

The Marshall Plan was a long time ago, but if you bring it up-to-date that would amount to \$115 billion. This is after inflation. The race to the Moon, \$237 billion; the entire Korean war, \$454 billion; the New Deal, \$500 billion; the Vietnam war, \$698 billion; and then 8 years in Iraq, in the liberation of Iraq—people were complaining about how much money it cost—it is less than the \$700 billion we are talking about here.

We cannot put on fast track the remaining \$350 billion in this package. Congress is going to have to actively debate any further funding.

What my legislation does, first of all, if we do not do anything at all, if we sit back and act like everything is fine and wait until the proposal comes to us, then the only thing we can do under the law we passed in October of this past year is to have a resolution of disapproval.

If the leadership, if Senator REID and the leadership decide we should not have a vote on that, I am sure they will have procedural ways to have this kept from having a vote, but even if there is a vote, they would have that control. That doesn't do any good at all. The only way to do it is to pass this bill that says we cannot spend the last \$350 billion until they come forth with a program, we evaluate it, we take our prerogative as given to us in the Constitution and determine whether this is a wise expenditure of these funds.

I hope I will have several others wanting to join S. 64. Who can argue with accountability?

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### NOMINATION OF ERIC HOLDER

Mr. WHITEHOUSE. Mr. President, I rise to speak on President-elect Obama's nomination of Eric Holder to be the Attorney General of the United States. It is nothing new in Washington for it to be said of a nominee that he or she is the best person for a job. That happens all the time. We have all heard it. It will surprise no one in this room or elsewhere in Washington to know it is not always the case. But in this case, for this appointment at this time, I believe it is true. I believe Eric Holder is the best person to be Attorney General of the United States.

It is hard to overstate the significance of the work of the Department of Justice to the American people.

It is hard to overstate how vital it is that the American people have confidence in that Department, from the Attorney General down to the most

junior line attorney. It is hard to overstate the importance of our trust that this great Department makes decisions on the merits, proceeds on the facts and the evidence and the law, and carefully protects itself from political interference.

The Bush administration has compromised the American peoples' faith in their Department of Justice by compromising the integrity of the Department at its highest levels. We need that back.

What we need now is an Attorney General who first, understands the inner workings of the Department so he can set the ship right; second, will be fiercely independent and will make decisions based on the facts and the evidence and the law, not on politics or pressure from the White House; and third, has the temperament and experience to be strong and fair through all of the pressures that mount up on that office. Eric Holder is the best possible person for this difficult job at this difficult time.

We all know Mr. Holder's long and distinguished experience at the Justice Department and within the justice system. He has been a line attorney in the Public Integrity Section, prosecuting corrupt public officials of both parties; he has been a judge nominated by President Ronald Reagan; he has been the Deputy Attorney General, the No. 2 position in the Department; he has been the U.S. attorney for the District of Columbia; and he has been a highly regarded attorney in private practice. One would be hard pressed to find a more experienced candidate. It is no surprise, then, that so many organizations and individuals who work with the criminal justice system every day have endorsed Mr. Holder's nomination, including the National Fraternal Order of Police, the National District Attorneys Association, the National Association of Police Organizations, the International Association of Chiefs of Police, the National Association of Assistant United States Attorneys, the National Center for Victims of Crime, the National Organization for Victim Assistance, and Mothers Against Drunk Driving.

Mr. Holder's experience is unquestionable, but it is not only experience that makes him the right person for this uniquely challenging post. I know Eric Holder. When I was a U.S. attorney, he was my colleague, as the U.S. attorney for the District of Columbia, and then my boss when he became Deputy Attorney General. I have great personal confidence in him. In our work at the Department, the U.S. attorneys saw firsthand in Eric, over and over, the qualities of temperament, intelligence, judgment, and independence that are essential for an Attorney General and especially for an Attorney General who takes office during a time when the Department is in distress.

As I know Eric Holder, so also do I know the damage and destruction that was wrought by the Bush administra-

tion on our Department of Justice. In the Judiciary Committee, under the distinguished leadership of Chairman Patrick Leahy, we worked hard to find out what has been done there and to bring it to light. My colleagues, Senator SCHUMER of New York and Senator FEINSTEIN of California, deserve particular credit in that struggle.

