

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

NOMINATION OF ERIC H. HOLDER, JR., TO BE ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The assistant legislative clerk read the nomination of Eric H. Holder, Jr., of the District of Columbia, to be Attorney General.

The PRESIDING OFFICER. Under the previous order, there will be 3 hours of debate equally divided and controlled between the Senator from Vermont and the Senator from Pennsylvania or their designees.

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I thank the distinguished Presiding Officer and appreciate her being here. We are starting a minute or so late. It is my fault. When I saw my friend from Pennsylvania, the distinguished ranking member, come out, we had to have some discussion of last night's Super Bowl game. It was one of the most spectacular ones. He feels even more spectacular than Senators from some other States—any other State—because his State won.

I think it is also a spectacular day because the Senate is considering President Obama's historic nomination of Eric Holder to be Attorney General of the United States.

The Judiciary Committee voted last week to report Mr. Holder's nomination to the Senate for consideration. That strong, bipartisan 17 to 2 vote in favor was a statement that members from both sides of the aisle recognize that Mr. Holder has the character, integrity and independence to be Attorney General. It is a statement that we all want to restore the integrity and competence of the Justice Department and to restore another critical component—the American people's confidence in Federal law enforcement. The broad support Mr. Holder's nomination has from law enforcement, from advocates for crime victims, from civil rights organizations and from across the political spectrum comes as no surprise to those of us that have known of Eric Holder during his decades of dedicated public service.

After more than 2 months of scrutiny and consideration, I was pleased to see Mr. Holder's nomination gain the support of such a large majority from the Judiciary Committee. I thank all the

Democratic members for their thorough consideration of this nomination. In particular, I thank our newly assigned members for following the hearings and participating in our deliberations without missing a step. I thank the Republican members, as well. I had said that Senators could vote for or against the nomination and two Senators determined to vote no, as is their right. With respect to the six Republican members who ended up supporting the nomination, I note that Senator HATCH, a former chairman of the Judiciary Committee, did so early on. Then, in the last days the ranking Republican member of the committee, another former committee chairman, as well as Senator GRASSLEY, Senator SESSIONS, a former U.S. attorney and State attorney general, Senator KYL, the Republican whip, and Senator GRAHAM came to support the Holder nomination. In my three and a half decades in the Senate, I have never seen a nominee as qualified as Eric Holder to serve as the Nation's top law enforcement officer.

The need for new leadership at the Department of Justice is as critical today as it has ever been. Over the last few years, political manipulation from the White House has undercut the Justice Department in its mission, and shaken public confidence in our Federal justice system.

The Judiciary Committee expended a good deal of effort over the last 2 years to uncover scandals at the Department of Justice. Former Attorney General Gonzales and virtually every top-ranking Department official resigned during our inquiry. Likewise, Karl Rove and his White House political deputies resigned.

Before the November election, I co-authored an article with our ranking Republican member. We wrote that the next 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." I have every confidence that Eric Holder is such a person.

Mr. Holder's designation was greeted with delight by the career professionals at the Justice Department because they know him well. They know he is the right person to restore the Department. They know him from his 12 years at the Public Integrity Section, from his time as the U.S. attorney for the District of Columbia, from his tenure on the bench, and from his years as the Deputy Attorney General, the second-highest ranking official at the Department. His confirmation will do a great deal to restore morale and purpose throughout the Department.

It is important that the Department also have the rest of its senior leadership in place without delay. This week, we will hold a hearing for the Deputy

Attorney General nominee, and I will soon notice hearings for the other members of the Justice Department leadership team.

I wished we could have moved even more quickly to put the new leadership in place at the Department at a time when we face serious challenges and threats. When President Bush nominated Michael Mukasey in 2007 to the Attorney General's seat vacated by the resignation of Alberto Gonzales, Senator JON KYL said:

Since the Carter administration, attorney general nominees have been confirmed, on average, in approximately three weeks, with some being confirmed even more quickly. The Senate should immediately move to consider Judge Mukasey's nomination and ensure he is confirmed before Congress recesses for Columbus Day.

Well, it has been more than twice that long since Mr. Holder's designation and three times that long since reports of his impending nomination. Our consideration was delayed because I accommodated requests from the ranking Republican member and committee Republicans and postponed the hearing until January 15 and then they postponed consideration another week through procedural objections.

Mr. Holder spent more than nine hours testifying before the Judiciary Committee at his hearing 2½ weeks ago, answering every question any member of the Judiciary Committee, Republicans and Democrats, chose to ask him. All Senators were accorded such time as they needed in three extended rounds of questioning to ask whatever they chose.

Despite that extended hearing and a second day of hearings with public witnesses that I convened at the request of our Republican members, in the week after the hearings 12 Senators sent Mr. Holder 125 pages of extensive follow up questions. He has answered these questions—more than 400 of them—as well.

I asked for the cooperation of all members to debate and vote on Mr. Holder's nomination on the day after the President's inauguration but instead, as is his right, the ranking Republican member held over the nomination for another week. I was, as I said, extremely disappointed. I did not schedule that markup until I had consulted with the Senator from Pennsylvania first. Indeed, he had assured me that he would not hold the matter over. Yet he joined with the Republican members of this committee in a unanimous request to hold over the nomination. Senator MCCAIN was right last week when he said about the President's Cabinet nominations:

We shouldn't delay. . . . We had an election, and we also had a remarkable and historic [inauguration], and this nation has come together as it has not for some time."

He concluded that he understood that "the message that the American people are sending us now is they want us to work together and get to work."

Regrettably the Republican members of the Judiciary Committee did not

hear or act on that message 2 weeks ago. I am glad that they changed course last week and that so many of them have come to support the nomination.

Yet even after receiving strong bipartisan support in the committee, a handful of Senate Republicans chose to delay yet again confirming this well-qualified nominee to his vital post. We could and should have debated Mr. Holder's nomination and confirmed him last week, but some Senators on the other side of the aisle seem unable to resist continuing their partisan tactics of obstruction and delay.

President Obama in his inaugural address spoke about the real challenges facing the country and the American people. He urged that we all work for the common good and "proclaim an end to the petty grievances" and "re-criminations" and that we "set aside childish things."

President Obama is right. There is work to be done. There are real threats. There are abuses to be undone and rights that need to be restored. We need to get on with the task of remaking America.

Eric Holder is a good man, a decent man, a public servant committed to the rule of law. He will be a good Attorney General. Republicans know this. They heard from him at his hearing. They have heard the endorsements of former FBI Director Louis Freeh, President Bush's homeland security adviser Fran Townsend, Senator WARNER of Virginia, Senator HATCH, Senator MARTINEZ, and the many Reagan and Bush administration officials who have endorsed his nomination. They have seen the endorsements from the National Association of Police Organizations, the Fraternal Order of Police and the entire law enforcement community.

I would like to put into the RECORD a list of the more than 130 law enforcement and criminal justice organizations, civil rights organizations, victims' advocates, legal practitioners, bar associations, and current and former public officials that support Senate confirmation of Mr. Holder's nomination. These letters from nearly every part of the political spectrum are in the committee's hearing record and available for any Senator to read.

Judge Louis Freeh, a former Director of the Federal Bureau of Investigation who testified before the committee in support of Mr. Holder, said that Mr. Holder "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." Judge Freeh was "honored to give him my very highest personal and professional recommendation." Former Attorney General William Barr and nine Republican lawyers and former officials wrote to the committee in support of Mr. Holder's nomination. They noted "that not only is Eric superbly qualified to be At-

torney General, but he is truly a good man." They further urged "his rapid confirmation as our next Attorney General of the United States." James Comey, the Deputy Attorney General under President George W. Bush and before that prosecutor in charge of the Marc Rich case and the criminal investigation into the Marc Rich pardon, described Mr. Holder as "a smart, decent, humble man, who knows and loves the Department and has demonstrated his commitment to the rule of law across an entire career," and urged his confirmation.

The endorsement from the Leadership Conference on Civil Rights and a number of civil rights organizations expressed "strong support for the historic nomination of Eric Holder to the position of Attorney General of the United States," citing Holder as "among the most qualified nominees for Attorney General in the last fifty years and . . . uniquely suited to lead the Department at this moment in time." The endorsement noted that: "The nation urgently needs an Attorney General dedicated to restoring the independence and integrity of the Department, with an unquestionable commitment to the Constitution and the rule of law. Eric Holder is the right person for this job."

Nearly every major law enforcement organization has expressed support for Mr. Holder, including the National Association of Police Organizations, NAPO, and the Fraternal Order of Police, FOP. The National Sheriffs' Association highlighted Mr. Holder's "outstanding record of public service in his role as a federal prosecutor, a trial judge, the United States Attorney for the District of Columbia and the Deputy Attorney General for the Department of Justice." The National Troopers Coalition urged Mr. Holder's "speedy confirmation to the office of Attorney General" and wrote that he "presents a distinguished career as a prosecutor, Superior Court Justice and Deputy Attorney General. This unmatched experience will prove to be invaluable in directing our law enforcement efforts at this difficult time in history."

Chuck Canterbury, the national president of the FOP, testified in support of Mr. Holder's nomination, saying that Mr. Holder is "not only well qualified but possessing in excess the requisite character, knowledge, and skills to do this job and be an extremely effective leader for the Department."

Fran Townsend, President Bush's homeland security adviser, also testified and said:

I am not here because I believe that, if confirmed as Attorney General, Eric Holder will decide legal issues necessarily in the same way that I would. On the contrary, I expect that there would often be times where this is not the case. I am here because I believe Eric is competent, capable, and a fair-minded lawyer who will not hesitate to uphold and defend the laws and the Constitution of the United States.

Ms. Townsend also pointed to the dangers of delay in confirming Mr.

Holder as Attorney General. She testified:

The Attorney General position must be filled quickly. We remain a nation at war and a nation that faces the continuous threat of terrorist attack. We cannot afford for the Attorney General position to sit vacant or for there to be a needlessly protracted period where the leadership of the department is in question.

I do not know why Republican Senators who supported the confirmation of Alberto Gonzales without any reservation slowed the consideration of the nomination of Eric Holder. He meets and exceeds any fair standard for confirmation. And at this time in our history, with the challenges we face, we need to move forward and confirm the new Attorney General and the leadership team at the Justice Department.

Mr. Holder has demonstrated that he is committed to restoring the rule of law, and, as President Obama said, "to reject as false the choice between our safety and our ideals." I am more convinced than ever that Eric Holder is a person who will reinvigorate the Department of Justice and serve ably as a key member of the President's national security team. He will pursue the Justice Department's vital missions with skill, integrity, independence and a commitment to the rule of law.

