

This statement summarizes some of my efforts to maintain a strong U.S.-Israel relationship, to strengthen Israel as a key strategic partner, and to promote an Israel-Syria peace treaty. Active participation by the Clinton Administration enabled the parties to come very close to an accord in 1995 and 2000. Israel potentially has much to gain if Lebanon is a strong, independent nation without undue Syrian influence or Hezbollah domination. If Syria stopped supporting Hamas, that entity committed to the destruction of Israel, might be sufficiently weakened to enable the Palestinian Authority to negotiate a Peace Treaty with Israel. A corollary benefit could be to drive a wedge between Syria and Iran.

For reasons amplified in my Senate floor statement on June 16, 2006 and my article in *The Washington Quarterly's* Winter 2006-2007 issue entitled "Dialogue with Adversaries," I am firmly convinced that aggressive diplomacy holds the key to resolving international disputes, including the Mideast peace process, and should be employed by the new Administration.

#### ATTORNEY GENERAL DESIGNATE ERIC HOLDER

Mr. SPECTER. Madam President, I further sought recognition to comment briefly about the scheduling of the hearing for Attorney General designate Eric Holder.

In looking toward the hearing process, I am looking for a very constructive engagement to determine the qualifications of Mr. Holder. There is no intent on my part or on the part of any of my colleagues on the Republican side of the aisle to engage in partisan sniping. As I say, we intend to be constructive and not destructive. We are looking to strengthen the Department of Justice.

The position of Attorney General is an extraordinarily important position. We have seen that during the administration of Attorney General Alberto Gonzales, stated candidly, the Department was not well handled. That is a candid statement and also a very mild statement.

During the course of Attorney General Gonzales' tenure, there were so many situations where the Attorney General molded his views to accommodate his appointer, the President of the United States. A great deal that went on in the Department of Justice was partisan and not in the interests of the work of the Department or in the interests of the American people.

We have seen, since 9/11/2001, a vast extension of Executive authority. We found the terrorist surveillance program was initiated by the President without consultation under the tradition of notifying the chairman, which I was during the 109th Congress, or the ranking member. We found there was an engagement with the telephone companies to engage in electronic surveillance, again without notifying the chairman or ranking member of the Judiciary Committee and without notifying the intelligence committees of both Houses, as mandated by law. Further was the expansion of signing statements all during the tenure of the Attorney General.

Without going into the issues of politicization, they were rampant during the tenure of Attorney General Gonzales. I refer to an article, coauthored by the current chairman of the committee and myself, which appeared not too long ago in *Politico*, on October 28, 2008, where we said in part:

The Attorney General must be someone who deeply appreciates and respects the work and commitment of the thousands of men and women who work in the branches and divisions of the Justice Department, day in and day out, without regard to politics or ideology, doing their best to enforce the law and promote justice.

With respect to Attorney General designate Holder, there is no doubt he comes to this nomination with an outstanding record, for the most part. Not without question but for the most part. He has an excellent educational background from Columbia: undergrad and law degree, a trial attorney in the Department of Justice, an associate judge of the Superior Court of the District of Columbia, U.S. attorney, Deputy Attorney General, Acting Attorney General—a very distinguished résumé, which I have recited.

But there are questions which have to be inquired into fairly, as already noted in the commentaries of the media on the editorial pages. There has been considerable publicity about the pardon of Marc Rich. There was a case involving Mr. Rich, who was a fugitive, who had given very substantial sums of money to entities connected to the President. The regular procedures for a pardon were bypassed. The Department of Justice was not consulted. The attorneys in the Southern District of New York, which was handling the Rich case, were opposed to the pardon.

From my own days as district attorney of Philadelphia, where I dealt with celebrated cases involving people who were fugitives, who had fled, that is about as serious a matter as you could find and hardly one where there would be an expectation of leniency or pardon to wipe out the charge, eliminate the matter, while the defendant was in absentia.

