

achievement. He knows the United Nations. He knows the changes that need to be made, and with his prior experience he can work with fellow members of the U.N. and to implement the necessary reforms.

My mother used to tell me when I was a little boy, got in trouble and punished: Son, it is better to be trusted than loved. Frankly, if Mr. Bolton is feared, while not loved, he may do more good than if he is loved and getting along with all. With all the problems illustrated with the United Nations, why would we want to send someone to New York who is more interested in the status quo than with engaging this institution with real reform for its organizations.

Again, I don't know Mr. Bolton personally. His personality is probably much different than my own. But I do know the President has a right to appoint whom he will appoint. Unless something is unearthed that disqualifies him because of his conduct, then all the innuendo, the hearsay, and the charges made against him that are "he said, she said" need to be understood in the long tradition in this town of killing one by 1,000 cuts, simply for political gain.

We owe this country and especially the United Nations, something better than an effort of blood sport in the Senate. Unless something is quickly unearthed about Mr. Bolton, I ask my colleagues to advise and consent on this nomination and to confirm him as quickly as possible because the work of reform at the United Nations is long overdue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I ask unanimous consent—I will not speak that long—to proceed for such time as I may consume.

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

Mr. KERRY. I ask unanimous consent my comments be separated. I will make a few comments about Secretary Bolton and ask that they are separated and appear separately in the RECORD.

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

Mr. KERRY. Mr. President, I will say a few words about Secretary Bolton.

The Senator from Oregon and I are good friends and we have known each other a long time in the Senate and have worked together on a number of issues. As he well knows, the issue that defines the Bolton nomination is not politics. It is not "death by 1,000 cuts." It is an examination of the record of an individual who has been nominated for one of the largest embassies in the world, one of the most important spokesperson jobs in the world, one of the most important diplomatic jobs in the world.

It is vital, in the aftermath of Secretary Powell's testimony to the United Nations—which he now has publicly acknowledged was in error, on the

basis of intelligence that was erroneous—that we send a message to the world about the credibility of that spokesperson and the United States itself. If that spokesperson comes to the job with a background of having interfered with the work of analysts in the State Department in the research and the intelligence research department, or if that person comes to the job with proof that there is, in fact, a retribution system for not providing the intelligence according to what that person wanted—not according to what the intelligence was—that is a problem. It is a serious problem.

If the nominee was not candid with the committee under oath before which he appeared, that is a serious problem. It is not politics. There will be a lot more time to discuss this over the course of the next days. The committee, to its credit, is going to do what is appropriate, which is examine these issues. Every member of the committee is duty-bound and will review that evidence with diligence, an open mind, and honesty. That is all we can ask.

We should not be reducing every question, particularly legitimate questions, to the sense of politics. It is a mistake. It is a mistake for the quality of the government we are trying to provide the American people. It is a mistake with respect to our constitutional obligations when we go up to this desk and raise our hand and swear to uphold the Constitution of the United States.

It is not the first time in American history a nominee has been questioned—Democrat or Republican. It is appropriate to perform that function.

I heard colleagues on the committee say in the beginning, this is only one offense. If there were a pattern, I would be disturbed by this. Lo and behold, in the next day, a pattern appeared, and all of a sudden the "pattern" people disappeared. It was not a question of if there is a pattern, it was now, well, the President has a right to make his choice. Another reason and rationale was found.

I don't even know why we get into such a partisan tizzy about it. The other side of the aisle ought to care as much as we do who is there or who is not there. We have had nominees in the course of time that I have been here who have not been confirmed or who were not confirmable, some of whom were delayed endlessly. I remember what a good friend of mine, Richard Holbrooke, went through in the process of his nomination. Senator Helms had him jumping through hoops for months looking at his financial records and his transactions, none of which occurred in the course of his public business, but, nevertheless, that is what happened. And he patiently went through it. And we patiently worked through it. Ultimately he was confirmed and I think he did an outstanding job for the country as a consequence of that.

So I think it is time to find a different path here.

#### NUCLEAR OPTION

Mr. KERRY. Mr. President, I will speak about the second issue I would like to talk about.

The Republican nuclear option has been discussed endlessly on editorial pages, talk radio, and here in this Chamber. The ongoing debate is about much more than Senate procedure. At its core is a debate, really, about where we are headed in our relationship between each other, Republicans and Democrats, leaders all sworn to uphold the Constitution and with the responsibility to try to lead this Nation in difficult times and find the common ground and build a consensus for our country.

At its core is a debate about how we live out our own democracy in America. Beneath it are questions about how this city, the Nation's Capital, is functioning today, how we relate to each other, how our committees work, how the Senate itself functions. It appears as if we are headed in a direction that ultimately clashes with the real will and needs of the American people. That is what this is really all about.