I remember when the senior Senator from Pennsylvania took the occasion of the confirmation hearing for John Ashcroft to be Attorney General to apologize to Judge Ronnie White of Missouri for the manner in which his nomination to the Federal court had been rejected in a party-line vote of Senate Republicans.

I remember when the senior Senator from Utah and I had to labor for weeks to overcome the anonymous Republican hold on the Senate floor of Mr. Holder's nomination to be the Deputy Attorney General in 1997. Regrettably, after celebrating the Martin Luther King Jr. holiday and the inauguration of Barack Obama as the 44th President of the United States, the Judiciary Committee treated Mr. Holder's nomination to be Attorney General to the tactics of the past—more delay, more obstruction, more partisan muscle flexing. I am pleased that this week those who sought to delay and were considering opposing had second thoughts. Perhaps the unifying spirit of President Obama's inauguration had a delayed effect, perhaps it was the overwhelming support for the nomination, perhaps it was the qualities and qualifications of the nominee himself. Whatever the reason, I am glad to see so many Senators heed President Obama's call and perhaps heard the echo of President Lincoln's first inaugural address and were "touched . . . by the better angels of [their] nature."

I questioned Mr. Holder at his hearing and he gave his commitment to respect the second amendment right to bear arms as an individual right guaranteed by our Bill of Rights. I asked him to work with me on a media shield

law, and he said that he would do so. I asked him about revitalizing the Freedom of Information Act, and he was agreeable. President Obama took action on that score in his first full day in office, and once confirmed, Attorney General Holder can bring that policy to fruition so that the Federal Government is more open to the American people.

I asked about anticrime initiatives, strengthening the Violence Against Women Act and defending the Voting Rights Act. On all these matters he was straightforward and supportive. I look forward to working with him to provide greater Federal assistance to State and local law enforcement and to aggressively target fraud and public corruption. He said that his priorities will be the safety and security of the American people and reinvigorating the traditional work of the Justice Department in protecting the rights of Americans.

Mr. Holder has had a long and distinguished career in public service. His willingness to leave a lucrative private law practice and forego extensive earnings in order to return to public service at a time when judges are leaving the Federal bench because of their salary constraints, is commendable.

We need an Attorney General, as Robert H. Jackson said 68 years ago, "who serves the law and not factional purposes, and who approaches his task with humility." That is the kind of man Eric Holder is, the kind of prosecutor Eric Holder always was, the kind of Attorney General he will be, and the kind of family person he is. I met his wife and his family and his wonderful children, and they show what a person he is. The next Attorney General will understand our moral and legal obligation to protect the fundamental rights of all Americans and to respect the human rights of all people.

It is important that the Justice Department have its senior leadership in place without delay. The Attorney General is the top law enforcement officer in the country and a key member of the national security team. With the Bush administration having devoted billions to bailouts in the last few months, we need to ensure that those resources are not diverted by fraud or deceit. We need the Justice Department to be at its best.

The responsibilities of the Attorney General of the United States are too important to have had this appointment delayed by partisan bickering. We have known and worked with Mr. Holder for more than 20 years. He has been nominated by a Republican President and by a Democratic President and confirmed three times by the Senate to important positions over the last 20 years. His record of public service, his integrity, his experience and his commitment to the rule of law merit our respect and deserve our support.

Republicans over the last months sought to make comparisons to other

confirmation hearings at other times, and even to those for lifetime appointments to the Supreme Court. These comparisons are inappropriate. For example, the circumstances of the Ashcroft nomination were very different. The country at that time was deeply divided, and those divisions had been inflamed by the manner by which the Supreme Court had intervened to stop the counting of ballots in Florida and decide the outcome. Just before Christmas, President-elect Bush had further accentuated the divide by his polarizing designation of John Ashcroft to be Attorney General. By contrast, we have just experienced the historic election of Barack Obama. President Obama has made numerous efforts already to be inclusive and to reach across the political aisle.

His selection of Eric Holder 2 months ago was greeted by nearly universal acclaim. The domestic and economic challenges to our country in recent years have been the most serious since the Great Depression. In recognition of those circumstances, Democrats expedited consideration of President Bush's nomination of Michael Mukasey to be Attorney General. Democrats scheduled a hearing quickly and did not hold the nomination over when it was scheduled for consideration. Those of us who were troubled by his unwillingness to acknowledge that waterboarding is torture voted no, but we were not dilatory. We did not play partisan political games.

My fundamental concern with President Bush's nomination of his White House counsel Alberto Gonzales was that he would not be independent of the White House. I did not oppose that nomination in a kneejerk, partisan reflex. Indeed, I initially hoped that he would be an improvement over the Ashcroft years. I met with Mr. Gonzales, raised the issue in my initial statement at his confirmation hearings and gave him opportunity after opportunity to demonstrate that he understood the role of the Attorney General. He did not. Ultimately I opposed that nomination. History proved me right. At the time, not a single Republican Senator was concerned. They all voted in favor of the Gonzales nomination. If that nomination met their standard for consideration, all of them must support Mr. Holder's nomination.

Unlike Mr. Gonzales, Eric Holder understands the responsibilities of the Attorney General of the United States, and the need to uphold the law and act in the interests of the American people, and not just the President. Unlike Mr. Ashcroft, he admitted past errors and has learned from his mistakes. Unlike Judge Mukasey, he recognizes that waterboarding is torture and that the legal opinions of the Bush era need to be reviewed and revised where they are found to be wrong. If an American were waterboarded by some government or terrorist anywhere in the world, it would be torture and illegal. It would not "depend on the circumstances" as

the Bush Attorneys General maintained.

I recall the incident that Jane Mayer wrote about in her book "The Dark Side." During a meeting of top White House officials like Vice President Cheney, National Security Adviser Rice, the CIA Director and the Attorney General, in which they were hearing the details of what the Bush administration liked to call "enhanced interrogation techniques," Attorney General Ashcroft is quoted as warning: "History will not judge us kindly."

The Senate should proceed to confirm President Obama's nomination of Eric Holder without further delay. We must have leadership in place at the Justice Department to begin the vital work that must be done to carry out the Executive orders signed by President Obama last week that will finally put an end some of the Bush administration's most damaging national security policies. These orders call for the Attorney General to coordinate comprehensive interagency reviews of the Guantanamo Bay Detention Facility by the State Department, Director of National Intelligence, Homeland Security Department and Joint Chiefs of Staff and to chair task forces with the DNI and Department of Defense reviewing interrogation and detention policies. We need Mr. Holder in place as Attorney General to carry out these orders and put the government's detainee policies on a solid legal footing for the first time in many years.

I do not want another Attorney General who sits in the room while others in our Government approve the secret wiretapping of Americans in violation of our laws, or approve torture.

I want an Attorney General who stands up for the rule of law and our long-cherished American values. I believe Eric Holder will be that kind of Attorney General.

The rationales for holding up and opposing this nomination have shifted over time, since Karl Rove called for partisan opposition. Now it seems that some Republican Senators want the Nation's chief prosecutor to agree that he will turn a blind eye to possible lawbreaking before investigating whether it occurred. Senator WHITEHOUSE is quite right that what Senator CORNYN and others are now asking for is a pledge no prosecutor should give. No Senator should demand such a bargain for his vote. Senators can vote in favor or they can ignore the needs of the country and the qualifications of the nominee and vote against, but no one should be seeking to trade a vote for such a pledge.

When he designated Mr. Holder, President Obama said:

The Attorney General serves the American people. And I have every expectation that Eric will protect our people, uphold the public trust, and adhere to our Constitution.

I have no doubt that Mr. Holder understands the serious responsibilities of the Attorney General of the United

States and that his experience and integrity will serve him and the American people well.

Madam President, I ask unanimous consent to have the list of 130 supporters of the nomination of Eric Holder that I mentioned earlier printed in the RECORD.

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

LETTERS OF SUPPORT FOR THE NOMINATION OF ERIC HOLDER TO BE ATTORNEY GENERAL OF THE UNITED STATES

CURRENT & FORMER PUBLIC OFFICIALS

Asa Hutchinson, former U.S. Attorney, Republican Congressman, Undersecretary for Homeland Security in Bush Administration; Bob Barr, Former Congressman; Carla Hills, former Assistant Attorney General, Civil Division, former U.S. Trade Representative; Carol Lamm, former President of the District of Columbia Bar; Charles La Bella, former US Attorney; Chris Wray, former Assistant Attorney General, Criminal Division; Dan Bryant, former Assistant Attorney General, Office of Legal Policy and Office of Legislative Affairs; Congressional Black Caucus; Craig S. Morford, former Acting Deputy Attorney General.

GOP Lawyers: William P. Barr, Former Attorney General; Joseph E. diGenova, Former United States Attorney for the District of Columbia; Manus M. Cooney, Former Chief Counsel, Senate Judiciary Committee; Stuart M. Gerson, Former Acting Attorney General, Former Assistant Attorney General; Makan Delrahim, Former Staff Director, Senate Judiciary Committee and Former Deputy Assistant Attorney General; Michael J. Madigan, Former Federal Prosecutor and Chief Counsel, Senate Special Investigations, Committee on Government Affairs; Michael O'Neill, Former Chief Counsel/Staff Director, Senate Judiciary Committee and Former Commissioner, United States Sentencing Commission; Victoria Toensing, Former Deputy Assistant Attorney General and Former Chief Counsel, Senate Intelligence Committee; George J. Terwilliger, III, Former United States Attorney for the District of Vermont and Former Deputy Attorney General; Charles R. Work, Former Federal Prosecutor and Former President, District of Columbia Bar.

James B. Comey, former Deputy Attorney General; John P. Sarcone, Polk County Attorney, Iowa; Karen Tandy, former Administrator, Drug Enforcement Administration; Larry D. Thompson, former Deputy Attorney General; Louis J. Freeh, Judge and Former FBI Director; Paul McNulty, former Deputy Attorney General, former U.S. Attorney; Sheila Jackson-Lee, Congresswoman, Eighth District, Texas.

State Attorneys General: Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, Oklahoma, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, Wyoming.

Theodore B. Olsen, former Solicitor General and Assistant Attorney General, Office of Legal Counsel; United States Conference of Mayors; Luis G. Fortuño, Governor of Puerto Rico; Kenneth L. Wainstein, former Assistant to the President for Homeland Security and Counterterrorism.

LAW ENFORCEMENT & CRIMINAL JUSTICE ORGANIZATIONS

American Probation and Parole Association; Federal Law Enforcement Officers As-

sociation; Fraternal Order of Police; International Association of Chiefs of Police; International Union of Police Associations; Major Cities Chiefs Association; National Association of Assistant U.S. Attorneys; National Association of Blacks in Criminal Justice; National Association of Drug Court Professionals; National Association of Attorneys General; National Association of Police Organizations (NAPO); National Black Prosecutors Association; National Crime Prevention Council; National Criminal Justice Association; National District Attorneys Association; National Law Enforcement Officers Memorial Fund, Inc.; National Narcotics Officers' Associations' Coalition; National Organization of Black Law Enforcement Executives; National Sheriffs Association; National Troopers Coalition; Police Executive Research Forum.