Because I had worked in the Department, I was familiar with many of the institutions, the traditions and the practices of the Department that have been cast aside or ignored. The result? The result was a damaged institution, its reputation compromised, its integrity challenged, and its morale sadly diminished. Now, more than anything else, someone needs to put that right. Eric Holder has the knowledge, the experience, and the character to do that.

I have listened with a great deal of interest to some of the things that have been said in this Chamber about Eric Holder and his character. Indeed, there has been a not-so-subtle effort to question whether Mr. Holder is sufficiently independent of political influence to serve this Nation as our Attorney General. I cannot speak to the motivations behind this effort, but I can say this: Eric Holder is a man who spent 12 years as a line prosecutor prosecuting corrupt politicians of both parties. He is a man who was sufficiently politically independent for President Ronald Reagan to nominate him as a judge. This is a man who, as U.S. attorney for the District of Columbia, indicted and convicted Dan Rostenkowski, the Democratic chairman of the Ways and Means Committee, one of the most powerful men in Washington. This is a man who recommended to Attorney General Janet Reno that she appoint an Independent Counsel to investigate President Clinton's Secretary of the Interior, Bruce Babbitt. This is a man who advised Attorney General Reno to expand the scope of the investigation by Kenneth Starr into the Monica Lewinsky affair investigation.

It is not just me with this confidence in Eric Holder and in his independence, his character, his judgment, and his temperament. Let me read what former Attorney General William Barr, former Deputy Attorney General James Comey, and former Federal Bureau of Investigation Director Louis Freeh have said about him.

In a letter to Chairman LEAHY and Ranking Member SPECTER, Mr. Comey wrote this:

From my professional and personal association with Mr. Holder, I believe him to be a man of strong character, and first-class ability. I think he has the institutional knowledge, humility, and integrity to be a fine Attorney General.

My colleagues will remember that James Comey was the Deputy Attorney General for Attorney General Ashcroft. He was the Acting Attorney General at the time of that sickening raid by the White House Chief of Staff and White House Counsel Alberto Gonzales at the

hospital bedside of stricken Attorney General Ashcroft. He is the man who stood up against the warrantless wire-tapping program and stopped it until it was brought right. He is the center, by all accounts, of what would have been essentially the resignation of the attorneys at the top of the Department of Justice if the White House had not blinked and backed down. This is a man who knows something about independence and integrity, and he vouches for Eric Holder.

Louis Freeh, who was the Director of the Federal Bureau of Investigation, wrote this:

I am certain that Eric has the highest legal competence, total integrity, leadership, and, most importantly, the political independence to discharge faithfully the immense trust this Nation reposes in its Attorney General . . . In all of Eric's interactions with me as FBI Director, as well as in his close coordination with my Deputy and other Assistant Directors who also had extensive and sometimes daily contact with him, Eric always displayed total integrity, courageous leadership, complete fairness, and, once again and most importantly, political independence.

Former Attorney General Bill Barr, former Deputy Attorney General George Terwilliger, and others wrote that:

Mr. Holder's 30-year professional career has consistently been characterized by unflinching integrity and a commitment to political independence . . . Eric Holder is the right man at the right time to protect our citizens in the critical years ahead.

There is a powerful record behind Eric Holder of political independence. The measure of independence is not whether you decide against the President or your party on every question, every time; the measure is whether you decide against the President or your party when the facts and the law direct it. In my view, Eric Holder has met that standard. And in the view of Republican Attorney General and Deputy Attorney Generals and people who have served with distinction and know him well, they agree he has fully met that standard.

I take the Senate's role in the confirmation process very seriously. I believe the Judiciary Committee must and, under the leadership of Chairman LEAHY, will closely examine Mr. Holder's record and his qualifications. It is our duty. At the end of that process, I believe the majority of colleagues will agree with me and with so many others that Eric Holder is the right person at the right time to restore our Department of Justice to its rightful standing as the defender of what is good and what is honorable and what is true in our Nation.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, it is my understanding we are in morning business.

The ACTING PRESIDENT pro tempore. We are.

