the filibuster. The norms of the Senate mitigate against firing that weapon as part of an explicit party strategy. Nonetheless, groups of Senators have engaged in extended floor debate to try to defeat judicial nominations. More than a dozen cloture motions were filed to end filibusters on judicial nominations between 1980 and 2000. But only one judicial nominee was successfully blocked by a filibuster. In 1968 Republicans and Southern Democrats used a filibuster to defeat President Lyndon Johnson's effort to elevate Justice Abe Fortas to chief justice.

So the Senate Democrats' resort to a filibuster on the Estrada nomination is not unprecedented but it is highly unusual and extreme by Senate conventions. It is the latest escalation in what has been an intensifying ''War of the Roses'' between the parties in Washington. Earlier episodes included divisive battles over the Supreme Court nominations of Robert Bork and Clarence Thomas; the winter 1995–96 budget fights that led to government shutdowns; and the long-running independent counsel investigations of Clinton, leading to his impeachment by the Republican House.

That war is partly a consequence of razor-thin majorities in the Congress, the increasing ideological polarization between the parties, and the extension of the permanent campaign to the Congress. It has intensified as a result of the circumstances and leadership style of George W. Bush's presidency.

Bush was elected in 2000 in the closest and arguably most controversial presidential election in U.S. history. He lost the popular vote but won a bare majority of the electoral vote but won a bare majority of the electoral vote thanks to flawed ballot designs in two Florida counties and to an audacious 5–4 Supreme Court decision to halt a statewide recount.

Yet he has governed with great ambition and confidence, asserting presidential prerogatives and advancing a bold conservative agenda through policy proposals and nominations. He has played hardball with Democrats, in D.C. and on the 2002 campaign trail, while providing regular sustenance to his conservative base. After the 2000 election and then again after Sept. 11, 2001, Democrats expected something akin to a government of national unity. Instead, they encountered a president who seemed determined to wage institutional, ideological and partisan war. They have decided to reciprocate. The atmosphere is poisonous. Miguel Estrada is now a part of that war.

The only way to break this cycle of escalation is for Bush to take pre-emptive action by submitting a more balanced ticket of judicial nominees and engaging in genuine negotiation and compromise with both parties in Congress. That seems most unlikely.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

CONDEMNING THE SELECTION OF LIBYA TO CHAIR THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 13, which is at the desk. This is a resolution introduced by Senators LAUTENBERG and SMITH.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 13) condemning the selection of Libya to chair the United Nations Commission on Human Rights, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent that the Lautenberg amendment at the desk be agreed to, the motion to reconsider be laid on the table; further, that the concurrent resolution, as amended, be agreed to and the motion to reconsider be laid upon the table; that the preamble be agreed to, and the motion to reconsider be laid on the table, with no intervening action or debate.

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

The amendment (No. 257) was agreed to, as follows:

On page 8, strike line 21 and insert: ''(10) objects''

The concurrent resolution (S. Con. Res. 13), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution with its preamble, reads as follows:

S. CON. RES. 13

Whereas on January 20, 2003, Libya, a gross violator of human rights and State sponsor of terrorism, was elected to chair the United Nations Commission on Human Rights (the ''Commission''), a body charged with the responsibility of promoting universal respect for human rights and fundamental freedoms for all;

Whereas according to the rotation system that governs the selection of the Executive Board of the Commission, 2003 was designated as the year for the Africa Group to chair the Commission, and the Africa Group selected Libya as its candidate;

Whereas South Africa's Democratic Alliance spokeswoman, Dene Smuts, was quoted by the British Broadcasting Corporation as saying that the Government of South Africa's decision to support the election of Libya was an insult to human rights and that African countries ''should have supported a candidate of whom all Africans could be proud'';

Whereas Amnesty International has repeatedly documented that the human rights situation in Libya continues to seriously deteriorate, with systematic occurrences of gross human rights violations, including the extrajudicial execution of government opponents and the routine torture, and occasional resulting death, of political detainees during interrogation;

Whereas Human Rights Watch recently declared that ''[o]ver the past three decades, Libya's human rights record has been appalling'' and that ''Libya has been a closed country for United Nations and nongovernmental human rights investigators'';

Whereas Human Rights Watch further asserted that ''Libya's election poses a real test for the Commission,'' observing that ''[r]epressive governments must not be allowed to hijack the United Nations human rights system'';

Whereas the Lawyers Committee for Human Rights urged that ''the Government of Libya should not be entrusted by the United Nations to lead its international effort to promote human rights around the world'';

Whereas Freedom House declared that ''[a] country [such as Libya] with such a gross record of human rights abuses should not direct the proceedings of the United Nation's main human rights monitoring body'' because it would ''undermine the United Nation's moral authority and send a strong and clear message to fellow rights violators that they are in the clear'';

Whereas on November 13, 2001, a German court convicted a Libyan national for the 1986 bombing of the La Belle disco club in Berlin which killed two United States servicemen, and the court further declared that there was clear evidence of responsibility of the Government of Libya for the bombing;

Whereas Libya was responsible for the December 21, 1988, explosion of Pan American World Airways Flight 103 (''Pan Am Flight 103'') en route from London to New York City that crashed in Lockerbie, Scotland, killing 259 passengers and crew and 11 other people on the ground;

Whereas a French court convicted 6 Libyan government officials in absentia for the bombing of UTA Flight 772 over Niger in 1989;

Whereas, in response to Libya's complicity in international terrorism, United Nations Security Council Resolution 748 of March 31, 1992, imposed an arms and air embargo on Libya and established a United Nations Security Council sanctions committee to address measures against Libya;

Whereas United Nations Security Council Resolution 883 of November 11, 1993, tightened sanctions on Libya, including the freezing of Libyan funds and financial resources in other countries, and banned the provision to Libya of equipment for oil refining and transportation;

Whereas United Nations Security Council Resolution 1192 of August 27, 1998, reaffirmed that the measures set forth in previous resolutions remain in effect and binding on all Member States, and further expressed the intention of the United Nations to consider additional measures if the individuals charged in connection with the bombings of Pan Am Flight 103 and UTA Flight 772 had not promptly arrived or appeared for trial on those charges in accordance with paragraph (8) of that Resolution;

Whereas in January 2001, a three-judge Scottish court sitting in the Netherlands found Libyan Abdel Basset al-Megrahi guilty of the bombing of Pan Am Flight 103, sentenced him to life imprisonment, and said the court accepted evidence that he was a member of Libya's Jamahariya Security Organization, and in March 2002, a five-judge Scottish appeals court sitting in the Netherlands upheld the conviction;

Whereas United Nations Security Council Resolutions 731, 748, 883, and 1192 demanded that the Government of Libya provide appropriate compensation to the families of the victims, accept responsibility for the actions of Libyan officials in the bombing of Pan Am Flight 103, provide a full accounting of its involvement in that terrorist act, and cease all support for terrorism;

Whereas Libya remains on the Department of State's list of state-sponsors of terrorism;

Whereas the United States found the selection of Libya to chair the Commission to be an affront to international human rights efforts and, in particular, to victims of Libya's repression and Libyan-sponsored terrorism, and therefore broke with precedent and called for a recorded vote among Commission members on Libya's chairmanship;

Whereas Canada and one other country joined the United States in voting against Libya, with 17 countries abstaining from the recorded vote among Commission members on Libya's chairmanship of the Commission;

Whereas the common position of the members of the European Union was to abstain from the recorded vote on the selection of Libya as chair of the Commission;