VICTIMS' ADVOCATES

Anne Seymour, National Crime Victim Advocate; Appriss; Brady Campaign to Prevent Gun Violence; Dan Levey, National President of Parents of Murdered Children, Inc (POMC), Advisor for Victims to Arizona Governor Janet Napolitano; Illinois Victims; International Organization for Victim Assistance; Justice Solutions, NPO; Maryland Crime Victims' Resource Center, Inc.; Mothers Against Drunk Driving (MADD); National Center for Missing and Exploited Children; National Center for Victims of Crime; National Crime Victims Research & Treatment Center; National Leadership Council for Crime Victim Justice; National Network to End Domestic Violence; National Network to End Violence Against Immigrant Women; National Organization for Victim Assistance; National Organization of Victims of "Juvenile Lifers"; Partnership for Safety and Justice; Security on Campus; Sharon J. English, Homicide Victim Survivor, Crime Victim Services Advocate.

CIVIL RIGHTS ORGANIZATIONS

American-Arab Anti-Discrimination Committee; Anti-Defamation League; Asian American Justice Center; Center for Neighborhood Enterprise; Leadership Conference on Civil Rights, December 18, 2008 (signatories: Leadership Conference on Civil Rights, Alliance for Justice, American Federation of Labor and Congress of Industrial Organizations, Americans for Democratic Action, Inc., Asian American Justice Center, Center for Inquiry, Feminist Majority, Human Rights Campaign, The Judge David L. Bazelon Center for Mental Health Law, Lawyers' Committee for Civil Rights Under Law, National Abortion Federation, National Association for the Advancement of Colored People, NAACP Legal Defense & Education Fund, Inc., National Council of Jewish Women, National Council of La Raza, National Fair Housing Alliance, National Health Law Program, National Partnership for Women & Families, National Organization for Women, National Urban League, People for the American Way, Planned Parenthood Federation of America).

Leadership Conference of Civil Rights, January 14, 2009 (additional signatories: A Network for Ideas & Action; American Federation of State, County and Municipal Employees; American-Arab Anti-Discrimination Committee; Americans United for Change; Association of Community Organizations for Reform Now; Campaign for America's Future; Center for Community Change; Center for the Study of Hate & Extremism; Coalition of Labor Union Women; Coalition of Human Needs; Common Cause; Communications Workers of America; DC Vote; Family Equality Council; GLSEN—The Gay, Lesbian and Straight Education Network; International Union, United Automobile, Aerospace, & Agricultural Implementation Work-

ers of America; League of United Latin American Citizens; Mexican American Legal Defense and Educational Fund.

National Asian Pacific American Bar Association; National Association of Human Rights Workers; National Black Justice Coalition; National Center for Lesbian Rights; National Center for Transgender Equality; National Coalition for Asian Pacific American Community Development; National Council of Negro Women; National Education Association; National Employment Lawyers Association; National Gay and Lesbian Task Force Action Fund; National Network to End Domestic Violence; National Women's Law Center; Parents, Families and Friends of Lesbians and Gays National; Progressive Future; Service Employees International Union; Sikh American Legal Defense and Education Fund; U.S. Public Interest Research Group; Unitarian Universalist Service Committee; United Food and Commercial Workers International Union; USAction; Wider Opportunities for Women; Women Employed).

Leadership Conference of Civil Rights, January 14, 2009 (signatories: Wade Henderson and Nancy Zirkin); Mexican American Legal Defense and Educational Fund; National Association for the Advancement of Colored People (NAACP); National Women's Law Center; People for the American Way; Southern Poverty Law Center; National Council of Asian Pacific Americans.

OTHER SUPPORTERS

African-American Partners at Covington & Burling, LLP; Thomas S. Williamson, Jr., Michael St. Patrick Baxter, Catherine J. Dargan, Jennifer A. Johnson, Lisa Peets, Loretta Shaw-Lorelle.

Boys and Girls Clubs of America; City of Mendota California; Hispanic National Bar Association; John Walsh, Host of America's Most Wanted; Mario Thomas Gaboury, J.D., Ph.D., Professor and Chair of Criminal Justice, University of New Haven, Ct.; National Bar Association; Partners of Color in Washington, D.C. Firms; Samuel M. Aguayo, M.D., Staff Physician at the Atlanta Veterans Affairs Medical Center; Young Lawyers Section of the Bar Association of the District of Columbia; Washington Bar Association; Wesley S. Williams, Jr., former Partner, Covington & Burling, LLP; Karen Hastie Williams; retired Partner, Crowell & Moring, LLP; Stanley V. Campbell, Jr., CEO of Business Intel Solutions.

Mr. LEAHY. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I begin today as I began my opening statement on the confirmation hearing of Mr. Holder as Attorney General-designate. I begin today with the statement that I wish to be helpful to President Obama in his new administration and to reach across in a bipartisan fashion to help the President restructure the Department of Justice. In so doing, the beginning point of reference is the Constitution, which places upon the Senate the responsibility to confirm. That involves, under the principles of checks and balances, inquiry into the nominee, which has been undertaken in the Judiciary Committee.

There is a sharp distinction between the Attorney General and other Cabinet officers. Other Cabinet officers carry out the President's programs and his policies. But the Attorney General has an independent responsibility to

the people to uphold the rule of law. That is a very important quality. We have seen, historically, some Attorneys General who have succeeded admirably in that responsibility. Elliot Richardson, for example, refused to fire Archibald Cox at the direction of President Nixon on the infamous Saturday Night Massacre. Richardson himself resigned. Griffin Bell, Attorney General for President Carter, stood up to the President, who wanted him to initiate a certain criminal prosecution that Attorney General Bell thought was inappropriate, and he laid down the marker: If the President wanted that prosecution brought, he would have to find himself a new Attorney General.

Other Attorneys General have not fared so well. Attorney General Daugherty of the Teapot Dome fame was sharply criticized in that scandal, although later he was personally exonerated. Attorney General Homer Cummings in the Roosevelt administration, author of the so-called court-packing plan, did not display the kind of independence that was requisite. And I expressed my own concerns about Mr. Holder on a series of matters he handled as Deputy Attorney General.

Beyond any question, Mr. Holder brings an extraordinary résumé to this position, an excellent academic record, including Columbia for his undergraduate degree and law school; he served as U.S. attorney for the District of Columbia; he was a District of Columbia Superior Court judge; he served as a Deputy Attorney General and as a partner in a prestigious law firm handling many important matters.

One recommendation in favor of his nomination I found particularly weighty was the recommendation of former FBI Director Louis Freeh. I have a very high regard for former Director Freeh. I knew him and worked closely with him on the Judiciary Committee on FBI matters and especially closely during the 104th Congress when I chaired the Intelligence Committee. Director Freeh was sharply critical of Mr. Holder on a number of items that were concerns of mine. Notwithstanding that, Director Freeh recommended Mr. Holder for the job.

There is the infamous case of the Marc Rich pardon. He was a man who was a fugitive from justice, a man who had violated the Federal law, selling arms to Iran. Yet he was given a pardon out of the ordinary, without going through regular channels. That was a pardon to be rejected by any standard, in my opinion. Mr. Freeh characterized the pardon as corrupt. I cannot be any stronger than that. The corrupt act was in granting the pardon, not in Mr. Holder's recommendation of "neutral, leaning favorable." But that was beyond the realm of what would ordinarily be considered prudent and independent.

Mr. Freeh was also critical of Mr. Holder on the FALN terrorist commutation of sentences. The FALN ter-

rorists robbed banks and committed murders and were released from jail on the recommendation of Mr. Holder. There again, Mr. Freeh was very critical. Nonetheless, he recommended Mr. Holder for Attorney General.

The failure to appoint independent counsel in the investigation into Vice President Gore for an alleged violation of campaign finance laws, raising money from the White House—Director Freeh characterized it as one of the strongest possible grounds for appointing independent counsel, and the Department of Justice, with Mr. Holder's participation, declined to do so. Still, Mr. Freeh recommended the confirmation of Mr. Holder.

Also, there is the strong recommendation of former Deputy Attorney General James Comey, a man whom I also worked with in the Department of Justice, which was weighty, as was the strong recommendation of former Secretary of Transportation William Coleman.

So with all of those factors considered, it seemed to me that Mr. Holder was entitled to the benefit of the doubt and President Obama's nominee ought to be confirmed. It was for that reason that I voted aye in recommending Mr. Holder for action by the full Senate.

I think, too, at the beginning of an administration it is significant to have bipartisan support. I commented at the committee level that when Senator LEAHY or his ranking member supported the confirmation of Chief Justice Roberts, that was a signal of bipartisan support, which was important and another factor that weighed in my consideration.

I had discussed with Mr. Holder the issue of how to handle possible prosecutions against individuals who may have been engaged in waterboarding, where that question has been raised in some quarters. Mr. Holder went about as far as he could, saying that if there is a valid legal opinion and there is action within the confines of the opinion, that would weigh heavily against prosecution. Obviously, all of these matters are very much fact-determinative. I think those assurances go about as far as one can go.

I also questioned Mr. Holder about the recognition of the differences in interrogation techniques of the Army Field Manual, contrasted with that of the FBI, which is stronger, and then again contrasted with the CIA, which may be a little stronger yet, and that all of those factors had to be considered in evaluating the interrogation tactics, depending upon the rule and the circumstances.

I expressed my concerns to Mr. Holder about the Department of Justice policy on extracting really what amounts to coercion of a waiver of the attorney-client privilege, where the Department goes in and deals with the corporation and secures a waiver of the attorney-client privilege, subjecting employees to losing their privilege, in the context where the Department

threatens more severe charges or stronger recommendation on sentencing. This practice began with the Holder Memo in 1999 and was carried through in the so-called Thompson Memo and then the McNulty Memo, and legislation is pending which would change that.

In my view, there are two very basic principles involved. One is the obligation of the commonwealth government to prove its case beyond a reasonable doubt and, secondly, the right to counsel. An indispensable ingredient of right to counsel is a privilege, to be able to communicate freely to an attorney. When I was district attorney of Philadelphia, handling very complex, tough prosecutions, many involving governmental corruption, I would never have dreamed of trying to prove my case out of the mouth of the defendant. I believe Mr. Holder will look at this with a conciliatory attitude as we work on that legislation through the Congress.