The fact that we are even talking about this nuclear option is a stark reminder that Washington is not caught up fighting for the broader interests of the American people, that we are not spending most of our time consumed by the things that affect the lives of average Americans—losing their jobs, seeing more expensive health care, watching jobs go overseas, seeing the deficit grow, seeing the trade deficit grow, wondering about the health care system of our Nation, schools where our kids still have teachers who dig into their pockets in order to take out of their not-so-great salaries to put materials in front of those kids so they can study—while we here make other choices.

From the outside looking in, our democracy appears broken to an awful lot of Americans. It certainly seems to be endangered by a one-party rule—not a supermajority, a simple majority—in a very closely divided Nation, a party rule that seems intent on amassing power to be able to effect its will no matter what, often at the expense of the real work and the real needs of the American people.

Now, in recent weeks alone, we have witnessed a really disturbing course of events, probably as disturbing as I have seen in the 22 years I have been privileged to serve here. Republican leaders of Congress, in my judgment—I say this respectfully—are crossing lines I think should not be crossed: the line that says a leader of the House of Representatives should never carelessly threaten or intimidate Federal judges; the line that says the leader of the Senate should never accuse those who disagree with his political tactics of waging a war against people of faith; the line that says respect for core constitutional principles should never be undermined by a political party's agenda; most important of all, the line that

says that a political party's leader should never let the hunger to get done whatever that political agenda is overshadow the needs and the interests of respecting both the Constitution and the will of the American people.

It is, frankly, almost hard to believe that in a Congress where leaders of both parties once worked together to find common ground despite ideological differences, we face this. If Everett Dirksen were here, or Hugh Scott, people I was privileged to meet as a younger American when I was looking at the system, I think they would shudder at this relationship we see today.

Yesterday, when JIM JEFFORDS announced his retirement, I remembered the very different words about a different Washington that JIM captured so eloquently about 4 years ago. He spoke of a political tradition where leaders represented their States first. They spoke their minds, he said, often to the dismay of their party leaders. And they did their best to guide this city in the direction of our fundamental principles.

It is underscored by what happened in the Foreign Relations Committee just the other day. Our distinguished colleague, Senator VOINOVICH, had the courage to think. He had the courage to tap into his own conscience and to respect that tradition of thought and individualism in the Senate. But it was astonishing the reaction of the press, the reaction of the commentators, the reaction of partisans, the reaction of members of his own party, who underscored how rare, how absolutely out of order and how out of the sequence it was for this Senator to individualize his judgment, all of a sudden.

Senator VOINOVICH is now being vilified on talk radio and on the Internet for having the audacity to say that he felt uncomfortable casting a vote without enough information. He did not say he planned to vote against the President's nominee; he said he just wants to make an informed decision on the matter, a matter of great importance. That does not seem very controversial to me. But, oh, boy, are the attack folks out. The daggers are out. Senator VOINOVICH is persona non grata among certain circles.

Senator CHAFEE actually said he had never seen such an act as Senator VOINOVICH's in his 4 years in Washington. What a terrible comment on the way this place works today, that a new Senator has not seen an act of individual conscience where a Senator thinks something through and realizes he is not prepared and wants more information. Before the era of C-SPAN and 24-hour news and 24-hour attack and the World Wide Web, Senators showed the courage and the independence all the time. Senators did not think twice about acting on their conscience ahead of partisanship. And today, it is a statement that Senator VOINOVICH is subject to widespread denigration in partisan circles, when Americans ought to be standing up and

admiring and respecting his independence.

Open your eyes across this country and look at what is happening in the Congress today, and you are quickly reminded that some of those who run this city have chosen to do so in a way that does not seek to find that common ground, that does not try to stay in touch with the mainstream values but pushes a narrower set of priorities.

What does it tell you when an embattled majority leader of the House is willing to go on talk radio and attack a Supreme Court Justice, let alone a Supreme Court Justice appointed by Ronald Reagan, confirmed by a nearly unanimous Senate, a Justice who ruled in favor of President Bush in *Bush v. Gore*? Ronald Reagan's nominee to the highest court in the land cannot even escape TOM DELAY's partisan assaults. Yet here on the floor of the Senate there is no outcry, no moderating Republican voice willing to say this shocking attack has no place in our democracy.

I guess none of this should be a surprise when the majority leader announces what he is going to do on this Sunday. The majority leader plans to headline a religious service devoted to defeating, and I quote, "a filibuster against people of faith."