There was an extensive report filed on this issue by the House of Representatives Committee on Government Reform, the 107th Congress, second session. It is available for anyone to read. There are quite a number of very serious questions involving what happened with Mr. Holder and the people involved there.

The concern that arises is why Mr. Holder lent the recommendation, which has been characterized as neutral leaning in favor, in this context. I come to no conclusions on the matter. I approach this matter, as I try to approach all matters, with an open mind. But in an extensive interview with Mr. Holder he has presented his views. I don't think it is useful to get into the specifics as to the precise concerns which I raised and his precise answers. Let that await a day where we have a hearing and where Mr. Holder is in a

position to speak for himself. But by analogy to the Gonzales tenure, I think it is imperative we be sure the Attorney General of the United States does not bend his views to accommodate his appointer; that the Attorney General does not bend his views in any way which is partisan or political, to serve any interest other than the interests of justice.

As noted in the article cited in *Politico*, where you have the professionals in the Department of Justice, they wouldn't even meet with attorneys for Mr. Rich, they thought it was such an open-and-shut case, and were opposed—at least according to information provided. This is all to be brought out at a hearing. But to run counter to the views of the professionals is a major red flag which has to be inquired into and inquired into with some depth.

Then we have the situation where Attorney General Reno recused herself on the issue of appointing an independent counsel to investigate alleged—and I emphasize alleged—illegal fundraising by Vice President Albert Gore out of the White House. There was the relatively notorious incident where the Vice President was at a meeting and drank a lot of ice tea and absented himself from certain parts of the meeting where he was not able to—or had a rationale for not knowing certain things.

I questioned Attorney General Reno in detail about that during Judiciary Committee hearings and she said: Well, there just wasn't sufficient evidence.

She had disregarded a document, a note taken by someone present, because, as she said, it did not refresh that witness's recollection.

I asked her about the doctrine of prior recollection recorded, which is a well-known exception to the hearsay rule. She denied knowing about it.

I note a frown on the face of the Presiding Officer, who is a distinguished district attorney herself. Doubtless we could speak at length about prior recollection recorded. I mention that because of the curious circumstances of what happened there. There we had an assistant U.S. attorney named LaBella, who was asked to take on the job of making a recommendation. According to the information provided to me, he made a recommendation for an independent counsel and the professionals in the Department asked for an independent counsel, and it was overruled.

I am not going to comment about Mr. Holder's role. Let him respond to that and let us take that up in due course. But here again is a potential situation where the interests of justice and objectivity were not followed in the highest levels of the Department of Justice when Mr. Holder was in charge, with the Attorney General, Attorney General Reno, having recused herself.

There are many other matters which warrant inquiry, and I will not take the time to go into them now. They are

referenced in a letter which eight Republican members of the Senate Judiciary Committee sent to Attorney General Mukasey, requesting information from the Department of Justice files.

I ask unanimous consent that a copy of this letter be printed in the RECORD.

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

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, December 10, 2008.

Hon. MICHAEL B. MUKASEY,  
Attorney General, U.S. Department of Justice,  
950 Pennsylvania Avenue, NW., Wash-  
ington, DC.

DEAR ATTORNEY GENERAL MUKASEY: As part of our preparation for the Judiciary Committee's hearings on the nomination of Eric H. Holder to the office of Attorney General, we write to request that the Department of Justice provide certain materials in its possession relating to his service in the Department of Justice.

Specifically, we write to request, in accordance with the attached guidelines, all memoranda, correspondence, and other documents on which Mr. Holder is designated as a recipient, or documents prepared by Mr. Holder in his position as U.S. Attorney, Deputy Attorney General, or Acting Attorney General or by his staff, for his approval, or on which his name or initials appear, related to the following matters:

1. The Department of Justice's investigation into fundraising activities by Vice-President Al Gore during the 1996 election campaign cycle;

2. The investigation of President Clinton by the Office of the Independent Counsel and related impeachment proceedings against President Clinton, including consideration of appointing independent counsels and/or special prosecutors in related and unrelated matters during the period 1993-2001, including consideration of appointing independent counsels and special prosecutors;