I also talked to Mr. Holder about the issue of reporters' privilege. Judith Miller of the New York Times spent 85 days in jail—I visited her in a jail in Virginia—for failing to disclose confidential informants when the source of the information was known. Mr. Holder also acknowledged the extensive authority of the Congress under standards defined in the congressional research memorandum, which I provided to him, and gave assurances that he would be available to talk to the minority as well as to the majority on matters of concern.

For all these reasons, I am pleased to move ahead at this time to lend my support to the confirmation of Attorney General-designate Eric Holder.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I was about to yield—we do our normal back and forth—to the Senator from Illinois. I understand the Senator from Oklahoma has a time constraint, if the Senator from Pennsylvania would like to yield time off his side to him.

Mr. SPECTER. Yes, I am prepared to yield time. Senator CORNYN is next on the list. How much time would the Senator from Oklahoma like?

Mr. COBURN. Madam President, short of 15 minutes; probably 15 minutes.

Mr. SPECTER. I yield that time to Senator COBURN.

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

The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I thank the chairman for his graciousness, and I thank the ranking member.

Last week in the Judiciary Committee, I voted against the nomination of Eric Holder. I was not, because of time constraints, offered the opportunity to express my reasoning and logic for that opposition. Today, I rise to explain my opposition and to urge others to share my concerns to do the same.

I have high praise for Eric Holder as an individual and as a lawyer. I believe certain aspects, however, of his record disqualify him as serving as Attorney General. I plan on outlining those in this talk before the Senate today, specifically, his facilitation of the Marc Rich pardon, his defense as reasonable of the FALN terrorists' commutations, in addition to his views on the first amendment and second amendment, specifically his answers with respect to the fairness doctrine.

Eric Holder has spent most of his distinguished career as a public servant. By all accounts, he is a brilliant lawyer. His nomination was met with high praise from both sides of the aisle. His intellect and ability have been noted throughout his career, and they were duly noted in his appearance before the Senate Judiciary Committee.

Moreover, I believe him to be a man of good character. The long line of individuals who have voiced support for his nomination speaks to the high regard in which he is clearly held. In our private meeting, I found him to be personable and kind. He is undoubtedly a good man.

These good qualities, however, are not enough to overcome the concerns I have with this nomination. In particular, four issues have caused me to conclude that Eric Holder should not be given the assignment as the next Attorney General of the United States. I believe these matters suggest he lacks judgment, that he lacks independence, and my concern is that he now, from his testimony, lacks candor for such an important job.

Eric Holder's role in facilitating the controversial pardon of fugitive financier Marc Rich is perhaps the most notorious blight on his record. Even now, 10 years later, the condemnation of that pardon is strong. Indeed, not even Mr. Holder will defend his actions, telling the committee it was a naive mistake.

Eric Holder's involvement in this unconscionable pardon suggests he has dangerously poor judgment or he has an inability to say no to powerful political pressure. As Deputy Attorney General, he orchestrated an end run around the Justice Department, ignoring the advice of prosecutors and career professionals who opposed clemency for Marc Rich. Although pardoning a fugitive was extremely rare, the candidate appeared to have no qualms with the proposition.

While he acknowledges his role in this pardon as a mistake, Mr. Holder offers a curious explanation for the error. He told the committee he was not familiar with Rich's record at the time of the pardon. First of all, I find this to be unbelievable, as the facts suggest otherwise.

Just a few years before the pardon, when Holder was U.S. attorney for the District of Columbia, his office sued one of Rich's companies after an extensive investigation into contract fraud. The complaint that was filed in that

case and comments that were made to the press make it almost impossible to believe Eric Holder was unfamiliar with Rich at the time of the pardon.

Moreover, given that Rich had been featured as one of the FBI's top 10 most wanted fugitives, it is even harder to believe Mr. Holder did not become familiar with the man in the 15 months that passed between the time he was first contacted by Rich's lawyer and the day clemency was issued.

To say that this pardon was a mistake is an understatement of the worst kind. As others have pointed out, the best thing Eric Holder could have done for himself and his boss would have been to oppose the pardon and convince President Clinton not to issue it.

While I readily acknowledge mistakes are inevitably made by us all, I find the excuse for this one implausible. Eric Holder is a bright and contentious lawyer. At the time of the Rich pardon, he had served for 3 years as Deputy Attorney General. In short, he should have known better. Because he allowed his good judgment to be overridden by political influence, I believe this act alone should suffice to disqualify him from higher office.

Although the Marc Rich pardon may have been the best known act of controversial clemency in Eric Holder's record, the commutation of sentences for 16 FALN terrorists became an issue of equal, if not greater, concern throughout the hearing. The FALN organization had been linked to 150 bombings, threats, kidnappings, and other events which resulted in the deaths of at least six Americans and the injury of many more between 1974 and 1983. It is not hard to understand why these commutations were strongly opposed by the U.S. attorney, the FBI, the pardon attorney at the Department of Justice, as well as the victims' families. What is hard to understand is why Eric Holder chose to ignore those opinions and instead facilitate clemency for these convicted terrorists.

New information discovered just before the hearing revealed that Eric Holder played an active role in securing these commutations. According to the L.A. Times, "Holder instructed his staff at Justice's Office of the Pardon Attorney to effectively replace the department's original report recommending against any commutations, which had been sent to the White House in 1996, with one that favored clemency for at least half the prisoners."

Unlike the Rich pardon, Holder has embraced his role in endorsing these commutations. He told Senator SESSIONS during our committee hearings that the decision was reasonable and has stood unapologetically by that statement, even when it was proven that he knew very little about the terrorists or their crimes at the time of the commutations.

Perhaps no one is as angry about Holder's role in this incident, or about his elevation to this distinguished of-

fice, as Joseph Connor, whose 33-year-old father was murdered when the FALN bombed the New York City restaurant where he was eating lunch. Mr. Connor was 9 years old. He has written numerous editorials and gave compelling testimony at our hearing about how devastating and indefensible these commutations were. I quote him:

We Americans have to make clear that we will not tolerate officials who would put our lives in jeopardy by releasing terrorists. It is a disrespectful affront to all Americans, particularly to those of us who have come face to face with their violence.

Mr. Connor's testimony struck a chord with me due to my own experiences with domestic terrorism. Having dealt with the shock and the aftermath of the Oklahoma City bombing, which happened prior to the FALN commutations, I can relate to the grief and anger felt by the family member of a victim murdered senselessly by terrorists. I have seen the devastation these acts of violence inflict on a community and especially on the families they most directly impact. I have heard from the many law enforcement officers who work the scene, gather the evidence, and tend to the victims. I have witnessed the long and difficult process of prosecution, conviction, and sentencing. I know that bringing perpetrators to justice is a crucial part for these families' healing process.

I cannot imagine how all those things would come undone if justice were undermined, as it was in the FALN case.

The danger of commuting the sentences of terrorists responsible for the murder of American citizens and intent on killing even more is obvious. I will not recount those concerns here, but to help give a voice to Joe Connor and to the many other surviving family members of terrorist victims, I ask that our colleagues consider the effect these decisions had on them. We are accountable to each and every one.

Eric Holder also raises another concern with me and that is his hostility to the second amendment. I heard our chairman speak earlier about how he said he would uphold the second amendment, but when queried directly and specifically about components of the second amendment, the answers were not forthcoming.

As Deputy Attorney General, he advocated restrictive gun control legislation, such as waiting periods, an age limit, that a soldier coming back from Iraq could not own a shotgun because he wasn't 21 yet, a registration for every gun in this country, the elimination for me to be able to give my shotgun to my grandson when it is time to teach him to go hunting. All those things he has espoused limiting the second amendment.

While he has advanced those restrictions as a member of the Clinton administration, working under Attorney General Janet Reno, he remained active in anti-gun advocacy after he entered the private sector. After the attacks of September 11, he authored an

op-ed for the Washington Post, entitled "Keeping Guns Away from Terrorists."

I will not go through the details of that piece, but the details of what he purports to support would have a devastating impact on the second amendment in this country.

Perhaps the most telling and unsettling aspect of Mr. Holder's anti-gun record is the signing of an amicus brief in the Supreme Court's seminal second amendment case, in which he argued that the Constitution did not protect an individual's right to bear arms. I believe he actually believes that—that we don't have the right. He now tells us that is settled with the Heller case. But on further query, we get tremendously nervous about his support for the second amendment. The Supreme Court rejected his view on the second amendment unanimously.

His statement in our hearing that he respects Heller as the law of the land does not provide enough assurance on his commitment to defend the second amendment. It is neither controversial nor instructive to make such a statement. What matters are his views on specific proposals for gun control legislation and regulation.

At his hearing, I used the vast amount of my time in three rounds of questioning to try and extract opinions from Eric Holder on the second amendment. In his testimony, he advocated a permanent ban on so-called assault weapons, an age restriction on handgun possession—again, many of our troops returning home and out of the military after 2 years would not be able to have a handgun because they are not 21—and closing the gun show loophole. What that means is I cannot sell a gun to one of my neighbors without a background check on my neighbor. I cannot actually sell a piece of material I have to someone without going through a gun check, or I cannot even sell it to my brother.

He refused to commit to defending State right-to-carry laws. There are more than 40 States that have these laws. He was questioned over and over and would not answer affirmatively that he would use the power of the attorney to uphold the second amendment.

He repeatedly testified that gun regulation was not a priority for either he or the administration. Consistently, Mr. Holder has unapologetically embraced his anti-gun views. Yet at his confirmation hearing, he would not tell us what those views were.

He has been a vocal gun control advocate in the past, both in his official and individual capacities. He was not candid on the second amendment issue, an issue he has followed for years, as he was on interrogation techniques, an issue which he could not possibly have enough information to prejudge.

After an extensive review of his record and his testimony, I have concluded that Eric Holder as Attorney General will not defend—not adequately defend—the second amendment.

Finally, I have serious doubts as to whether Eric Holder is committed to defending the first amendment against threats such as the so-called fairness doctrine. This policy existed for decades before being abolished in 1987 and rightly so. Today, the concept has been revived and the threat of Government censorship over the airwaves is again a real possibility.

At our hearing, Eric Holder was asked about his thoughts on this proposal. Specifically, he was asked whether, as a matter of public policy, the fairness doctrine should be reinstated, to which he replied:

[T]hat's a toughie. I've not given an awful lot of thought to [it].

It is hard to accept that Eric Holder, a former Deputy Attorney General, somehow missed the debate over this prominent issue in our society. It is even harder to accept his answer when reviewing his past statements about media bias.