Mr. President, I resent that. I am a person of faith, and I do not believe we should lose our right to have a filibuster to stop things that we disagree with, according to the rules of the Senate. It has nothing to do with faith. And when the leader of the Senate questions how any Senator applies their faith in opposing procedures of the Senate, we are going too far. You go beyond endangering the rules that protect the cherished rights of the majority and the minority; you wind up challenging the foundation of our democracy and of how this Senate is supposed to work.

Make no mistake, this may be an isolated issue, but the rights of the minority are fundamental to our democracy. Many people have written that the real sign of a democracy is not the rights of the majority. It is the rights of the minority that are, in fact, a signal of a truly strong and vibrant democracy, and diluting those rights is a threat to that vibrancy.

Forces outside the mainstream now seem to effortlessly push Republican leaders toward conduct that the American people do not want in their elected leaders—inserting the Government into our private lives, injecting religion into debates about public policy when it does not apply, jumping through hoops to ingratiate themselves to their party's base—while, step by step and day by day, real problems that keep Americans up at night fall by the wayside here in Washington.

We each have to ask ourselves, Who is going to stop it? Who is going to stand up and say: Are we really going to allow this to continue? Are Republicans in the House going to continue

spending the people's time defending TOM DELAY, or are they going to defend America and defend our democracy?

Will Republican Senators let their silence endorse Senator FRIST's appeal to religious division, or will they put principle ahead of partisanship and refuse to follow him across that line? Will they join in an effort across the aisle to heal the wounds of this institution and begin addressing the countless challenges that face this Nation? It is time to come together to fulfill our fundamental obligations to our soldiers, our military families who have sacrificed so much. It is time to bring down gas prices and to move America toward less dependence on foreign oil. It is time to find common ground to cover the 11 million children in this country who have no health insurance at all. Are we willing to allow Washington to become a place where we can rewrite the ethics rules to protect TOM DELAY but sell out the ethics of the American people by refusing to rewrite a law to provide health care to every child in the country? Are we willing to allow the Senate to fall in line with the majority leader when he invokes faith, all of our faiths over here? JOE LIEBERMAN is a person of faith. HARRY REID is a person of faith. They don't believe we should rewrite the rules of the Senate. And we certainly should not allow this to be an issue of people who believe in the Constitution somehow challenging the faith of others in our Nation.

Are we going to allow the majority leader to invoke faith to rewrite Senate rules to put substandard extremist judges on the bench? Is that where we are now? It is not up to us to tell any one of our colleagues what to believe as a matter of faith.

I can tell you what I do believe though. When you have tens of thousands of innocent souls perished in Darfur, when 11 million children are without health insurance, when our colossal debt subjects our economic future to the whims of Asian bankers, no one can tell me that faith demands all of a sudden that you put the Senate in a position where it is going to pull itself apart over the question of a few judges. No one with those priorities has a right to use faith to intimidate any one of us.

It is time we made it clear that we are not willing to lie down and put this narrow, stubborn agenda ahead of our families, ahead of our Constitution, and ahead of our values. The elected leadership in Washington owes the American people and this institution better than this.

What is at stake is far more than the loss of civility or the sacrifice of bipartisanship. What is at stake is our values, both as a country and an institution, respecting the rights of the minority, separation of church and state, honesty and responsibility.

Every one of us knows there is no real crisis in the confirmation of

judges or judicial nominations, when over 90 percent of the President's nominees have already been confirmed, 205 out of 215 total. What is really at stake is something a lot greater, a struggle between a great political tradition in the United States that seeks common ground so we can do the common good, and a new ethic that on any given issue is prepared to use any means to justify the end of absolute victory over whatever and whoever stands in the way of that ethic; a new view that says if you don't like the facts, just change them; if you can't win playing by the rules, just rewrite them; a new view that says if you can't win a debate on the strength of your argument, demonize your opponents; a new view that says it is OK to ignore the overwhelming public interest as long as you can get away with it. For what? For a so-called nuclear option over a few judges, an option that seeks to put extreme, substandard judges on the bench against the will of the American people.

Is it worth undermining our democracy on behalf of Priscilla Owens, who took contributions from Enron and Halliburton and then ruled in their favor? A conflict? Is it worth this distraction from the people's business to confirm a Charles Pickering who fought against implementing the Voting Rights Act and manipulated the judicial system to reduce the sentence of a convicted cross burner? Is it worth throwing out 200 years of Senate tradition to defend William Myers, Janice Rogers Brown, and Bill Pryor whom numerous members of the impartial American Bar Association deemed unqualified?

The fact that we even have to debate a nuclear option over these judges tells you this is all about power, about victory, about a sort of unchallenged ability to be able to do whatever you want, despite the fact that that is not the way it works here and that is not the way our Founding Fathers intended it to work.

