went on. That is why I tried to

word it very cautiously and caution myself not to go over a line in asking the question.

Mr. ROBERTS. I only wish all Senators would have the same caution. I thank the Senator for his personal comments in my regard.

I think he has made his point. As the farmer said as he crawled through the barbed-wire fence: One more point and we will be through.

I suspect that you are through, and since I yielded back my time about 10 minutes ago, I yield it back one more time.

Mr. LEVIN. Mr. President, I ask unanimous consent I be allowed to proceed for 20 minutes. I am very sorry the Senator from Kansas left. Let me first ask unanimous consent I be allowed to proceed.

Mr. COLEMAN. We have no objection.

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

Mr. LEVIN. I ask unanimous consent that transcripts of two public hearings where I asked questions of General Hayden, relative to the process of seeking identification of people who are referred to or who participate in intercepted conversations—that those unclassified, public hearing transcripts, or portions thereof, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEVIN. Thank you.

General, this morning's New York Times had an article, which troubled me, about the number of times in which communications that had been intercepted by the NSA were released to John Bolton. I was troubled by the number of times that this happened, frankly.

But since you're here and you're in a position to give us some facts on this subject, I want to ask you a number of questions about it.

I gather that, according to the article, access to names may be authorized by NSA only in response to special requests, and these are not common, particularly from policy-makers. That's the quote in there. Is that an accurate statement?

HAYDEN. I think that's a very accurate description. In fact, I read Doug Jehl's article. And I think Doug laid it out in a very clear way.

The way it works, Senator, is that we are required to determine what is minimized U.S. person identity. Now, there is a whole body of law with regard to protecting U.S. privacy. But in an agency like ourselves, it is not uncommon for us to come across information to, from or about what we would call a protected person—a U.S. person. And then the rules kick in as to what you can do with that information.

The rule of thumb in almost all cases is that you minimize it, and you simply refer to named U.S. person or named U.S. official in the report that goes out.

LEVIN. How often did Mr. Bolton request the names?

[Crosstalk.]

HAYDEN. I don't know.

HAYDEN. We would have a record of it. Interestingly enough, I double-checked this, this morning, after reading the article, just to make sure I had this right. Because I did approve, from time to time, the release of U.S. person identity.

And it's not very often. I have to do it when the identity is released to a U.S. law enforcement agency. Just done for foreign intelligence purposes, it's about three layers below me in the NSA rule chart.

LEVIN. Was there an unusual number of accesses requested by Mr. Bolton compared to requests from other senior officials?

HAYDEN. I don't know that, Senator; I really don't. And the requests from Secretary Bolton were not of such a number that they came to my attention.

LEVIN. In other words, he obviously made requests. You say that someone other than you would have approved those.

HAYDEN. On a normal basis; that's right.

LEVIN. But you do have records as to how often...

HAYDEN. Yes, sir; we would.

LEVIN. Thank you.

HAYDEN. I should add: And that's a formal process. That's just not a phone call.

LEVIN. OK, thank you.

HAYDEN. It's documented.

LEVIN. Thank you, Mr. Chairman.

ROBERTS. Senator Levin, I wanted to let you know that in answer to the number three question that I asked, why the general replied in terms of cooperating with the committee, deal with me to to provide documents or any material requested by the committee in order for it to carry out its oversight and its legislative responsibilities. We didn't put a time frame on it, but you have. And his answer was an emphatic yes.

LEVIN. I appreciate that, Mr. Chairman. Thank you.

#### 4/21/05 SASC NOMINATION HEARING (NSA INTERCEPTS)

LEVIN. The Bolton nomination has raised a question about protected U.S. identities. These are U.S. people who are either participants in a conversation, communication which is intercepted and included in a SIGINT product, where the identity of that person is blocked, or sometimes, as said, is minimized, and is referred to generally as a U.S. person.

There are also many cases where that person is not a participant in the conversation but is referred in a conversation, and the identity of that person is also protected as well.

At the Intelligence Committee hearing with you last week, you said that there's a formal written and documented process for U.S. government officials to request the identity of a U.S. person referred to in a SIGINT process. Is that correct?

HAYDEN. Yes, sir, that's correct.

LEVIN. Now, I take it there are a significant number of requests, a large number of requests which come in for the identity of a U.S. person who's been minimized.

Can you tell us whether the majority of those requests, indeed the vast majority of those requests, are made where the person identified is not the participant in the conversation, but rather is someone who is referred to in the conversation?

HAYDEN. Thank you very much for that question, Senator, because when this comes up—I mean, first of all, to frame the issue for me as director of NSA, I mean, the issue here is the protection of American privacy. And everything then devolves out of that fundamental principle: How do we protect U.S. privacy?

And in the course of accomplishing our mission, it's almost inevitable that we would learn information about Americans, or to or from, in terms of communications.

The same rules apply, though, in protecting privacy, whether it's to, from or about an American. You're correct. In the vast majority of the cases the information is about an American being referred to in com-

munications between individuals that I think the committee would be most enthusiastic that we were conducting our operations against.

LEVIN. And that's a very, very helpful clarification.

My time is up. Can I just perhaps end this line of questioning?

Thank you, Mr. Chairman. Thank you.

I think the press has already indicated that there were apparently 10 requests from Mr. Bolton.

HAYDEN. Yes, sir, I've seen that number.

LEVIN. Ok. Do you know or not the majority of his requests were for persons that were referred to in the conversation or for a participant in the conversation?

HAYDEN. Yes, sir. I would like to respond to that for the record in a classified way.