This not-so-thinly-veiled attack targets the very media outlets that advocates of the fairness doctrine hope to cripple. While this may be an acceptable position for a private advocate, there is no room for this kind of bias in the Department of Justice. Unfortunately, Mr. Holder said nothing to ease concerns about his predisposition on this issue. In written responses to further questions from the committee he said this: If a law or regulation is enacted that seeks to implement some version of the fairness doctrine, I will work with other agencies in the new administration and in the Department's Office of Legal Counsel to reach a considered view about the constitutionality of the specific law or regulation under consideration.

Remarkably, although Mr. Holder was given an opportunity to distance himself from the inflammatory comments he made in the 2004 speech, the best he could offer was a commitment to give a "considered view" of any such legislation.

What I expected from a prospective Attorney General was, first and foremost, a clear and strong commitment to uphold and defend the first amendment. What Eric Holder said fell far short of my expectation.

The so-called "Fairness Doctrine" is not a "toughie" issue, as it was described by the presumptive Attorney General.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COBURN. I ask unanimous consent for 3 additional minutes.

Mr. SPECTER. Okay.

Mr. COBURN. As former FCC Chairman James Quello argued shortly after the policy was repealed,

The fairness doctrine doesn't belong in a country that is dedicated to freedom of the press and freedom of speech.

I agree and am disturbed that our likely next Attorney General apparently does not.

In conclusion, after listening carefully to Eric Holder's testimony, espe-

cially regarding each of the issues I raised today, I am forced to conclude that he lacks the judgment, independence, and candor necessary to be Attorney General. I did not reach this conclusion without careful consideration.

When I first came to the Senate, one of the first votes I had to make was on the nomination—to consent and advise—on Attorney General Alberto Gonzalez. I had a catch in my spirit on that nomination. I should not have cast a vote for him. I was the first Republican to suggest that he should resign because he did not display the independence, the candor, or the support for the rule of law. Although hindsight is always 20/20, I reserve my right to do the right thing on this nomination. There is no difference between the lack of independence that has been demonstrated by the testimony of Eric Holder and his past and what we saw in the lack of independence of previous Attorneys General.

Oftentimes, nominees come to the Senate with nearly a blank slate. This was not the case with Eric Holder. His time in public service, specifically his stint as Deputy Attorney General for President Clinton, served as an audition for this position. His role in the pardon and commutations is very troubling. I believe, in summary, independence is lacking, candor is lacking, and judgment is lacking. President Obama deserves some degree of deference in his choices, but no President is entitled to a Cabinet member who will neglect the Constitution and his own sound judgment to facilitate a bad political decision.

I regret I cannot, in good conscience, support his nomination.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I know we proposed going with two on the Republican side and with two on the Democratic side. We will next go with Senator BURRIS and then Senator DORGAN.

I would note in this debate—and I apologize for my voice; I am recovering from laryngitis—that, one, the Justice Department is not the Department that handles the fairness doctrine. Out of fairness to Mr. Holder, that is not a matter that comes before the Attorney General.

Secondly, I asked Mr. Holder specifically a question about his views on the Second Amendment—because we do not have in Vermont the restrictive gun laws that the people in Oklahoma have supported or the restrictive gun laws the people of Texas or Pennsylvania have supported. We have less restrictive gun laws than any State in the Union. I own many firearms myself. I asked Mr. Holder specifically if he would, in a State without restrictive gun laws, such as Vermont, seek to replace those State laws with more restrictive Federal gun laws similar to those of the many other States represented on the Judiciary Committee, and he said no.

Madam President, I yield 10 minutes to the Senator from Illinois.

Mr. SPECTER. Madam President, if I could have the attention of the chairman.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I wish to yield 20 minutes to Senator CORNYN at the conclusion, but do we have an idea as to how long, or when that will be?

Mr. LEAHY. Next will be Senator BURRIS and then Senator DORGAN. I ask the Senator from North Dakota, Madam President, approximately how much time he wants.

Mr. DORGAN. Ten minutes.

Mr. LEAHY. I would seek to yield 10 minutes to the Senator from Illinois and 10 minutes to the Senator from North Dakota, and then yield back time.

Mr. SPECTER. Then I would give 20 minutes to Senator CORNYN.

Mr. CORNYN. Madam President, I ask unanimous consent to that effect.

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

The Senator from Illinois is recognized.

Mr. BURRIS. Madam President, with humility for an honor neither sought nor expected, I rise for the first time as a U.S. Senator.

At a time of great consequence for our country's long march toward justice—and the moral compass we call the Constitution that guides our path—I rise to strongly support President Barack Obama's nominee for the office of U.S. Attorney General, Eric Holder.

As we look toward the future, I begin with a few words about the past. Back in the 1950s, there was a place in my hometown of Centralia, IL, called the pig wobble, and it wasn't hard to figure out why: Pig wobble was the place where the horses, the cows, and, yes, the pigs, from all nearby farms came to drink water. It was also the place where African-American children came to swim in the summertime.

My friends and I swam in the pig wobble until the summer of my 16th birthday, in 1953, when, after previous efforts to integrate the park swimming pool where only white children swam had failed. My dad finally had enough of his children swimming with the farm animals while the White children went off to the nice clean neighborhood pool. My dad and his minister, who ran the local chapter of the NAACP, determined that the time had come for Black children to swim in the community pool. They decided they would need an attorney to represent us. There were no Black lawyers in Centralia, so my father traveled to Chicago seeking legal assistance, but no lawyer was interested in representing us. He returned home, and the following day went to East St. Louis, IL, and retained a Black attorney to represent us.

When the pool opened on Memorial Day, my brother and I, along with three brothers from another family,

swam and integrated the pool without incident. Later, we were home celebrating our accomplishments, but when my dad returned home he was very upset. We questioned why, and he explained that the lawyer he had hired did not show up. My father then said these words:

If we as a race of people are going to get anywhere in our society, we need lawyers and elected officials who are responsible and responsive.

From that conversation with my father when I was 16, I set a goal for myself that I would try in my life and career to be responsible and responsive to the cause of justice.

When President Obama nominated Eric Holder to be Attorney General of the United States, my father's words came to mind. Eric Holder is the embodiment of what my father envisioned on that day. Mr. Holder has been responsible and responsive his entire career. He has been a leader in the long march toward justice, not just for African Americans but for all Americans who treasure our Nation's founding principles of freedom, equality, and personal liberty. Once confirmed, he will open the gates of justice once again to the public interest, not the special interests, and to those who are concerned not with the expansion of power but with the use of power for the common good.

The mission of the Department of Justice is to enforce the law, to ensure the public safety, to prevent crime, and to seek fair, impartial justice for all Americans. Sadly, for the past 8 years, the Department has not lived up to the promise of that sacred mission. Americans, particularly those of us in the legal community, have seen the Justice Department sink further into corruption, cronyism, and gross mismanagement.

I have watched with particular despair as the Federal initiatives to fight violent crimes against women, a program similar to the one I enacted as Attorney General in my State of Illinois, was underfunded, politicized, and largely abandoned. We have the chance today to turn the page by confirming Eric Holder.

At a time when the Department of Justice has lost dozens of competent, effective career attorneys, it is long past time for an Attorney General to put competence first. At a time when the Civil Rights Division, long known as the crown jewel of the Justice Department, has seen its mission undermined and misdirected, it is time for an Attorney General who will keep justice blind and put our Constitution first. At a time when our moral authority in the world is threatened by the immoral acts that were sanctioned from the top, we need an Attorney General who will put civil liberties first. At a time when the threat of terrorism continues to haunt us, we need an Attorney General who will put public safety first. At a time when the crimes of a Wall Street few have

spoiled an economy for the Main Street many, we need an Attorney General who will put people first.

We can be certain that Eric Holder will do these things because he has spent his entire career building and broadening a deep well of public trust.

After graduating from Columbia Law School, Eric came to the Justice Department in 1976 to serve in the Attorney General's Honors Program, where his focus was prosecuting corrupt officials at the local, State, and Federal levels. In 1988, he was appointed by President Reagan as an associate judge of the Superior Court of the District of Columbia, where he presided over countless trials of homicides and other violent crimes.

In 1993, President Clinton nominated Eric to become the U.S. Attorney for the District of Columbia, the first African American to hold that post. In that role, he created a domestic violence unit, went after perpetrators of crime with an unmatched intensity, and worked hand in hand with the community to give the people a voice in law enforcement. In 1997, President Clinton promoted Eric Holder to the position of Deputy Attorney General, where he went after crimes against children and cracked down on white-collar crimes.

At every step along the way, Eric Holder has proven there is no conflict between fighting crime and upholding civil liberties; that making America safe and more just must go hand in hand. That is exactly what he will do as U.S. Attorney General.

It is the honor of a lifetime to rise from the desk that previously belonged to our President Barack Obama, and before that to another legend from the land of Lincoln, Senator Paul Simon. As long as this desk is in my care, I will try to honor those who served before me and work to brighten the lives of every citizen of Illinois.

If you look back further through the years, this desk belonged to Senator Robert F. Kennedy, who as U.S. Attorney General breathed life into the flames of justice. I know Eric Holder will do the same in our time. I urge my colleagues to join me in supporting this outstanding nominee.

I thank the Presiding Officer and my colleagues for the opportunity to share my thoughts in supporting the nomination of Eric Holder for Attorney General of the United States of America.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I thank the Senator from Illinois for his excellent statement. I was touched by the fact that the Senator from Illinois mentioned he is at the desk once occupied by both Senator Paul Simon and Senator Barack Obama. I had the privilege of serving with both Senators from Illinois, both great people. I know it is safe to say that Senator Obama, now President Obama, will appreciate the statement made by Senator BURRIS today.

Having known Senator Paul Simon, I think it safe to say he also would have

been proud of the statement. Somewhere he is looking down and seeing this.

Last, it was my privilege as a young law student to be recruited by then-Attorney General Robert Kennedy, who made it very clear that the Justice Department was for all Americans and nobody, not even his brother, the President, would be allowed to interfere with criminal or civil rights prosecutions. I knew he meant it. I know the Senator from Illinois shares my feelings in that.

I welcome him to this body, and I thank him for his statement.

I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, let me thank my colleague, the Senator from Vermont, the chairman of the committee, for his work on the Judiciary Committee. I do not serve on that committee, but I come to talk just a bit about the nomination of the new Attorney General and about the Department of Justice.

The reason I say I appreciate the Senator from Vermont is because he waged a relentless struggle at a time when the Justice Department was involved in the long shadow of scandal, at a time when words from the Justice Department, from the Attorney General at that point, seemed to suggest torture was OK. It was a time when the Department of Justice seemed to say that people could be detained on the streets of America and held incommunicado without a right to an attorney. These were things that I believed were far afield from what we expect as basic rights in our country and the Chairman of the Judiciary Committee waged a long and brave battle against them. And, I want to thank him for that.