It is time to put Americans back in control of their own lives and put Washington back on their side. That means restoring accountability, accountability for false promises, accountability for failure to address issues that we have promised to address, ranging from energy independence to military families who just lose their benefits when they are called to duty and struggle with their families, accountability for fiscal insanity, for record deficits, for mounting debts. That is the debate we owe the American people, accountability for 45 million Americans who have no health care and middle-class Americans who are one doctor's bill away from bankruptcy, especially the 11 million children who have no health care at all. That is what the American people want us to debate with passion, not the rules of the Senate but the legitimacy and the substance of those choices. That is what we ought to do.

Any Senator who has been here for a period of time has watched the decline

of the quality of the exchange between both sides of the aisle in this institution. That is not what this Senate is renown for. It is called the greatest deliberative body in the world, a place where people on both sides can find the common ground and get good things done.

I think Senator McCain has said publicly: We are not always going to be in the majority.

That has been the course of history here. What goes around comes around. That is part of the respect that has always guided this institution. We need to work harder, all of us, to restore what the American people want and haven't had for too long. That is a Washington that works for them.

I yield the floor.

#### NOMINATION OF JOHN NEGROPONTE

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I come to the floor to talk about my good friend, John Negroponte. I have known him and Diana and their children—Marina, Alejandra, John, George, and Sophia—for quite some time. I think the Nation is very lucky to have a man of the caliber of John Negroponte on deck, so to speak, and willing to take the assignment of being the new Director of National Intelligence. He has had considerable experience as an ambassador.

I remember full well the first time I met him was in Honduras when he was the Ambassador there. We had a rather severe problem, as people will recall; we called them the Contras. But I got to know him fairly well in the time we were down there. When he returned to Washington, I met his wife and was with him and spent time with him on a family basis. I have spent time with him now in his various positions he has had since that time, at the U.N. and in Iraq.

He is a man of great talent and depth. I believe there are many of us—and I am one of them—who had severe questions about the direction we were taking in terms of this new Director of National Intelligence and how it would relate to existing agencies and to the State Department and to the Department of Defense and to the National Security Agency and all others who are involved in intelligence and relate to those in the Congress who have the oversight responsibility for the intelligence function and for the classified areas of the activities of our Nation.

John Negroponte is a man who can do this job. He is a man of great talent. But more than that, he has demonstrated the ability to work with people and various entities, not only here in our country but throughout the world. This new Director of National Intelligence could well become the most important Cabinet position we have in the years to come. John Negroponte is the man to fashion that

office, to determine what it needs in order to function properly at the beginning, and to set the course for this new intelligence agency.

So I am here to urge that the Senate promptly approve this nomination and confirm John Negroponte so he can start on this very important task.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I associate myself with the remarks of the senior Senator from Alaska concerning the qualifications of John Negroponte. Both the Senator from Alaska and I have known him for many years and his service is one of great distinction. I am confident he will receive the endorsement of an overwhelming majority of the Senate.

#### NOMINATION OF JOHN BOLTON

Mr. MCCAIN. Mr. President, I rise to discuss the nomination of John Bolton as ambassador to the United Nations. We all know, somewhat unexpectedly, Mr. Bolton's nomination has been held pending further discussion and consideration by the Foreign Relations Committee.

I want to say I strongly support Mr. Bolton's nomination. He has been confirmed by the Senate four times in the past. He is a smart, experienced, hardworking, and talented man, and he knows the United Nations. He is not a career diplomat, but neither was Jean Kirkpatrick. He is not a career diplomat, either by profession or temperament, but then the role of ambassador to the U.N. has always required something special. A look back at some of the personalities who have held the job—from Adlai Stevenson to Daniel Patrick Moynihan, from Madeleine Albright, to Jean Kirkpatrick, to Richard Holbrooke—shows that directness and forcefulness are assets, not hindrances, to effectiveness there.

We all know Mr. Bolton is perhaps not the world's most beloved manager, nor one to keep his temper entirely under wraps. Perhaps, Mr. President, that evokes a certain sympathy and empathy from this individual, although it is well known that on no occasion have I ever become emotionally involved in anything.

I am sorry about a little levity here.

Seriously, I ask my colleagues is it unique to Mr. Bolton to be strong in his views and opinions? If a temper and an unorthodox management style were disqualifiers from Government service, I would bet a large number of people in Washington would be out of a job.

It is worth wondering not whether Mr. Bolton is a mild, genteel diplomat—we know he is not—but rather whether he is the representative we need at the United Nations. We need an ambassador who truly knows the U.N. We need an ambassador who is willing to shake up an organization that requires serious reform. No one knows better than the Senator from Minnesota, who is in the chair, who has