LEVIN. That's fine.

And the other question that relates not just to him, but I guess to anybody, the person who makes this written application for the information states specifically what that purpose is that they want that information for. Is that correct?

HAYDEN. Yes, sir, Senator. But in all cases the purpose comes down to the fundamental principle: I need to know the identity of that individual to understand or appreciate the intelligence value of the report.

LEVIN. And is that printed there as a purpose, or does that have to be filled in by the applicant?

HAYDEN. Senator, I'm not exactly sure what the form looks like, but I can tell you that's the only criteria on which we would release the U.S. person information.

LEVIN. But you don't know how that purpose is stated in these thousands of applications?

HAYDEN. I'd have to check, Senator.

LEVIN. Or in Mr. Bolton's application?

HAYDEN. Correct.

LEVIN. Ok. And then once the information is obtained, you do not know the use to which that information is put, I gather. Is that correct?

HAYDEN. No, we would report the information to an authorized consumer in every dimension, in terms of both security clearance and need to know, just like we would report any other information.

LEVIN. But then you don't know what...

HAYDEN. No, sir.

LEVIN. . . . that person does with that information.

HAYDEN. No. The presumption, obviously, is the individual uses that then to appreciate the original report.

LEVIN. Thank you, Mr. Chairman.

Mr. LEVIN. The journalist Carl Bernstein once said, "We have a national memory in this country of about 7 minutes." Once more, he has been proven right.

Here we are, 2 years after one of the worst intelligence disasters in our history, debating the nomination of a man to the U.N. ambassadorship, a man who has a track record of attempting to manipulate intelligence by seeking to punish intelligence analysts who do not support his view. We are so slow to learn from our history, and we are so quick to repeat it.

The issue here—and I am sure my friend from Connecticut would agree—is not the issue of whether or not policymakers have a right to disagree with analysts; of course, they do. We all should challenge analysts and analysis. We do not do enough of it. I happen to agree with the Senator from Kansas on that. That is not the issue.

The question is whether or not we manipulate intelligence or try to manipulate intelligence by trying to force analysts, who are supposed to be objective, to reach conclusions with which they don't agree in order to get support for our own policy positions. That is what is unacceptable. It is not unacceptable to disagree with analysts or not to follow their analysis. That is not at all unacceptable. That is what policymakers are here for, to make judgments, to pick between analyses. But what is unacceptable is what Mr. Bolton did repeatedly, which is to try to get analysts, who are supposed to be objective, fired or removed or transferred because they would not come to the conclusion to which he wanted them to come. That is the issue here with Mr. Bolton.

This administration does not hold people who politicize intelligence to account. Following the major intelligence failures before 9/11 and Iraq, the administration has failed to hold anybody accountable for either failure. In fact, the President gave one of the people most responsible for the intelligence disaster before Iraq, the CIA Director, a gold medal. Now the President wants to give John Bolton a promotion, although John Bolton has, in unconscionable—and I believe even potentially dangerous—ways attempted to get intelligence analysts to shape their views to his views and, if they wouldn't bend, to break them.

We know what happens when intelligence is politicized. Before the Iraq war, "a slam dunk" was the CIA assessment, although the underlying intelligence contained nuances, qualifications, and caveats. Too often the CIA told the administration what it thought the administration wanted to hear.

The July 2004 bipartisan report of the Senate Intelligence Committee concluded the following:

Most of the major key judgments in the intelligence community's October 2002 "National Intelligence Estimate, Iraq's Continuing Programs for Mass Destruction," either overstated or were not supported by the underlying intelligence reporting.

Just this month, newspapers reported on leaked notes from a July 23, 2002, meeting of the British Prime Minister and his senior national security staff. According to the note, the head of British foreign intelligence told Prime Minister Blair, 7 months before the war, that President Bush:

. . . wanted to remove Saddam through military action justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy.

Those are contemporaneous notes, prior to the war against Iraq. Such reports reinforce the view of much of the world that the administration shaped intelligence to serve policy purposes and that it strayed from the critical principle that intelligence must be objective, independent, and free from political influence.

Twenty-five years ago, the Iran-Contra Committee reaffirmed the principle that, after heavy manipulation of intelligence by CIA Director Bill Casey:

. . . the gathering, analysis and reporting of intelligence should be done in a way that there could be no question that the conclusions are driven by the actual facts rather than by what a policy advocate hopes those facts will be.

That was 25 years ago. That was Iran-Contra. That was a bipartisan criticism of the then-CIA Director Casey.

Intelligence must be gathered and analyzed in a way that there can be no doubt but that the conclusions are driven by the actual facts, not by what a policy advocate hopes those facts will be.

It is going to take years of hard work to regain credibility in our intelligence assessments after the massive failures in Iraq. The Senate began that work with the intelligence reform bill in 2004. In that bill, Congress explicitly stated that national intelligence should be "objective" and "independent of political considerations." That is the law of the land. We require the process to ensure alternative analyses within the intelligence community.

The nomination of John Bolton shows a disdain for objective, independent intelligence and flies in the face of the Senate's effort to reform our intelligence system. Indeed, Mr. Bolton is the personification of what has been wrong with our system. Mr. Bolton has a deeply disturbing history of trying to punish intelligence analysts who do not agree with his views, of trying to squelch intelligence analysis and of distorting the intelligence community's view when they do not agree with his own.

He is aggressive about pursuing the answer that he wants, regardless of what the objective intelligence analysts say, and his actions have had a noticeably chilling effect on the intelligence analysts that he tries to intimidate and a harmful effect on the intelligence process itself.