But, let me talk about Eric Holder in the context of what I just described and why I think this nomination is so important. You have heard a lot about how highly qualified Eric Holder is—about his lifetime of impressive public service, about his history as an independent, tough-as-nails prosecutor, about the long list of organizations that support him as very qualified, and about the many prominent Democrats and Republicans that support him.

But, I want to talk about Eric Holder as a key part of restoring justice to the Department of Justice.

We have been through a long period of difficulty at the Justice Department. I am not talking now about the stewardship of Mr. Mukasey. I am talking about specifically a period when Attorney General Gonzales was in charge.

The Attorney General is the senior person in our country responsible for ensuring that justice is done. That means many things. It means, certainly, evenhandedness; it means justice under the law; it means occasionally saying no to those who want to do the wrong thing, no matter how power-

ful or important they might be. It means everyone, from the lowest to the highest, gets treated equally and fairly under the law in this country.

The Attorney General is the senior most Government official responsible for justice. That is the person who has to stand for, and stand up for, our country as a nation of laws. That is the person who needs to be the defender of human rights, who must believe in America as a beacon of hope in the world, a beacon that shines from America into the darkest places at the darkest times.

The Attorney General, as the head of the Justice Department, is the one who is involved in that kind of activity and sends that message from our country. An Attorney General should be someone who can say torture is un-American because it is. No splitting hairs, no fancy words, no legal distinctions—just these simple words: Torture is wrong.

Mr. Holder has said that to us in his nomination hearings. He said, "Torture is wrong" and "No one is above the law." Those are very simple and straightforward words from this nominee, but I think they are timeless principles, timeless truths that America has exhibited now for nearly 200 years.

Why is that important for us? The most powerful weapon in our country is what we stand for. That has always been the most powerful weapon in America.

We had a long struggle in the Cold War against the Soviet Union and totalitarianism. The Cold War occasionally flared up to a hot war with bombs and bullets. But, it was not the bombs and bullets that won the Cold War with the Soviet Union. It was American values that won that Cold War.

That is why we prevailed. We must never forget that American values were so strong that they shined the light of hope into the darkest cells of the gulag prisons in the outermost reaches of the Soviet Union. Many of those prisoners died in their cells, but some survived and talked about how inspired they were by the ideas and values of what was America. Our country gave them hope. The idea of America, as I said, reached to the farthest and darkest places on this Earth and offered hope to people—people struggling, people in grave difficulty.

There was a very clear and distinct difference between us and the Soviet Union during that Cold War, and everyone knew what it was. It wasn't our military might or the comparison of our military capabilities. It wasn't our bombs or bullets. It was what each country stood for. When the people of the Soviet Union and their client states finally had a choice, they chose democracy and freedom and liberty. That is how powerful the idea of America has become.

This moral ground has always been our country's strength. We must insist on keeping that high moral ground—not only because it is effective, but be-

cause it is right and because it is our birthright as Americans.

From the very beginning our country has held itself to a higher standard, as in the story of George Washington and the fight to found America. He led the Continental Army in the war for independence. It is a pretty interesting story, if you go back and read it.

Madam President, 5,000 were in the Continental Army that George Washington commanded, 5,000—but not trained soldiers. They were shopkeepers, farmers and tradesmen going up against a 50,000-man trained army of British soldiers. We know the result, but we don't always remember the battles along the way, military battles and, yes, battles over values and ideals.

There were many difficult periods during that war, and there were some very dark days. During one very difficult period, at a time when a large number of his troops were captured, Gen. Washington and his troops saw the Hessian mercenaries, who at that point were fighting along with the British, slaughtering unarmed prisoners. Washington, when he captured Hessian prisoners, refused to do the same. Washington insisted we were different; we were going to treat people the way they should be treated not the way they treated us.

That was George Washington's notion about who we are and why we are different. That has been America's birthright since the beginning of our country.

It is why this issue of torture is so important. It is why the discussions about detainee treatment and enemy combatants and habeas corpus are so important. These issues are about who we are as a country, as a people, and who we want to be.

I remember reading one day that a man was picked up at a New York City airport and then sent away, not to be heard from for a long while by his family or by anybody. It turns out he was sent to Syria where he was tortured for 8 to 9 months, kept underground in concrete cells in isolation. It turns out it was a huge mistake. This person was not who he was thought to be; he was not a terrorist.

Yet, on American soil, he was detained and then sent away to be tortured. He was a Canadian. The Government of Canada, by the way, has apologized to that citizen for that situation. But it describes why it is so important that the rule of law always be applied.

So this discussion about the Attorney General, about this nomination, about the Department of Justice, is about much more than just nominating someone for a Cabinet position. It is about what do we aspire to for our country and ourselves. What kind of Government do we want? What kind of Government will we allow? What kind of country do we want?

I go back again, as I said, to the long, dark shadow that was cast for a period of time over the Justice Department, when it was engaged in scandals and

scandalous conduct. There were very important questions about what was happening at the Department of Justice. Frankly, there were grave questions of what was happening to justice at the Department of Justice.

The Senate Judiciary Committee was relentless in trying to understand it and hold hearings and get answers. Very few answers, frankly, were forthcoming. Thankfully, those days are over.

We now have the nomination of Eric Holder. The Judiciary Committee voted 17 to 2 to support his nomination. Like them, I believe Eric Holder represents an opportunity for our country to have someone at the Justice Department who does understand what the Department of Justice stands for and where it fits in our value system. I am pleased to come to the floor of the Senate today to say, when we discuss these issues we must discuss what are the values, the ideals, that this country stands for and how those whom we intend to put in very high places—how do they comport to those standards and values? How will they conduct the office for which they are nominated?

I believe strongly in the nomination of Eric Holder. As you have heard, he is highly qualified in experience, skills and temperament. As important, he understands the values of our country and the importance of justice. I have no doubt that Eric Holder will be an excellent Attorney General, will restore justice to the Department of Justice, and will uphold and further the historic values and ideals of our country, which will again be a bright shining light for justice and hope throughout the world.

I yield the floor.

Mr. GRASSLEY. Madam Chairman, I have decided to support Mr. Holder's nomination to be the next Attorney General of the United States. However, I want to make clear that just because I am voting to support Mr. Holder, this nominee does have a few issues that give me some concern.

For example, I am concerned about Mr. Holder's overly restrictive views of the second amendment. In last year's challenge to the District of Columbia's gun ban in the U.S. Supreme Court case *District of Columbia v. Heller*, Mr. Holder joined an amicus brief arguing that the second amendment does not provide an individual right for citizens to own firearms. However, a majority of the Supreme Court held that the second amendment does indeed guarantee an individual right to keep and bear arms. I am a strong supporter of the second amendment, so I am concerned that Mr. Holder's views may be too limited. I am also concerned about Mr. Holder's reluctance to expand programs that enforce current gun laws, such as "Project Exile." This highly effective initiative started in the 1990s, but was only implemented in a few targeted cities. I don't understand why Mr. Holder is willing to consider the need for new gun laws and regulations,

when we could be embracing a nationwide expansion of a proven, successful program enforcing existing gun laws. In my opinion, Mr. Holder should reconsider this position.

I find Mr. Holder's involvement with the FALN clemencies to be troubling. Mr. Holder played a pivotal role in obtaining clemencies for the FALN terrorists. He fired pardon attorney Margaret Love who had issued a report in 1996 against clemency, and instructed the new pardon attorney Roger Adams to issue an "options" memo keeping clemency on the table, even though the pardon attorney, U.S. prosecutors, Bureau of Prisons and FBI were all very much against clemency. Mr. Holder met with a number of groups and politicians who supported the clemencies, but never met with the victims. Mr. Holder testified that his recommendation to support the FALN clemencies was "reasonable" and "appropriate." This is remarkable, especially since the FALN pardons were criticized by the public and condemned by Congress.

Mr. Holder's handling of the Marc Rich pardon is also problematic. He recommended Mr. Rich's pardon to President Clinton as "neutral, leaning favorable," even though Mr. Rich was the biggest tax cheat in U.S. history, a fugitive of the law, and an individual who traded with the enemy. Mr. Holder did not provide the Judiciary Committee with a good explanation—legal, political or factual—for why he was "neutral, leaning favorable" on the pardon. Mr. Holder assisted Jack Quinn—President Clinton's former White House counsel—in bypassing the U.S. prosecutors and other DOJ officials who opposed the pardon, and advised Mr. Quinn on how to deal with the media and other logistics after the pardon was issued. Although Mr. Holder did acknowledge that he made a mistake with respect to the Rich pardon, I am troubled by Mr. Holder's deliberate maneuvering around the established Justice Department pardon processes. Also, I believe that Mr. Holder made statements to the Senate Judiciary Committee about his involvement in the Rich pardon that appear to be at odds with the facts as recorded in documents written at the time and testimony provided by other witnesses. Mr. Holder has indicated that he will be responsive and candid with Judiciary Committee requests, and that he will respect DOJ internal processes and exercise better judgment with respect to DOJ matters. I am hopeful that Mr. Holder will meet that commitment.

The U.S. Constitution requires Senators to fully vet the qualifications and fitness of presidential nominees and to exercise their independent judgment when they decide whether to ultimately consent to them. This has been a difficult decision for me—particularly because of the concerns that I have just outlined. However, Mr. Holder is an experienced individual with extensive credentials. He has very good qualifications. Mr. Holder's a good law-

yer. He has a lot of support in the law enforcement community. Moreover, Mr. Holder has acknowledged some of the mistakes he made—even though I believe he could have done a lot more. We had a productive meeting when he came in to talk about his nomination last year, and he seemed to be responsive to the issues that I raised with him. He has committed to work with me on a number of matters that are important to me, such as the False Claims Act. He has pledged to cooperate with my oversight efforts and to be responsive to my document requests. He has pledged to cooperate with Judiciary Committee investigations and requests for information. So I will support Mr. Holder's nomination. But I plan to hold Mr. Holder's feet to the fire to make sure that he leads the Justice Department in the right direction and keeps Americans safe from criminals and terrorists.

Ms. MIKULSKI. Madam President, today I wish to support the nomination of Eric Holder to be Attorney General of the United States. This is an historic nomination—Eric Holder is the first African-American to be nominated to serve as the country's chief law enforcement officer. This is a much needed nomination. The Department of Justice, DOJ, is on life support, plagued with politics and partisanship. Under the previous administration the Department of Justice authored torture memos, fired U.S. Attorneys for their political beliefs, funded pet projects, and spent taxpayer dollars on lavish conferences.

This country needs an Attorney General who will restore confidence and integrity to the Justice Department. We need an independent thinker who is not influenced by politics or fear and who is dedicated to rule of law—not rule of ideology. We need a leader to hold the Department accountable—one who will provide fiscal accountability and stewardship of taxpayer dollars and stand sentry against waste, fraud, and abuse. No more \$5 Swedish meatballs.

