

Colorado, which is the former nuclear weapons production site there, and at the Rocky Mountain Arsenal, a chemical weapons manufacturing site. There are a whole variety of things that one could mention in her record. I think most of them have been pretty well discussed in connection with her confirmation hearings.

But the point is to illustrate, first of all, the fact that she is an extraordinarily capable person, a lawyer with great experience in this Department of the Interior, as well as an attorney general, and other positions, all of which qualify her now to become the Secretary of the Interior.

She has experience in a wide variety of areas with which she will have to deal, including environmental protection—as I mentioned, hazardous waste cleanup, and other things.

As the Presiding Officer is well aware, one of the things the Department of the Interior, of course, has to deal with is giving great care and commitment to be the primary trustee for our Native Americans.

Because the United States has that trust responsibility and it reposes primarily in the Secretary of Interior, it is a critical position.

I ask unanimous consent to print in the RECORD a letter from Kelsey Begaye, President of the Navajo Nation, in support of Gale Norton for the position of Secretary of Interior.

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

THE NAVAJO NATION,

Window Rock, AZ, January 16, 2001.

Hon. JOHN KYL,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR KYL: On behalf of the Navajo Nation, I convey our support for Ms. Gale Norton, nominee for Secretary of the Department of the Interior. The Navajo Nation, in its government-to-government relationships, works with the Department of the Interior on myriad issues affecting the Nation. Although there are times when we disagree with one another we continue to work together for the benefit of the Navajo People. We wish to continue the working relationship with the new administration and we look forward to working with Ms. Norton.

The Navajo Nation's past experience with Gale Norton involved issues with the Southern Ute Tribe during her term as Attorney General for the State of Colorado. During that time Ms. Norton approached the tribes and asked how she could help. She provided testimony to the House (Natural Resources) Committee on the Animas-LaPlata project which benefitted the tribes. Her willingness to support the tribes demonstrates her knowledge of Indian nations and their position within the federal system.

The Navajo Nation does have its concerns with regard to Indian country policies and initiatives. We advise the new administration to follow the basic goals and principles of affirmation of the commitment to tribal sovereignty and self-determination, protecting and sustaining treaty rights and the federal trust responsibilities, and supporting initiatives which promote sustainable economic development in Indian country.

The Navajo Nation supports the nomination of Gale Norton for Secretary of the Inte-

rior and we trust she will continue to work with Indian country as she has done in the past. We look forward to working with her in advancing Indian country policies and Indian initiative for the Bush/Cheney Administration.

Sincerely,

KELSEY A. BEGAYE,  
President.

Mr. KYL. In this letter he notes that Gale Norton has in the past exhibited an understanding of the needs of Native Americans. She worked on one of the settlements when she was attorney general of Colorado that involved water and other issues relating to the Colorado Ute tribe.

On other areas as well, President Begaye notes that she has an understanding of Indian issues which will make her a fine trustee. In all of these regards, it is clear that Gale Norton is well positioned to be a fine Secretary of Interior.

I conclude with what I began—namely, she is the kind of person who is able to bring people together to work on solutions to problems that have been somewhat contentious. Because we are dealing with so many different needs and different groups of people with our western lands and resources, it is important to bring these groups together. She will do that and will make a strong Secretary of Interior.

#### NOMINATION OF JOHN ASHCROFT

Mr. KYL. Mr. President, I rise briefly to discuss the nomination of another Cabinet official, the Attorney General, John Ashcroft. Hopefully, we will be able, on the Judiciary Committee, to have the vote on Attorney General designate Ashcroft tomorrow. We hope to have that meeting on Tuesday, at the very latest Wednesday. We are hoping to consider his nomination on the floor of the Senate and get that done by Thursday afternoon prior to the time that the Senate recesses for the week.

It is important that this nomination be confirmed. There are a lot of things pending. The Attorney General is one of the officers of the Cabinet who is always on watch. There are all of the assistant attorneys general, U.S. attorneys around the country who are looking for guidance from Washington on a wide variety of matters. We have more terrorist issues that demand the attention of the Attorney General. My colleagues on both the Democratic and Republican side are interested in commencing the process of judicial nominations to fill so many vacancies that exist. All of these and many more issues require an Attorney General who is active and in place. The sooner we can get the President's nominee for Attorney General confirmed, the better for the Nation.