Let's just look at his record. Mr. Bolton's view on intelligence on Cuba can be gained from an e-mail to him from his chief of staff that called the intelligence community's language on Cuba "wimpy." As a policymaker, he is entitled, and was entitled, to his own view. I make it clear that what the Senator from Kansas said, I agree with. Mr. Bolton was entitled to his own view, but what he was not entitled to do was force intelligence analysts to change their views.

In preparation for his speech to the Heritage Foundation, Mr. Bolton repeatedly sought clearance for stronger language on Cuba's biological warfare effort than the intelligence community would support. He was repeatedly rebuffed by intelligence analysts at the State Department and the CIA, and he repeatedly responded by seeking those analysts' dismissal or removal, thereby crossing a vital line, a clear line, a red line, the line between ignoring intelligence analyses which, wise or not, is his right to do as a policymaker, that is on one side of the line. But the other

side of the line he must not cross, trying to intimidate analysts into shaping intelligence analyses to his liking, that is totally impermissible. It is potentially dangerous, and it is clearly on the wrong side, the unacceptable side, the intolerable side of the line.

When he did not receive the analyst he wanted on Cuba, Mr. Bolton unleashed a tirade against the intelligence analyst.

Soon afterwards, he went to see Tom Fingar, the Principal Deputy Assistant for INR, to try to have the analyst removed. Mr. Fingar testified that Secretary Bolton was still visibly upset during their meeting, and he said that "he wasn't going to be told what he could say by a midlevel INR munchkin analyst."

Mr. Bolton had made clear to the analyst he was his boss, and in essence had asked his subordinate: How dare you disagree with your superior?

Mr. Fingar then testified that Mr. Bolton said he wanted the analyst "taken off his accounts." Mr. Fingar protested and said "he is our chemical and biological challenge weapons specialist, this is what he does"—making clear to Mr. Bolton that reassignment would really mean termination. Mr. Bolton persisted.

The record then shows that Mr. Bolton sought the analyst's removal two more times over a 6-month period. In one of those attempts, Mr. Bolton met with then-Assistant Secretary of State for Intelligence, Carl Ford, who later said the following:

I left that meeting with the perception that I had been asked for the first time to fire an intelligence analyst for what he had said and done. In my experience no one had ever done what Secretary Bolton did.

Months later, Mr. Bolton made yet another attempt when Neil Silver became the analyst's supervisor. In his testimony to the Foreign Relations Committee, Mr. Bolton even conceded he was still pursuing the analyst's transfer.

In his attempt to manipulate intelligence on Cuba, Mr. Bolton also tried to have a national intelligence officer from the CIA transferred. Mr. Bolton went personally to the CIA at Langley to argue for the analyst's dismissal. This is an analyst Mr. Bolton had never met, an analyst to whom he had never spoken. He had never read the analyst's work. He only knew one thing: The analyst disagreed with his views and, therefore, he had to be brought to heel.

This effort, too, lasted several months and involved repeated attempts by Mr. Bolton and his staff. Former Deputy Director of the CIA John McLaughlin said of the request to dismiss the intelligence officer that it is "the only time I had ever heard such a request."

So we have the Deputy CIA Director John McLaughlin as saying nobody has ever made a request to him, that he knew of, to dismiss an intelligence officer because of a disagreement with

that officer's analysis—very similar to what Mr. Ford said at the office of the Assistant Secretary of State: "in his experience, no one had ever done what Secretary Bolton did," which was to fire an intelligence analyst for what he had said and done.

In the end, both analysts were supported by their supervisors and they rightfully kept their positions. The only person who should have been fired over those incidents was Mr. Bolton.

Mr. Bolton's defenders like to claim no harm, no foul. That is, because none of his targets were fired despite his efforts; that everything is just fine. But the harm is in the attempt. Shooting at someone is still a crime even if you miss. As soon as a policymaker threatens an intelligence analyst with removal for disagreeing with that analyst's analysis, the harm is done.

As Mr. McLaughlin testified—and this is something the Senator from Kansas either overlooked or ignores. Listen to Mr. McLaughlin's testimony: It is perfectly all right for a policymaker to express disagreement with an intelligence officer or an analyst. And it is perfectly all right for them to challenge their word vigorously. But I think it is different, McLaughlin said, to then request, because of this disagreement, that the person be transferred.

That is the line. That is the line which Mr. Bolton crossed. That is the line that we ought to insist on. Every Member of this body should insist that line never be crossed. We ought to protect the right of policymakers to disagree, to question, and to ignore the analysis. We should never condone a policymaker who wants to see an analyst fired because the policymaker disagrees with that person's analysis. That is the line which is dangerous to cross because the pressure that puts on the analyst is to come up with the answer that the policymaker wants to hear. That is what is dangerous, when we hear an analyst, or you hear a CIA Administrator say it is a slam dunk, when it isn't, because he thinks that is what the policy maker wants to hear.

We cannot tolerate people being fired, discharged, transferred because the policymaker disagrees with the analysis of that analyst.

Mr. McLaughlin is right. It was different. It was dangerous. And according to Mr. Ford, Mr. Bolton's actions had an impact. Word of the incident, according to Mr. Ford, "spread like wildfire among the other analysts." Mr. Ford testified:

I can only give you my impressions, but I clearly believe that the analysts in INR were very negatively affected by this incident. They were scared.