I have three criteria for nominees to the executive branch: first, the nominee must possess competence; second, the nominee must have a commitment to the mission of the agency; and finally, the nominee must have the highest integrity. Eric Holder passes all of these tests with flying colors.

First, his competence cannot be questioned. He was the No. 2 at the Department of Justice under the Clinton administration; he was U.S. attorney for the District of Columbia; he was nominated by President Reagan and confirmed by the Senate to serve as a Superior Court judge for the District of Columbia; and he was a career prosecutor in DOJ's Public Integrity Section.

Second, he has shown an unwavering commitment to the Justice Department's mission to uphold the Constitution, fight corruption, prosecute criminals, and protect victims. He has fought throughout his career to make

sure our Nation's laws are applied fairly and that everyone gets a fair shake.

Third, Eric Holder possesses strong integrity. He has a history of fighting to root out corruption and prosecute criminals. He is the son of immigrants and has worked hard to get to where he is.

As chairwoman of the Appropriations Subcommittee that funds the Justice Department, I want to make sure that the Department has what it needs to protect this country from predatory attacks by terrorists and predatory attacks in our neighborhood. I have fought to put dollars in the Federal checkbook to support the agency's efforts to combat terrorism and violent crime. I have fought to make sure that hard-working, dedicated individuals who are responsible for carrying out that mission have the resources they need.

The Justice Department needs an Attorney General who supports enforcing our country's laws, will protect the vulnerable, and will restore morale and confidence. I believe Eric Holder is just the right man for the job. For the past 8 years, the previous administration has ignored the Constitution, supported torture, denied basic access to courts for detainees, slashed funding for cops on the beat, and spied on innocent Americans. We need an Attorney General who will restore the rule of law and demand accountability for wrongdoing. We need an independent thinker—not a rubber stamp for the President.

Eric Holder is a heavyweight lawyer. He has vigorously prosecuted corrupt public officials from both parties. He put a mob boss behind bars for trying to bribe a juror. He is willing to take on the strong and powerful because he believes no one is above the law.

Yet the Department of Justice is not only responsible for upholding the Constitution. Part of its core mission is to protect the most vulnerable. As a social worker, I have seen firsthand the despicable crimes committed against children and know how important it is to hold these abusers accountable in order to keep our children safe. Now, new technology puts children at even greater risk. There are sophisticated cyber-predators posing as children on the Internet and are harder to catch. Eric Holder is a career prosecutor who has dedicated his life to protecting the public and getting criminals off the street. As the U.S. Attorney for D.C., Holder created the Domestic Violence Unit, which was a dedicated, one-stop shop for domestic violence survivors; he also spearheaded initiatives to protect children from abuse, sexual predators and cyber stalkers. I am confident that as Attorney General, the country's chief of police, he will protect our children and our neighborhoods from violent and heinous crimes.

Not only does the country need Holder, the Department of Justice does. A recent DOJ Inspector General report found one of the top ten management

challenges at the Justice Department is to restore confidence at the Department. The mission of the Justice Department has been sidelined and politics—not evidence—has driven hiring and firing decisions. The prosecution of civil rights violations had dramatically dropped, while claims of workplace discrimination are on the rise. We need a leader to put the Department back on track and restore integrity and independent thinking. It is time to get back to doing business that is free from politics and ideology. Time to enforce our civil rights laws, prosecute financial corruption and cronyism, bolster local law enforcement to fight crime and protect the vulnerable. Eric Holder has served as the Deputy Attorney General at Justice and has experience managing and leading. He knows the challenges the Department faces. He will work with President Obama to restore the Department's reputation.

In conclusion, Eric Holder has spent his legal career protecting the public from dirty public officials, violent criminals and predators, scheming corporate greed. I know as Attorney General, Eric Holder will make sure the Justice Department is working for the American people—not some political agenda. This is why I will vote to confirm Eric Holder to be the next Attorney General of the United States.

Mr. GRAHAM. Madam President, I am pleased to support the nomination of Eric Holder as Attorney General. I am convinced that he understands the threat to our Nation posed by terrorism. In the Judiciary Committee's hearing on the nomination, Mr. Holder agreed with me that the United States is undoubtedly at war with a vicious and shadowy enemy, and that the war began before the attacks of September 11, 2001. Further, Mr. Holder and I agreed that the battlefield in the war on terror is the entire globe—not only the combat zones of Afghanistan and Iraq but also the financial system through which terrorist networks are funded and the Internet through which terrorists communicate and spread their message of violence and hatred. Indeed, the tragic events of 9/11 proved that the battlefield even extends within our Nation's own borders. The question of how best to win the war on terror is the most profound issue facing the next Attorney General. Mr. Holder understands the nature of this enemy and this conflict.

There are some in this body who will argue that Mr. Holder's previous mistakes should bar him from serving as Attorney General. In expressing my support for Mr. Holder, I do not mean to minimize those misjudgments. Indeed, Mr. Holder faces his past mistakes fully—admitting them, learning from them, and promising to exercise better judgment in the future. While I understand concern with Mr. Holder's past errors, it would be a mistake in its own right to reject on that basis this qualified nominee who so comprehends the challenge our Nation faces in defeating terrorism.

I look forward to working with President Obama and Mr. Holder to fashion a system of detention for the war on terror involving all three branches of government and of which all Americans can be proud. Mr. Holder and I agree that in order to maintain the moral high ground in this war, which is critical, we must treat detainees fairly, with more process than they would necessarily provide us. We also agree that we must not release dangerous warriors back to the fight against our Nation. Criminalizing this war would be a terrible mistake, and Mr. Holder understands that.

Four years ago, President Obama, then Senator Obama, stated on the floor of this chamber that the test of a nominee for Attorney General is, "whether that person is ready to put the Constitution of the people before the political agenda of the President." I am confident that Eric Holder meets that test, and I ask my colleagues to support his nomination.

Mr. FEINGOLD. Madam President, this is a momentous day for the Senate. We are about to confirm a nominee for Attorney General of the United States who with two short declarative sentences uttered at his confirmation hearing—without caveats, without parsing words, without equivocation—signaled a new direction for the Department of Justice and a turning of the page in the constitutional history of this country.

"Waterboarding is torture."

"No one is above the law."

With these simple words, Eric Holder reassured the Nation that the Department of Justice will be run by someone who believes in the rule of law and in impartial justice. It is sad, of course, that this is something remarkable. But that is where the last 8 years have left us.

The election of 2008 had many consequences. But none is more important than a chance to restore the rule of law and repair the damage to the Department of Justice that has been done by the past administration. Eric Holder is well equipped to take on this important and difficult task for three reasons.

First, he has spent over 25 years pursuing justice in public service, as a trial attorney in the Public Integrity Section of the Department, as a DC Superior Court judge, as U.S. attorney for the District of Columbia, and as Deputy Attorney General. He knows the Department of Justice as well as any person alive, he respects its history, and he has the respect and support of career lawyers in the Department and former Attorneys General and Deputy Attorneys General from both parties.

Second, he appears to have the independence and strength of character needed to fulfill the special role that the Attorney General has in the President's Cabinet. He prosecuted powerful members of his own party when working in the Public Integrity Section and

as U.S. attorney. He recommended expanding the scope of Ken Starr's investigation of President Clinton. This record indicates that Mr. Holder understands the difference between being the people's lawyer and being the President's lawyer.

Third, he understands the need to revitalize the traditional missions of the Department—fighting crime, protecting civil rights, preserving the environment, and ensuring the fairness of the marketplace—while at the same time devoting himself to protecting the American people from a terrorist attack. I am optimistic that he will fight for the resources and the policies needed to do justice. Similarly, he understands that security and liberty shouldn't be balanced or traded off against each other. They must be twin goals, both achievable, together, with hard work and dedication to our national values. I was struck by words from a speech Mr. Holder made in 2005, after he had left the Government:

Those who tell us that we must engage in warrantless domestic surveillance, "enhanced interrogation" or "extraordinary rendition" or we cripple ourselves in combating terrorism offer a false choice. There is simply no tension between an effective fight against those who have sworn to harm us and a respect for our most honored civil liberties traditions.

I could not agree more. I am very pleased that a person who so strongly and unapologetically believes in the promise of our Constitution, now more than ever, will soon be the Attorney General of the United States.

Let me say just a word about the Marc Rich pardon controversy, which is one of the areas on which opponents of Mr. Holder's nomination have focused. I thought that pardon was a misuse of the President's power, and I said so at the time. Mr. Holder did not exercise his role in the pardon process with the care or diligence he should have, and I appreciate the concerns that have been expressed about his involvement in this matter. But it is significant that, starting shortly after the pardon and continuing to this day, Eric Holder actually stood up and admitted that he made mistakes.

We have seen far too little of that in the past 8 years from the leadership at the Department of Justice and from the Bush administration as a whole for that matter. Months and months of work on the Judiciary Committee was needed, essentially, because Attorney General Gonzales insisted that nothing he did in connection with the U.S. attorney firings was a mistake. Our country cannot afford leadership like that at the Department any more. The problems we face are too grave and too complicated for our leaders to insist on defending indefensible conduct or continuing with policies that aren't working simply because they don't want to admit they were wrong.

Madam President, just a little under 8 years ago, I voted for the nomination of John Ashcroft to be President Bush's first Attorney General. I did so

because despite significant policy differences, and not insignificant criticism of some of his actions as a Senator, I believed that he was qualified for the job, and, most important, because I believed that a President is due great deference in filling his Cabinet. I still believe that today. I am pleased that many of my colleagues on the Republican side have decided to show that same deference to President Obama. Eric Holder is highly qualified for this position, his overall record and testimony suggest he will exercise his responsibilities with care and judgment, and he is the President's choice. He should be confirmed.

Mr. CHAMBLISS. Madam President, I rise to discuss my support for Eric Holder's nomination. When Mr. Holder was first nominated I had serious concerns—concerns about his stance on the second amendment, which is important to me and so many Georgians I represent, concerns about the potential prosecution of those who interrogated detainees in accordance with legal opinions issued by the Department of Justice's Office of Legal Counsel, and concerns about his role as Deputy Attorney General in some of President Clinton's pardons.

I had a long discussion with Mr. Holder last week and we talked extensively about the concerns that I had and that I know many of my constituents have. After our conversation, I was convinced that he will competently serve as our next Attorney General, and will keep the best interests of the American people in mind.