3. The investigation by the Department of Justice into illegal contributions by the Castro family of Venezuela to the Democratic Party in 1992;

4. The investigation by the Department of Justice into the Clinton Administration's decision to allow Loral Space to export a communications satellite to China for launch on a Chinese-built rocket, and the subsequent report to Chinese government outlining methods for improving its missile guidance prepared by Loral scientists;

5. The issue of attorney-client privilege and work product protection for corporations under criminal investigation;

6. Clemency for the following members of the organization FALN (an acronym that translates to the Armed Forces of Puerto Rican Nationalists) by President Clinton on August 11, 1999, including but not limited to the July 8, 1999 memorandum from Deputy Attorney General Holder to the President: Elizam Escobar, Ricardo Jimenez, Adolfo Matos, Dylcia Naomi Pagan, Alicia Rodriguez, Ida Luz Rodriguez, Luis Rosa, Carmen Valentin, Alberto Rodriguez, Alejandrina Torres, Edwin Cortes, Oscar Lopez-Rivera, Juan Enrique Segarra-Palmer, Antonio Camacho-Negron, Roberto Maldonado-Rivera, and Norman Ramirez-Talavera;

7. FALN members who had petitions for clemency filed in their name but were not granted clemency, including but not limited to Carlos Alberto Torres;

8. The April 22, 2000, raid in Miami, Florida by Border Patrol agents to take Elian Gonzales into custody;

9. The Department of Justice's investigation into the 1993 confrontation at the Mt. Carmel Complex in Waco, Texas;

10. Any clemency or non-clemency related matter regarding Marc Rich, Pincus Green, Carlos Vignali, Harvey Weinig, Susan L. Rosenberg, or Linda Sue Evans, including but not limited to all communications to and from the U.S. Attorney's Office for the Southern District of New York prior to and following the issuance of the Rich and Green pardons;

11. Any matters related to or involving John M. Quinn;

12. The U.S. Attorney's Office for the Southern District of New York's criminal investigation of the 177 presidential pardons and commutations issued on January 20, 2001;

13. Death penalty approvals, rejections, or disputes;

14. The Youth Gun Crime Enforcement Act of 1999, the extension of the Brady bill, and other matters affecting gun rights;

15. The Department of Justice's decision not to defend the power of Congress to enact 18 U.S.C. §3501 in the Supreme Court litigation in *Dickerson v. United States*, including Department responses to Judiciary Committee inquiries on the subject and views of U.S. Attorneys and Department advisory panels on the matter;

16. The Equal Employment Opportunity complaint filed against the Department on March 1, 1996 by class agent Lawrence D. Durnford; and

17. Any denial of a Congressional request for documents or information from the Executive Branch.

This request is consistent with requests for similar documents the Department of Justice has provided in the consideration of past nominees.

We would appreciate your prompt attention to this request so that we may have adequate time to review the requested documents in preparation for Mr. Holder's hearing. Thank you for your cooperation.

Sincerely,

ARLEN SPECTER, ORRIN HATCH, CHUCK GRASSLEY, SAM BROWNBACK, JON KYL, LINDSEY GRAHAM, JOHN CORNYN, TOM A. COBURN.

#### GUIDELINES

(1) This request is continuing in character. and if additional responsive documents come to your attention following the date of production, please provide such documents to the Committee promptly.

(2) As used herein, "document" means the original (or an additional copy when an original is not available) and each distribution copy of writings or other graphic material, whether inscribed by hand or by mechanical, electronic, photographic or other means, including without limitation correspondence, memoranda, publications, articles, transcripts, diaries, telephone logs, message sheets, records, voice recordings, tapes, film, dictabelts and other data compilations from which information can be obtained. This request seeks production of all documents described, including all drafts and distribution copies, and contemplates production of responsive documents in their entirety, without abbreviation or expurgation.