Mr. Bolton's actions were so damaging that Secretary of State Powell made a special personal visit to offer encouragement to the analysts. In his remarks, Secretary Powell specifically referred to the analysts that Mr. Bolton had targeted. He told them: Continue to call it like you see it. Continue to speak truth to power.

Former Assistant Secretary of State for Nonproliferation John Wolf confirmed what should be all too clear about Mr. Bolton, that these examples of his behavior are not isolated instances but a persistent pattern. Mr. WOLF testified that Mr. Bolton sought the removal of two officers from a non-proliferation bureau over policy differences, and that, in general, officers in the bureau—and now this is Assistant Secretary of State John Wolf—that officers in the bureau “felt undue pressure to conform to the views of [Mr. Bolton] versus the views they thought they could support.”

Events of the past few years involving the completely missed intelligence on Iraq, the distorted intelligence on Iraq, have shown that we need to be encouraging independent and alternative analysis, not squelching it.

The Senate Intelligence Committee report on the intelligence community’s prewar intelligence assessments on Iraq concluded that a lack of alternative analysis contributed to the failure of that intelligence.

The committee wrote that:

... the analysts’ and collectors’ chains of command, their respective agencies, from immediate services to the National Intelligence Council and the Director of the Central Intelligence Agency, all share responsibilities for not encouraging analysts to challenge their assumptions, fully consider alternative arguments, or accurately characterize the intelligence report.

“Most importantly,” according to the committee, they failed “to recognize when analysts had lost their objectivity and take corrective action.”

Our Intelligence Committee, the Senate Intelligence Committee, said corrective action should be taken when analysts lose their objectivity. Mr. Bolton tried to get analysts punished for insisting on their independence. Mr. Bolton did not value independent and objective analysis. He scorned it. He sought not to encourage alternative views but to impose his own. He did not challenge analysts. He bullied them. And he tried to fire those who disagreed with him.

Now, this is not “water cooler” gossip about an obnoxious boss. Objective, factual analysis can make the difference between success and failure, between life and death. In the near future, we may face a crisis over North Korea’s nuclear program or Iran’s nuclear intentions. Congress and the public must be confident that intelligence assessments represent information that has been assessed objectively, not shaped to serve policy goals. And if we need to go to the United Nations to make a case against a country based on our intelligence about that country’s dangerous activity, the world must have confidence in the U.S. Ambassador to the United Nations.

When Bush decided to make the case against Iraq to the United Nations, he sent Secretary of State Colin Powell, one of America’s most credible diplomats. Today, we are being asked to confirm one of America’s least credible

diplomats to serve in an important diplomatic post, where we need credibility, we need the confidence to bring other countries to our side. We should not allow a situation in which the world might question whether it is hearing a credible view or whether it is hearing a Bolton view of intelligence.

Perhaps the biggest canard of the debate is that John Bolton is the best person to reform the United Nations. The U.N. needs reform, but so does the intelligence community. So does its systems. And, frankly, so does John Bolton. Any number of people would be a far more credible voice for reform at the United Nations.

This is a momentous decision for this body. It is shocking and sad—it is shocking and sad—to me that the Senate may vote on this nomination while Senators are being denied critical, relevant information that members of the Foreign Relations Committee have sought. Members of that committee have requested information about the number of requests by Mr. Bolton for the names of U.S. persons cited in intelligence intercepts. The administration has refused to provide relevant information to members of the Foreign Relations Committee and to this body.

Now, those requests may be benign that Mr. Bolton made for the names of those persons and what they were saying in those intercepts. They could be part of an effort by this nominee to politicize and punish, since that was the pattern of his activity. We do not know that. But we have a right to know that. We have a right to ask why those requests were made. But this administration has refused to provide that information. We should insist on this information before we vote on this nomination. We should insist that at least the leaders of our committees, the Intelligence Committee and the Foreign Relations Committee, be given access to the names of people that Mr. Bolton asked the intercepts relative to.

Denying the Congress and the Members of this body—

The PRESIDING OFFICER. The Senator has consumed his time.

Mr. LEVIN. I thank the Chair and I ask unanimous consent for 3 additional minutes.

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

Mr. LEVIN. Denying Members of this body information is part of a woeful pattern of this administration denying information to the Congress. Even the Republicans of the House Energy and Water Appropriations Subcommittees and the Homeland Security Appropriations Subcommittee over in the House included language in their bill which says that the Bush administration should be criticized “for its lack of responsiveness to repeated Congressional requests for information.”

Mr. President, this Senate, as a body, should insist on legitimate requests for information from its Members. Every Member—every Member—should add his or her voice to the demand for the

production of relevant documents which Senators need to decide on confirmation or for any other legitimate reason. This body will be a lesser place if we do not stand with each other when it comes to gaining access to documents, at least in the absence of a claim of executive privilege.

Now, I happen to believe we should give deference to the President on the selection of his team, but deference does not mean abdication of our best judgment when a nominee crosses the line. If we do that, we will send the wrong message to anyone working in the intelligence community who sees Mr. Bolton’s behavior rewarded rather than seeing him held accountable. If we do that, we will send the wrong message to the international community, to send a repeat abuser of intelligence and an abuser of intelligence analysts to be our representative at the United Nations.

We have the opportunity to send a different message to the intelligence community and to the world. We can cast a vote for objectivity in intelligence, for intelligence that is free of political influence, and for accountability. But before we vote—before we vote—legitimate requests for documents and information from Members of this body should be honored and should be supported by every Senator. That is a need which, at one time or another, each one of us has, and as an institution we should, in one voice, demand that need be met.