I will comment briefly on some comments that have been made. One of my colleagues this morning spoke, as a matter of fact. The charges are pretty much the same. Let me summarize three or four things that have been said with regard to John Ashcroft and try to put them in proper context.

One of my colleagues this morning commented on the floor that there is a new John Ashcroft. I would have thought that since they didn't particularly like the old John Ashcroft, this would be good news, but it turns out not to be. What they are basically saying is, they don't know which one to trust. You have the old John Ashcroft who, as a Member of the Senate, was pushing legislation to do this and legislation to do that. Now as Attorney General, he says he will abide by the law. Well, which is it? The fact is, John Ashcroft has served in different capacities in his life, and they are not always the same.

As Members of the Senate, we put ideas forth. They are partisan ideas, they are philosophical ideas, and we debate them. In the crucible of this institution, those ideas are put to tests. They are molded, and they are amended. And consensus develops around solutions that we eventually will pass. None of us get our way on any of this legislation, but we all put it forth. We have our debates and then we move on.

That is a very different position than the position of a judge or Attorney General. There you have to take the law as it is, and you have to apply it. You have to interpret it. You have to argue it to the court and so on. I, for the life me, cannot understand why some of my colleagues are not able to make this distinction. Perhaps they are able to and choose not to because it is an unfair criticism of John Ashcroft that he will not apply the law as he is required to do as Attorney General simply because, as a Member of the Senate, he argued for other positions.

We can all walk and chew gum. We can all do different things at different times. There is nothing to suggest that John Ashcroft won't do exactly what he swears he will do when he puts his hand on the Bible and swears to uphold the Constitution and the laws. He did that as attorney general of the State of Missouri. One should not expect that it would change if he is Attorney General of the United States.

Secondly, there is this question of whether he would enforce laws with which he disagrees. Two thoughts about that: First, everyone is assuming he disagrees with certain laws that he doesn't disagree with. The so-called FACE law, the freedom of access to clinics entrances law, he supports that law. He opposes abortion. Some of his opponents say if he opposes abortion, he therefore must oppose that law, and therefore he probably won't enforce it. Wrong on two counts. You can oppose abortion and still support the law, as I do, as Senator Ashcroft does, which says that people should not be harassed when they want to lawfully go into a place which is a lawful place of business. There is nothing inconsistent with opposing what goes on inside that office but upholding the law that says people have a right to enter. He has said he would do that. That is the second point.

I don't know why people don't believe that. There is nothing in his record to suggest he would not uphold that law. He supports the law. He says he will uphold it. I don't understand why people, therefore, in effect question his motivation or his commitment to abide by the oath he will take. That bothers me because it suggests they don't trust John Ashcroft. Yet there isn't a single Senator who has served with John Ashcroft who hasn't, when asked to remark upon this, confirmed that, no, they understand his integrity and it is not that they don't trust John Ashcroft. There is something else.

I think it has to do with the fact that there are so many liberal special interest groups that have a reason to oppose John Ashcroft because his views are not the same as theirs that it is forcing our colleagues then to say things that are inappropriate. Because to suggest that John Ashcroft is not a man of integrity and that he won't keep his commitments is quite unfair to this fine and decent man.

That finally brings me to the third point. My colleague, Senator LEAHY, ranking member of the Judiciary Committee on which I sit, made a very important point this morning with which I agree. He said the office of Attorney General is a little different than the other Cabinet positions in that there is a special kind of responsibility there. With most of the other Cabinet positions, there are policy issues and administration involved, but there is not the necessity of upholding the rule of law. In that, Senator LEAHY was absolutely correct. One could argue that there are a couple other Cabinet positions that also have a unique responsibility.

The Secretary of Defense, I am sure, would fall into that, protecting the American people, not just being interested in policy. But certainly he is right that the office of Attorney General is something special.

We expect the Attorney General to care first and foremost about the rule of law and to represent all Americans as well as the President in upholding that rule of law. As a matter of fact, Senator LEAHY said—paraphrasing here—no position in the Cabinet is as important for evenhanded justice. I didn't do him justice in paraphrasing, but I agree with that sentiment.