(3) In the event that any requested document has been destroyed or discarded or otherwise disposed of, please identify the document as completely as possible, including without limitation the date, author(s), addressee(s), recipient(s), title, and subject matter, and the reason for disposal of the document and the identity of all persons who authorized disposal of the document.

(4) If a claim is made that any requested document will not be produced by reason of

a privilege of any kind, describe each such document by date, author(s), addressee(s), recipient(s), title, and subject matter, and set forth the nature of the claimed privilege with respect to each document.

Mr. SPECTER. When hearings were held for Attorney General Ashcroft, they were held from January 16 to January 19 of 2001. At that time, there were 2 days of testimony from Attorney General Ashcroft, and the committee heard from 23 outside witnesses. May I remind everyone that John Ashcroft was a well-known person to the committee. He had been in the Senate. He had served on the Judiciary Committee. We knew him very well. But that didn't stop a very full, detailed inquiry. It was not done in a rush.

With respect to Mr. Holder's situation, we have in the committee some 86 boxes of archived committee documents relating to Mr. Holder's tenure in the Department of Justice. We expect those materials to increase very substantially when we receive materials from the Department of Justice and the Clinton Library.

Similar document requests were made to the Department of Justice in the Reagan Library during the confirmation of Chief Justice John Roberts, and they yielded some 65,000 additional pages of documents.

As of the present time, we have not yet received Mr. Holder's questionnaire, his nomination materials, or the FBI background investigation.

I have taken the time to come to the floor to outline, very briefly, some of the issues. They are set out in more detail in the letter which is now made a part of the record to Attorney General Mukasey, asking for specific matters regarding Mr. Holder. There are other matters which are in the media which I think are better left for further investigation, even before the hearing, before there is any public comment about it. But we are looking at a very major matter.

The Department of Justice has enormous responsibilities in the battle against terrorism and in the protection of civil rights. That is a balance which has to be maintained. There are real questions as to whether it has been maintained since 9/11. Those are matters for inquiry.

There are very substantial matters to be inquired into on the Justice Department position on waiver of attorney-client privilege, which started with the Holder memorandum when he was Deputy Attorney General and then went forward to the Thompson memorandum and the McNulty memorandum and so forth. Also, there are major matters of legislation now pending on the subject of reporters' shield, where the Department of Justice has taken a view which I believe has to be modified by legislation if we cannot get some accommodation with the Department.

That is a very brief statement as to the issues which we are looking for. As I look at this matter, it seems to me

not realistic or fair to begin hearings before January 26.

The week of January 19 is going to be occupied with the inauguration. And to have adequate time to prepare, it seems to me, that needs to be done. When we had hearings involving Chief Justice Roberts and Associate Justice Alito, consideration was made of the minority point of view, and extensive discussions were had, and there was an accommodation and agreement reached as to when the hearing was to be held.

So we are looking at a serious matter and we have to do it right. It is going to take some time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### EXTENSION OF MORNING BUSINESS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the period for the transaction of morning business be extended until 6 p.m., with Senators permitted to speak for up to 10 minutes each.

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

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be permitted to present my remarks. I should not go over 10 minutes, but I ask unanimous consent that I be permitted to do so.

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

#### ECONOMIC CRISIS

Mr. LAUTENBERG. Mr. President, if anyone sees the quietude that is enveloping our Chamber, they can reasonably ask a question about whether we are doing anything, is any work being done, what is taking place. I must tell you that I have to ask the same question.

The American people are at a point of great stress. They expect us to be hard at work solving a major problem facing us. I don't see the kind of visible stirring that ought to accompany our decisions over whether to get this job done. I hope that as we proceed further, we can get some kind of an agreement to at least let the American people know whether we support this idea that we provide some support for ailing companies that provide a lot of jobs in our society and how we can present economic opportunity that is so important for us.

As we work to provide a better future for our country, it is obvious that we face a particularly difficult choice at this moment. An essential segment of

the American industrial base, the U.S. auto industry, is at a critical juncture. These companies have been mismanaged, they have lacked foresight, and they have been out of touch with what consumers wanted. They failed to understand the demand for fuel-efficient automobiles with higher gas mileage and lower costs. They failed to provide innovative designs to encourage consumers around the world to buy American. Instead, they stood by like spectators at a sporting event while the first-place trophy was snatched away from the American people.