This is a demand for relevant documents relevant to the qualifications of this nominee to be confirmed to this high office. It is a demand for documents which relate to an issue which is clearly involved in this nomination, and that has to do with a pattern, on the part of Mr. Bolton, of punishing people who analyze intelligence who do not give him an analysis that he likes and that supports his own policy.

Mr. President, I thank the Chair, and thank my good friend from Minnesota for yielding the time.

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

Mr. DODD. Mr. President, I ask unanimous consent for 3 minutes to engage my colleague from Michigan in a little colloquy. Will my friend from Minnesota object to that?

The PRESIDING OFFICER. Is there objection?

Mr. COLEMAN. No objection.

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

Mr. DODD. Mr. President, I thank my friend.

I want to compliment my friend from Michigan on a very fine statement. He has focused, in my view, exactly on the central question here and that is not that there was disagreement over intelligence but, rather, whether someone went beyond a good, healthy fight over whether or not intelligence was accurate and took additional steps to dismiss or to change the jobs of the individuals involved.

I appreciate my colleague calling into question the access of information because this is central. That is why this Senator has taken the extraordinary step of asking my colleagues to potentially oppose a motion to invoke cloture on this nomination if the information is not forthcoming.

The reason I want to raise this is because our good friend from Kansas, the chairman of the Intelligence Committee, read into the RECORD a letter he sent to Senator LUGAR regarding this request for the intercept information. And the pertinent paragraph, to this Senator, I want to read quickly. It says:

Finally, the Vice Chairman and I reviewed all ten documents containing the references to U.S. persons that generated Under Secretary Bolton's requests. The documents we reviewed did not contain the actual identities of the minimized U.S. persons. After reviewing the content of each report, however, it was apparent to us both that it was not necessary to know the actual names to determine whether [or not] the requests were proper.

Now, the letter goes on, but that is the important paragraph because the very identity of the individual names was redacted. The chairman of the Committee on Intelligence and the ranking member on Intelligence were not allowed to see the names, the very names that Mr. Bolton was able to see and apparently his staff was able to see. That is the relevant information that we are seeking—the names of the individuals.

Does my colleague have any comment on that particular point? Because that, to me, is the central admission in this letter.

Mr. LEVIN. Mr. President, the names of the people that he sought information on are incredibly relevant to the question of why he sought information on those people, what was his motive. There is a pattern here, a pattern of punishment of people if they did not provide analysis that he agreed with, if they disagreed with his views. And when he asks for those intercepts, he may have had a perfectly benign reason for doing it. On the other hand, it may have been part of this totally unacceptable pattern.

But the Senate has the same right to know what he knew and he asked for, which was intercepts of particular people who were either involved in the conversation or referred to in the conversation.

If the Senate doesn't insist on that right for every Member of this body, we are a lesser body. We should insist upon that for Members who agree with us or not. This is an institutional issue of great magnitude.

The PRESIDING OFFICER. The Senator's time is up.

Mr. DODD. I thank my friend for a good statement.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I appreciate the concern over the institutional issue of having access. I join my

colleague in getting that information. Where I disagree is that when we have the chairman of the Intelligence Committee stating to us in this letter—saying: After reviewing the content of each report, it was apparent to us both that it was not necessary to know the actual names to determine whether the requests were proper. Ultimately, he found no basis to question the justification nor appropriateness of Mr. Bolton's request for the U.S. persons contained therein. So we have an individual we all deeply respect, the chairman of the Intelligence Committee, saying "it was apparent to us," the chairman and the ranking member, and then the letter went on.

I would say there is an institutional issue that we should resolve at some point. In the context of this nomination, where we have a very clear statement that this specific information that was requested—it was "not necessary to know the actual names to determine whether the requests were proper." Then it is basically saying the requests were proper.

Let us move forward with this nomination because we have a statement saying the information wasn't needed to make a determination. Let us pursue with great vigor the right of Members of this body to have access to that kind of information. I think we really have to separate the two, based on the statement of the chairman of the Intelligence Committee.

Mr. DODD. Will my colleague yield for a question?

Mr. COLEMAN. Yes.

Mr. DODD. I appreciate the Senator's comments. I ask unanimous consent that entire paragraph I quoted from the chairman be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Finally, the Vice Chairman and I reviewed all ten documents containing the references to U.S. persons that generated Under Secretary Bolton's requests. The documents we reviewed did not contain the actual identities of the minimized U.S. persons. After reviewing the content of each report, however, it was apparent to us both that it was not necessary to know the actual names to determine whether the requests were proper.

Mr. DODD. Mr. President, I raise this point. I appreciate his point. Obviously, there is a disagreement between the ranking member and chairman, unfortunately, which is not a healthy thing to see coming out of the Intelligence Committee. The point I am trying to make here is, with all due respect to the chairman of the Intelligence Committee and the ranking member, it was, in fact, the very names involved which could be the very names we are talking about that have been redacted from the document that would be terribly revealing. If, for instance, there is the name—we have called him "Mr. Smith" to protect his identity at the CIA. If there is overwhelming evidence that Mr. Bolton tried to have "Mr. Smith" dismissed as an intelligence analyst, and if one of

the names being sought by Mr. Bolton was Mr. Smith, it seems that ought to send red flags up to everybody. Why? It is Mr. Bolton requesting to know who Mr. Smith was and what he said, an individual he was trying to have dismissed from the CIA. We don't know whether Mr. Smith's name is on there because the name was redacted. The chairman and ranking member cannot read that name.