#### NOMINATION OF ERIC HOLDER

Mr. DURBIN. Mr. President, last month, President-elect Obama designated Eric Holder to be the next Attorney General of the United States. When President-elect Obama made this choice, there was virtual universal praise from both sides of the aisle.

Republican ORRIN HATCH of Utah, the former chair of the Senate Judiciary Committee, said Eric Holder was "an excellent choice," in his words, and that "I intend to support him." My colleague, Senator JEFF SESSIONS of Alabama, said, "I think his instincts on law and order are good" and that he was "disposed to support" Eric Holder. Senator TOM COBURN of Oklahoma said: "I think it's a good choice."

It is not hard to see why the initial response to Eric Holder's selection was so positive. After all, Mr. Holder had been confirmed unanimously by the Senate in 1997 for the position of Deputy Attorney General.

As the No. 2 person at the Justice Department, Mr. Holder supported broadening the authority of independent counsel Ken Starr, a difficult decision that was criticized by many Democrats. Mr. Starr's investigation led to the impeachment of President Clinton. And Mr. Holder recommended the appointment of a special prosecutor to investigate Interior Secretary Bruce Babbitt, a member of President Clinton's Cabinet.

Earlier in his career, Eric Holder had been appointed by President Ronald Reagan to serve as a judge. He was later appointed by President Clinton to be the U.S. attorney in Washington, DC. In that position, he earned a reputation for independence. He prosecuted public officials of both political parties during the 12 years he served as a career prosecutor in the Justice Department's Public Integrity Section.

So it is no wonder Mr. Holder's nomination to serve as Attorney General was met initially with strong bipartisan praise.

Unfortunately, some Senators are now questioning the character of Eric Holder. What has happened? Why the change? Why the initial positive reaction of a man who has served as a prosecutor, as a judge, as the No. 2 man in the Department of Justice, someone who has faced thousands of decisions, a person who was first appointed under a Republican President, then a Democratic President? Why this change?

Well, it is attributable in part to someone who has surfaced again on the American political scene and has been very vocal in his criticism of Eric Holder. That person is Karl Rove. I am

sure we all recall Karl Rove. He used to be President Bush's top political strategist. Today he works as a high-priced political consultant.

In a TV interview last month, Mr. Rove called Eric Holder "the one controversial nominee" among President-elect Obama's Cabinet choices. A Washington Post reporter who had been covering the Holder nomination said in an interview:

Word on the street is that Karl Rove is going to be helping lead the fight against Eric Holder when his nomination for Attorney General heads up to the Senate.

That is unfortunate. I am confident, however, that at the end of the day, when Eric Holder comes before the Senate Judiciary Committee this week for his nomination hearing, he will answer the questions directly and show the Senate and the American people that he is an excellent choice to be our next Attorney General.

I met with Eric Holder in my office last month. I had similar meetings with President Bush's Attorney General nominees: Michael Mukasey, Alberto Gonzales, and John Ashcroft.

In my meetings with all four of these nominees, I asked each of them about their views on issues that were central to the mission of the Department of Justice. I asked them about a variety of different issues: human rights, civil rights, civil liberties, national security, and access to justice. I tried to take the measure of each man, and to gain a sense of whether they would have the independence and integrity for the job.

In my opinion, Eric Holder stood head and shoulders above the others. Let's take one example, but a critically important example, the issue of torture.

The late historian Arthur Schlesinger, Jr., said this about the torture policy of the Bush administration:

No position taken has done more damage to the American reputation in the world—ever.

Historian Schlesinger, of course, has written about the American history of the 19th and 20th centuries, and I think he understood as much if not more than others that some of the graphic scenes and details of torture under the Bush administration have created, unfortunately, sad memories among people across the world.

Sadly, that policy of torture was aided and abetted by the last two Attorneys General. Instead of defending the rule of law, the Bush administration's Justice Department set aside our treaty obligations and redefined torture with evasive words and with a wink and a nod.

During his confirmation hearings, Gonzales told me it was legally permissible for the United States of America to subject detainees to cruel, inhuman, and degrading treatment. But cruel, inhuman, and degrading treatment are clearly prohibited by the Torture Convention, a treaty we ratified and are bound to obey.