I came to the Senate from the business community. I was chairman of a major company in this country, a company that now employs over 40,000 people. One thing I learned is that you must constantly update your product line if you want to succeed because otherwise someone else will and you will lose the opportunity, you will lose the sales, and you will lose your credibility. I find it shocking that the leaders of these giant companies failed to understand this basic rule of business. Instead of modernizing, they chose another path. They chose to spend millions of dollars on high-priced lobbyists to visit with us in our offices, asking Congress not to push them on fuel efficiency, not to urge that they move ahead with more efficient cars. Now they are here begging for our help.

Unfortunately, the disaster facing the big three is not an isolated problem. It has implications for every American. If the big three go under, millions of jobs could go with them. In my State alone, New Jersey, the auto industry employs more than 43,000 people. Thousands of manufacturers, suppliers, dealers, insurance companies, and small businesses would likely be imperiled if the automakers fall. Our economy could go into further shock absorbing that kind of collapse, especially now with the unemployment rate the highest it has been in 15 years.

So now we are being asked to decide whether we help General Motors, Chrysler, and Ford. If we agree to help them, this legislation has to have guarantees to protect the American taxpayers and for us to get this money back if we put it up at this time. For one thing, this cannot be free money. So it is essential that we only provide the big three with loans and lines of credit, not gifts, and that they have a clear plan to pay the money back. This relief package must also put strict caps on executive compensation and include an outright ban on big bonuses and golden parachutes for the highest paid managers. What is more, companies that receive funding must suspend paying any dividends to the shareholders. That is where these companies are. If we don't do something, their equity will be worthless. We have to make sure no dividends are paid until the taxpayers are paid back the money we are going to put in. In addition, they have to make a promise to finally work toward greater fuel efficiency.

To make sure automakers live up to these obligations—because we found out we cannot rely on their promises—the President should go ahead and appoint a car czar, someone who is devoting full time and attention to the resolution of this great problem. This administrator must work to get the Government repaid while monitoring the companies' efforts to make sure they stay on a path to long-term success. That means the big three must be restructured to assure competitiveness, higher quality, profitability, improved fuel efficiency, and renewed market leadership.

Doing nothing to help the big three could have catastrophic consequences for the job market and for American business leadership. However, a relief package for the big three automakers is no substitute for other stimulus provisions that our country desperately needs. We are in a severe recession, and for every month that this recession continues, more families fall behind, more small businesses fail, more life savings are lost, and more houses go into foreclosure. We have to find ways to change direction. We need bold strokes to get us out of this crisis. We need to stimulate our economy with infrastructure investments that will create jobs, increase energy independence, and get people to work quickly and efficiently. Transportation investments can give huge returns for the dollar. If we repair our schools and rebuild our crumbling infrastructure, we can create 2.5 million new jobs while reversing the declines we are witnessing. I mention these things because by doing them, we employ more people and we can be more optimistic as a country about our future.

It is my hope that we can work together, all of us, Republicans and Democrats, energetically to meet these grave challenges. I put out a plea to ask our colleagues across the aisle to join with us to show the American people that we are hard at work, that we do care about what is happening, that we are worried about families being dispossessed from their homes, that we are worried about children who cannot afford an education, that we are worried about investments that will improve the quality of life in our society. I hope they will come around.

I saw several of our colleagues on C-SPAN today at a press conference talking about why they didn't see this as something of value. Something of value is evident when work is being done, when the public is hearing a debate about this crisis, when the other side of the aisle isn't just being stubborn because they don't want to give the Democrats or whomever an advantage. We need to debate whether we can pull these companies out of the holes they are in, save jobs, and restore America's leadership in industry.

Many in our country have lost faith as they worry about their ability to support themselves and their families. They look to us here in Washington to