Without knowing the name of the individual, you cannot get to the point. Obviously, the people at the State Department—it is the same thing. Without knowing the names, without the identities, I don't know how you can draw the conclusion that it wasn't relevant. That is my point.

Mr. COLEMAN. As I recall the statement from the ranking member, he said these incidents were not new to them. Some of these had been raised before. One was regarding Cuba. They had knowledge of this. Again, I would defer to the good judgment of the chair of the Intelligence Committee, who said we looked at it and it wasn't relevant. And then on and on in the letter again, and again he comes to the same conclusion: nothing inappropriate, nothing unusual, no violation of procedures. It is very clear.

I urge my colleagues to let us pursue this issue. I don't think there is a reasonable basis for holding up this confirmation based on the concern of getting this type of information.

Mr. LEVIN. If the Senator will yield, my good friend from Minnesota. If you agree that the Senate is entitled to this information, but not now—if not now, when? The reason for seeking this information relates to the nomination of Mr. Bolton. That is why this is so relevant and important. I think the members of the Foreign Relations Committee have been seeking this information for many weeks. So it is not as though this is a last-minute request which is holding up the vote on a nomination or would hold it up until we receive that information.

By the way, I happen to believe—and I don't know if my good friend from Connecticut agrees with me—that if the chairman and vice chairman of the Intelligence Committee saw the names and concluded that none of those names had any relationship to this nomination because none of the names are people he tried to get fired, transfer, or punish, that would satisfy me. But the administration knows the names. John Bolton got the names. But the vice chairman of the Intelligence Committee and the chairman won't be given those names and they are redacted. I believe the Senate cannot accept that standard and hold ourselves up as a body that is equal in power to the executive branch. We cannot. We cannot say to ourselves that this body will look at all relevant evidence that relates to confirmation before we give our consent to it and protect the Members' requests for information if we do not insist that at least the chairman

and vice chairman of the Intelligence Committee have access to the names and see whether those names are relevant to this nomination in terms of the specific people John Bolton tried to punish or get transferred.

I find this really intolerable, incredible, that we as a body will not stand with a legitimate request for relevant information that relates to a pending nomination that was promptly and timely made.

Mr. COLEMAN. Mr. President, again, I remind my colleagues that it is a nomination with 10 hours of hearings, 2 business meetings, 35 staff interviews with 29 different people, a thousand pages of transcripts and 800 pages of documents, the opportunity for the chairman and the ranking member of the Intelligence Committee to look at this information, and they came to the conclusions they came to. In the end, I think perhaps—I agree with my colleagues on crossing the line. I agree. You should not be harassing intelligence officials because of policy disagreements to the point where you drive them out of the job. But that just didn't happen here.

In fact, Mr. President, if you look at the statement of Carl Ford, he himself in the minority report said this incident didn't turn into the politicization of intelligence. Carl Ford—and I was there and listened to the testimony—said this incident didn't turn into the politicization of intelligence.

We can walk through this again and again. We had the discussion over Cuba and the issue of biological weapons capacity. Again, the allegation was made that somehow Mr. Bolton took views that were his own and disregarded the views of the administration in regard to Cuba. Carl Ford testified before the Foreign Relations Committee on March 19, 2002. He stated that the United States believes that Cuba has at least limited developmental offensive biological warfare and research capability—on and on. What does John Bolton say when he gives his speech? He says the same thing.

The point is, in each and every instance when colleagues raise a concern about Mr. Bolton giving his own opinion versus that which is approved, it is simply not the case. I think my colleague from Kansas said this is a case of "the rest of the story." It is true on the Cuba issue. It is true on Mr. Bolton's testimony about Syria. Again, the same concern was raised. The record is saying something very different—that in each and every instance, there may have been discussion and challenges, but in the end Secretary Bolton delivered the approved language. North Korea, the same thing. Allegation was made that he was off on his own, and Secretary Powell came back and said, no, he delivered the opinion of the administration, of the Secretary of State.

What we have here—and the record is clear—is an individual with strong views and strong opinions, who chal-

lenged personnel, but never, never took any action against a single individual. Phrases are thrown out that there were threats to be fired or transferred. The reality is when Mr. Westermann backdoored Mr. Bolton, he lost confidence in him and said: I want him transferred. That is all you have.

In the end, Mr. President, what we have is an individual who has served this country well, who has a record of distinguished service, who has the support of a litany of Secretaries of State, of individuals who have worked with him for years and years, who negotiated the treaty of Moscow and got the U.N. to reverse itself on the odious resolution declaring Zionism as racism, who has the support of the Secretary of State, who has the confidence of the President of the United States to do what has to be done, and that is the heavy lifting in reforming the United Nations.

From the very beginning, my colleagues on the other side simply have said he is not acceptable, he has the wrong political perspective on the United Nations, he has the wrong political perspective perhaps on the war in Iraq and other issues, which morphed into allegations which, in the end, when we look at the rest of the story, simply are unsubstantiated.

John Bolton deserves our support. He deserves to be confirmed. I will proudly vote for his confirmation tomorrow. I urge my colleagues to do the same.

I yield back the remainder of our time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that a letter to Chairman LUGAR and to Ranking Member BIDEN from Senator ROCKEFELLER dated May 25 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
SELECT COMMITTEE ON INTELLIGENCE,  
Washington, DC, May 25, 2005.  
Hon. RICHARD G. LUGAR,  
Chairman, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.  
Hon. JOSEPH R. BIDEN, Jr.,  
Ranking Member, Committee on Foreign Relations,  
U.S. Senate, Washington, DC.