It seems to me that people who focus on that issue now with respect to John Ashcroft would have a lot more credibility in making their case against John Ashcroft if they had demonstrated an equal concern for the rule of law in a whole variety of issues that involved the Clinton administration for the last 8 years. On this, many of his opponents have been relatively silent. Every single one of the Democrats in this body voted against the punishment that the House of Representatives offered forth with respect to the impeachment of President Clinton. That was all about the rule of law. As it has transpired, the President has ad-

mitted to making knowingly false statements to officers of the court. This is not something which enhances the rule of law. Yet I heard all manner of excuses about the President's conduct at that time.

Nor have we heard much about the rule of law as to the current Attorney General's refusal time after time after time to appoint special counsel or otherwise look into what were clear violations of the law and very questionable conduct with respect to campaign contributions, among other things. When her special counsel Charles LaBella recommended the appointment of a special prosecutor to look into this, when Louis Freeh, head of the FBI recommended the same, time after time Attorney General Reno said no.

When we talk about politicizing the office of Attorney General, I think it is important for our Democratic friends to understand that Republicans have been concerned about the rule of law and the politicization of the Department of Justice for a long time. We are anxious for an Attorney General to go into that office and, frankly, clean it up so that there isn't the politics that has characterized it for the last 8 years.

It is hard for me to give much credence to those on the outside who question whether John Ashcroft can do this and who question his commitment to the rule of law when, for 8 years, they have been silent about repeated matters involving very strong charges that the rule of law is violated by various people and an unwillingness on the part of the Attorney General to do very much, if anything, about it.

Even the last act of President Clinton in pardoning a whole group of people has drawn very little criticism from our friends who are critical of John Ashcroft and are now very concerned about the rule of law. One of these was the pardoning of Marc Rich. A few of my Democratic Senate colleagues have been coached to come out with mild statements, or expressions of concern, about that pardon. I think that is appropriate. There ought to be expressions of concern about it.

My point is that if we are going to talk about concern over the rule of law and how John Ashcroft as Attorney General will protect and preserve the rule of law in this country, then I think it behooves us to be consistent in our concern for the rule of law and apply it equally in the situation of the immediate past Attorney General.

This is an example where I suspect many Americans look at this and say, well, I guess where you stand depends on where you sit. It is easy to criticize somebody on the other side. You don't want to criticize somebody on your own side. That is a natural characteristic of politics. But when we are talking about actually voting against John Ashcroft to be Attorney General of the United States, it seems to me that at last my colleagues who will have an opportunity to vote on that—

and I now separate them from the special interest groups about which I have been speaking—need to look at this carefully, look at what they have said about the rule of law over the last 8 years, before they raise concerns about John Ashcroft and the rule of law.

There has never been a more qualified nominee for Attorney General than John Ashcroft and I doubt many with greater integrity. I know many Attorneys General have served with great integrity. Neither his integrity nor qualifications has been questioned. All it boils down to is that some people object to his conservative ideology.

The President of the United States is elected, and I believe he has an opportunity to serve the American people and ability to do so in following through on his campaign commitments, following through on his ideas of how we ought to proceed with public policymaking. The Attorney General will have something to say about that. But mostly, as Senator LEAHY said today, the Attorney General's job is to administer the law. About that, there is no question where the President stands and where John Ashcroft stands.

I urge my colleagues to think very carefully how a "no" vote on John Ashcroft would look perhaps 2 years from now, 5 years from now, 10 years from now. Will it look like a good call or will it look petty? Will it look like an act of statesmanship or will it look like an act of partisanship? I urge my colleagues to think very carefully about this vote before they cast it.

#### EXECUTIVE SESSION

#### NOMINATION OF GALE ANN NORTON TO BE SECRETARY OF THE INTERIOR

The PRESIDING OFFICER (Mr. BYRD). Under the previous order, the hour of 2:04 having arrived, the Senate will now go into executive session and will proceed to the Norton nomination, which the clerk will report.

The legislative clerk read the nomination of Gale Ann Norton, of Colorado, to be Secretary of the Interior.

The PRESIDING OFFICER. The Senator from Utah, Mr. BENNETT, is recognized.

Mr. BENNETT. Mr. President, I understand there is to be 3 hours of debate on this nomination to be equally divided, and my request is that I be allowed such time as I may consume and to make it clear to my colleagues that I have no intention of coming close to the hour and a half that is allocated for our side.

The PRESIDING OFFICER. The Chair should state that under the previous order there will be 3 hours of debate equally divided between the chairman and the ranking member of the Energy and Natural Resources Committee.

Under the previous order, there will now be 60 minutes to be equally divided