DEAR SENATORS LUGAR and BIDEN: I write in response to the Chairman's April 28, 2005 letter asking that the Senate Select Committee on Intelligence examine a number of intelligence-related issues that were raised during your Committee's consideration of the nomination of Under Secretary John Bolton to be the United States Representative to the United Nations.

As you may be aware, I wrote to then-Director of the National Security Agency (NSA), Lieutenant General Michael V. Hayden, on April 20, 2005, requesting any documentation related to Mr. Bolton's requests for the identity of a U.S. person included in classified intelligence reports produced by the NSA.

In response, General Hayden provided Chairman Pat Roberts and me the opportunity to review all ten NSA documents containing the references to U.S. persons that generated Mr. Bolton's requests. We were not

permitted to retain these intelligence reports and other members of our Committee were not permitted access to them. Additionally, the actual U.S. identities provided by the NSA to Mr. Bolton were not shared with us.

State Department records indicate that Mr. Bolton requested the minimized identities of nineteen U.S. persons contained in ten NSA signals intelligence reports. These requests were processed by the State Department's Bureau of Intelligence and Research (INR). In each instance, the INR request to the NSA, on behalf of Mr. Bolton, included the justification that the identity of the U.S. person(s) was needed in order to better understand or assess the foreign intelligence value of the information contained in the intelligence report. This is the standard justification required by NSA in order for officials to request the identity of a U.S. person contained in a signals intelligence report.

Based on my personal review of these reports and the context in which U.S. persons are referenced in them, I found no evidence that there was anything improper about Mr. Bolton's ten requests for the identities of U.S. persons.

It is important to note, however, that our Committee did not interview Mr. Bolton, so I am unable to answer directly the question of why he felt it was necessary for him to have the identity information in order to better understand the foreign intelligence contained in the report.

Furthermore, based on the information available to me, I do not have a complete understanding of Mr. Bolton's handling of the identity information after he received it.

The Committee has learned during its interview of Mr. Frederick Fleitz, Mr. Bolton's acting Chief of Staff, that on at least one occasion Mr. Bolton is alleged to have shared the un-minimized identity information he received from the NSA with another individual in the State Department. In this instance, the NSA memorandum forwarding the requested identity to State INR included the following restriction: "Request no further action be taken on this information without prior approval of NSA." I have confirmed with the NSA that the phrase "no further action" includes sharing the requested identity of U.S. persons with any individual not authorized by the NSA to receive the identity.

In addition to being troubled that Mr. Bolton may have shared U.S. person identity information without required NSA approval, I am concerned that the reason for sharing the information is was not in keeping with Mr. Bolton's requested justification for the identity in the first place. The identity information was provided to Mr. Bolton based on the stated reason that he needed to know the identity in order to better understand the foreign intelligence contained in the NSA report. According to Mr. Fleitz, Mr. Bolton used the information he was provided in one instance in order to seek out the State Department official mentioned in the report to congratulate him. This use of carefully minimized U.S. person identity information seems to be not in keeping with the rationale provided in Mr. Bolton's request.

An interview of Mr. Bolton by your Committee may provide a more complete understanding of the extent to which he may have shared with others the nineteen U.S. person identities he requested and received from the NSA. I believe it is a matter that deserves more thorough attention.

I hope this information is of assistance to you.

Sincerely,  
JOHN D. ROCKEFELLER IV,  
Vice Chairman.

The PRESIDING OFFICER. The Republican whip is recognized.

## CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 103.

Bill Frist, Richard G. Lugar, Richard Burr, Pat Roberts, Mitch McConnell, Jeff Sessions, Wayne Allard, Jon Kyl, Jim DeMint, David Vitter, Richard C. Shelby, Lindsey Graham, John Ensign, Pete Domenici, Bob Bennett, Mel Martinez, George Allen.

Mr. McCONNELL. Mr. President, under the previous agreement, this vote will occur tomorrow at 6 p.m. If cloture is invoked—and we hope it will be, of course—the vote on the nomination will then occur immediately.

## MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

## HONORING THE SERVICE OF DEPUTY SECRETARY OF DEFENSE PAUL WOLFOWITZ

Mr. WARNER. Mr. President, last Friday, May 13, Deputy Secretary of Defense Paul Wolfowitz ended his distinguished tour of duty at the Department of Defense.

During his 4 years at the Pentagon, Secretary Wolfowitz played a critical role as our Nation responded to the terrorist attacks of September 11, and our military defeated the Taliban in Afghanistan and liberated Iraq from decades of tyranny. We continue to fight an all-out global war on terrorism, guided by the policies which Secretary Wolfowitz, acting as a true partner to Secretary of Defense Rumsfeld, helped to craft.

He was a true partner with Rumsfeld throughout. I have had some modest experience in the Department having served there myself during the war in Vietnam as Secretary of the Navy. I served under Messrs. Laird and Packard. I served under three Secretaries.

Their partnership, as the two principal's sharing an evergrowing, awesome, level of responsibilities has been exemplary in the annals of the Department of Defense.

On April 29, I was privileged to attend a ceremony at the Pentagon in honor of Secretary Wolfowitz's years of service. The speeches given that day—by General Pace, Secretary Rumsfeld and Secretary Wolfowitz—are among the finest I have ever heard, and are a

true testament to this extraordinary individual. I wish Secretary Wolfowitz well as he prepares for his new duties as the President of the World Bank. I ask unanimous consent to have these speeches printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF DEFENSE DONALD RUMSFELD  
HOSTS A FULL HONOR REVIEW AND AWARD  
CEREMONY FOR DEPUTY SECRETARY OF DEFENSE PAUL WOLFOWITZ

(With Remarks by: General Pete Pace, Vice Chairman, Joint Chiefs of Staff)

Dr. Paul Wolfowitz is recognized for exceptionally distinguished public service as deputy secretary of Defense from March 2001 through April 2005. During that critical period, Dr. Wolfowitz's performance was brilliant. While overseeing many of the department's day-to-day operations, he was also a key leader in developing United States policy to respond to the terrorist attacks of September 11th, 2001.

A leader in developing United States policy to respond to terrorist attack, and an internationally recognized voice for freedom,

Dr. Wolfowitz contributed to the intellectual framework for operations in Afghanistan and Iraq that removed two brutally oppressive regimes that encouraged and gave sanctuary to terrorists. Fifty million people are now free from the bonds of tyranny. Self-government is on the march in countries once believed beyond freedom's reach. And Afghanistan and Iraq have become our newest allies in the war on terror.

While addressing these sizable challenges, Dr. Wolfowitz was a driving force in addressing President Bush's charge to transform the Department of Defense to better fit the challenges of the 21st century. He encouraged a culture of planning that stresses innovation and supports intelligent risk in areas ranging from defense organization to technology development and training.

And Dr. Wolfowitz is a tireless advocate for America's men and women in uniform. A frequent visitor to wounded forces and their families in hospitals and rehabilitation centers, he paid particular attention to the needs and concerns that went beyond the typically excellent care they receive. Dr. Wolfowitz oversaw the creation of a 24-hour operations center to reduce bureaucratic procedures for the severely injured, significantly improving the flow of information to ease their burdens during recovery.

Dr. Wolfowitz's countless achievements reflect his keen intellect, management acumen, vision and compassion. Through his dedication to the pursuit of policies of freedom and transformation, Dr. Wolfowitz contributed greatly to the work of the Department of Defense and the United States. The distinctive accomplishments of Dr. Wolfowitz reflect great credit upon himself, the Department of Defense, and the United States of America.

Dr. Wolfowitz has also received the Decoration for Distinguished Civilian Service from the secretary of the Army, the Distinguished Public Service Award from the secretary of the Navy, and the Decoration for Exceptional Civilian Service from the acting secretary of the Air Force.

Gen. Pace. Secretary Rumsfeld, Mrs. Rumsfeld, Senator Warner, Senator Coleman, assembled leadership of the Department of Defense, special guests and friends, and especially to our wounded servicemembers who are here today.

It is my distinct honor and privilege to stand here representing our Chairman, General Dick Myers, and all the men and women

who are proud to wear the uniform of the United States Armed Forces to say farewell and thank you, Mr. Secretary, for all you've done for all of us in uniform during your tenure as our deputy secretary of Defense.

It's been my great honor and privilege, Secretary Wolfowitz, to have known you and worked with you for the last three-and-a-half years, and in that time, I think I've gotten to know a little bit about the man.

You have great humility. Of all the titles that you have earned—doctor, professor, dean, ambassador, secretary—the two you prefer most are Dad and Paul. That says a lot about you.

You're a man of great intellect. Put simply, you work hard and you're smart. And you make those of us who work with you feel good about our contributions, and you elicit from us our very best recommendations, because you are, in fact, a facilitator and a person who values the judgment of others—and for that, we thank you.

You're also a man of great courage. Those of us who wear the uniform understand courage on the battlefield, but there's another very distinct form of courage, and that is intellectual courage. Many times it has been my great pleasure to watch you, when conversations have been going in a particular direction, and someone would turn to you and say, "Don't you agree, Paul?" And you would say, "No, I don't." And then you'd explain why you didn't in a very, very well-reasoned, articulate way that although did not always carry the day, certainly made everybody in that room understand that you were part of this process, and that you were going to speak your mind as you knew it should be spoken, and benefit all of us in uniform by always speaking the truth, as you knew it.

You're also a man of compassion. If I speak too much about this, I will blow your cover. But the fact is that many, many times in the halls of this building, you have said to me, "Pete, Sergeant so-and-so—or Lieutenant so-and-so, or General so-and-so—has a problem, and I think if you say something to him, or you look into this, it will make life better for him." Certainly, all that you have done for the wounded, both in your official capacity, but also as a human being in your visits to the hospitals, in your caring for the families, in your attendance at funerals, in your caring for the families of the fallen.

In all those ways, Mr. Secretary, you have shown enormous compassion. And for that, we are grateful. We will miss you, but we know that there are millions of people around this world who are now going to benefit from the intellect, strength and compassion of Paul Wolfowitz as you go to lead the World Bank.

It is my great honor now to introduce the man in this building who works harder than anybody else, has more focus than anybody else, and makes the rest of us work very, very hard, very diligently, to be part of the team that is trying to do for this country all that we should be doing.

Mr. Secretary: Secretary Rumsfeld.

Sec. Rumsfeld. Well, thank you all for coming. We're pleased you're here. A special welcome to Paul Wolfowitz and his family and friends and lovely daughter, Rachel, sitting there. And welcome to Chairman John Warner. We appreciate your being here, your old stomping grounds. And Senator Coleman, thank you so much for being here, and all the senior military and civilian officials of the Department of Defense and guests. Welcome.

Three years ago, The Economist magazine had an interesting take on the job of deputy Cabinet secretary. It wrote, "Most deputy secretaries live lives of quiet frustration. They get stuck with all the grunt work, while their bosses swan around in the limelight. And they have to sit mutely while the