With respect to the second amendment, Mr. Holder recognizes the decision of the U.S. Supreme Court in *District of Columbia v. Heller*, holding the second amendment to be an individual right, to be the law of the land. With respect to former interrogators, he recognized that it does not make sense to prosecute those clearly acting under the authority of the Office of Legal Counsel. Finally, with respect to his role in President Clinton's pardoning of Marc Rich, Mr. Holder fully recognized his mistakes and stated if he had to do it again, he would have done things differently. I believe he will take that learning experience with him into his role as Attorney General.

Finally, Mr. Holder has been unanimously confirmed by the U.S. Senate on three separate occasions. He was praised by a Georgian and former Attorney General, Griffin Bell, who recently passed away and for whom I had the utmost respect. President Obama deserves great deference in filling out his Cabinet positions, and because of the very candid conversation I had with Mr. Holder, and my belief that he is up for the task before him, I am pleased to support his nomination.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I understand the Senator from Texas has a request to make.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I understand under the previous order I have been recognized for the next 20 minutes on this side, but I have been asked on this side to ask unanimous consent that the following Republican Senators be recognized in this order during the remaining time, going back and forth, as the distinguished chairman knows: Following my remarks, Senator HATCH for 10 minutes, Senator BUNNING for 5 minutes, Senator SESSIONS for 5 minutes, Senator BOND for 10 minutes, and Senator HUTCHISON for 5 minutes. I ask Republican speakers be recognized in that order on this side.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Madam President, reserving the right to object, and I do not intend to object, but has the distinguished Senator from Texas left time for the ranking member if he wants it?

Mr. CORNYN. It is my understanding we have reserved sufficient time for the ranking member to close.

Mr. LEAHY. I see a nod of affirmation from the staff. Being one who understands that we Senators are merely constitutional necessities to the staff, Madam President, I have no objection to this with the understanding that we follow the usual comity of going from side to side.

The PRESIDING OFFICER. Without objection, it is so ordered. The request is agreed to. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I come to the floor more with regret than anything else to say I oppose the nomination and confirmation of Eric Holder to be the next United States Attorney General. I say this to my colleagues because I have approached this nomination with an open mind and actually a predisposition to vote for his confirmation. But, of course, we Senators have a constitutional duty—in providing advice and consent to the executive branch's executive nominations like this one—to ask hard questions and to get the answers to those questions so our advice and consent may be an informed consent.

While I approached this nomination with an open mind and a predisposition to vote for Mr. Holder's confirmation, I ultimately concluded that, as a result of the reasons I will detail momentarily, I could not vote for his confirmation in good conscience.

Mr. Holder's experience in many ways uniquely qualifies him for this promotion as Attorney General, but it is that very same experience when he served as Deputy Attorney General that calls into question his independence and judgment, particularly when the President of the United States at the time, President Bill Clinton, basically wanted something out of the Department of Justice. This had to do specifically with two clemency petitions, one for the FALN terrorists and the other for the notorious Marc Rich. These two actions—where President Clinton commuted the sentence of 16

Puerto Rican terrorists and the recommendation to pardon the billionaire fugitive, Marc Rich—raised serious questions about Mr. Holder's independence and judgment.

When Mr. Holder came to my office, I asked him: Is there any reason you would resign rather than carry out the orders of a President if you were Attorney General?

He quickly said: Of course. If the President asked me to do something illegal or unethical, then I would resign rather than carry out those instructions.

Well, no one is suggesting that what Mr. Holder did was illegal, given the fact that the President of the United States solely had the prerogative whether to grant these commutations, but I think any fairminded consideration of Mr. Holder's conduct under these commutations raises some serious questions whether he could hold himself to the very same standard that he articulated in my office.

Two other aspects of Mr. Holder's record concern me. One is his demonstrated lack of seriousness regarding the profound threat posed by radical Islamic terrorism; secondly, as some Senators on my side of the aisle have already pointed out, his apparent hostility to the second amendment, the right to keep and bear arms, under our Constitution.

In the Judiciary Committee, on which I am proud to serve, Mr. Holder failed to answer my questions and the questions of my colleagues in a way that alleviated these concerns. In fact, I found many of his responses to be simply evasive.

As I said earlier, I have four reasons for opposing this nomination: one, Mr. Holder's role in the FALN and Los Macheteros commutations, his role in the Marc Rich pardon, his misjudgments and shifting opinions on the war on terrorism, and his record of hostility to the individual right to keep and bear arms.

I think it is important to point out the facts of the commutations because they really are alarming, and many of our memories may have been dimmed because many of these events occurred long in the past.

In August 1999, President Clinton offered clemency to 16 members of two Puerto Rican separatist terrorist organizations, the FALN and Los Macheteros. Deputy Attorney General Eric Holder made the recommendation that he should do so.

The FALN, in case people do not recall, was a clandestine terrorist group devoted to bringing about the independence of Puerto Rico through violent means. Its members waged open war on America, with more than 150 bombings, arsons, kidnappings, prison escapes, and threats and intimidation, all of which resulted in the deaths of at least 6 people and injuries to many more between 1974 and 1983.

The most gruesome of these attacks occurred in 1975 at a bombing in Lower

Manhattan. Timed to explode during lunchtime, the bomb decapitated 1 of the 4 people killed and injured another 60. It is hard for us to imagine what it would be like today if this were to occur, but that, in fact, is what the FALN was found guilty of.

In another attack in Puerto Rico, Los Macheteros terrorists opened fire on a bus full of U.S. sailors, killing two, wounding nine.

Fortunately, much of the leadership of these terrorist groups was captured and brought to justice in the 1970s and 1980s. But by the mid-1980s, thankfully, the worst of their reign of terror was over.

In the early 1990s, sympathetic activists petitioned for clemency on behalf of members of these groups. It was an easy call for the Pardon Attorney. That is the title of the individual whose responsibility it is to screen requests for clemency. These unrepentant terrorists had not even bothered to petition for clemency themselves. So Pardon Attorney Margaret Love, who worked for then-Deputy Attorney General Jamie Gorelick, recommended against clemency for any of these prisoners, and her recommendation was transmitted to the President. But after Eric Holder became Deputy Attorney General, he rescinded that recommendation opposing clemency and he recommended that President Clinton grant clemency to these unrepentant terrorists.

Strangely, and really inexplicably, from my perspective, Mr. Holder now continues to stand by these recommendations as "reasonable." But I do not think the reasons he gives are persuasive.

Mr. Holder, first of all, claims these individuals are not "linked to violence." That is clearly false. These men were active members of terrorist groups that committed dozens of violent crimes, as I described a moment ago. It is true that they individually were not prosecuted for the worst of those crimes, but by that standard, anyone who conspires to commit violence and murder is not linked to violence, only those who actually execute the orders of the higher ups.

These commutations were, at the time, widely believed to be politically linked. Indeed, the Clinton White House discussed how the clemencies would affect then-Vice President Gore's aspirations for higher office, particularly among the Puerto Rican community. For this reason, I believe a full accounting of the individuals Mr. Holder met with, what they discussed, and what went into his decisions in recommending these commutations is in order.

But there is another reason these questions should be answered; that is, it is only fair and just that the victims of the violence of these two terrorist groups be provided answers.

I would encourage all of my colleagues before voting to review the testimony of Joseph Connor, whose father

was killed in the bombing in Lower Manhattan. Mr. Connor testified that Mr. Holder did not consult with him, did not contact him or his family or other victims before recommending that the FALN terrorists go free. I cannot vote for Mr. Holder's nomination until I can explain my vote to Joseph Connor.

Less than 2 years after the controversial recommendation for commuting the sentences of these FALN terrorists and Los Macheteros terrorists, on the very last night of the Clinton administration, Mr. Holder made a very similar error in judgment when he recommended that President Clinton pardon the notorious fugitive Marc Rich. At the time, Mr. Rich was No. 6 on the FBI's Most Wanted list.

In 1983, then-U.S. attorney Rudy Giuliani got an indictment of international commodities trader Marc Rich and his business partner Pincus Green. The indictment charged 65 counts of tax evasion, racketeering, and trading with the enemy. Specific charges include illegally trading with the Ayatollah Khamenei's Iranian terrorist regime, in violation of U.S. energy laws and the trade embargo against Iran. Indeed, Mr. Rich made a fortune trading with the Ayatollah's regime at the same time that 52 American diplomats were being held hostage in Tehran. Mr. Rich profited by trading with Cuba, Libya, and South Africa during apartheid, all despite U.S. embargoes.

Rather than face the charges, Mr. Rich fled to Switzerland, where he remained a fugitive for 17 years. Law enforcement, including CIA, the NSA, and other Federal agencies, expended substantial resources in trying to apprehend Mr. Rich. These efforts included extradition requests and attempts by U.S. marshals to seize him abroad.

Mr. Rich refused to return to the United States despite an offer by prosecutors that they would actually drop the racketeering charges in exchange for his return. In a final effort to avoid extradition, Mr. Rich went so far as to renounce his U.S. citizenship. He tried to become a citizen of Bolivia.

It is hard for me to imagine anyone less deserving of clemency by the President of the United States than a fugitive from justice accused of trading with the enemy. Mr. Rich's own lawyer told him that he "spit on the American flag" by avoiding the jurisdiction of our courts.

On the last evening of the Clinton administration, White House Counsel called Mr. Holder to solicit his views on the Rich pardon. As Deputy Attorney General, Holder was effectively speaking for the entire Department during this crucial call. Strongly disregarding the views of the hundreds of DOJ prosecutors and FBI agents who had worked nearly two decades to bring Mr. Rich to justice, Holder told White House Counsel Beth Nolan that he was "neutral, leaning favorable."

With this recommendation from the Deputy Attorney General in hand, President Clinton granted the Rich pardon, in one of his last and most inexplicable actions.

Senator SPECTER, the distinguished ranking member from Pennsylvania, correctly recounted what former FBI Director Louis Freeh said about that pardon. He called it a "corrupt act." Now, Mr. Holder has, during hearings, accepted fault and admitted that he made a mistake. I do not know how he can do any differently. But never in a full day of hearings and written questions did Mr. Holder offer a good reason for supporting the pardon in the first place. He defends himself by saying he was naive. He admits it was a mistake and promises he will not make the same mistake again. But this is difficult to square with the fact that 2 years earlier, Mr. Holder agreed that the FALN commutations were a reasonable act. It appears to be something of a trend here.

The other area I am very concerned about, as I mentioned earlier, is the questions I asked Mr. Holder about the war on terrorism. Of course, it is hard for us now to recount the horrors of 9/11 when al-Qaida commandeered airplanes and hit here in Washington, DC, and New York, killing 3,000 Americans. It is in the wake of that that, of course, the Congress authorized the use of military force against al-Qaida in Afghanistan and against the Taliban. It is in the wake of that that Congress passed the PATRIOT Act to provide enhanced tools to our law enforcement agencies and our intelligence agencies to try to make sure 9/11 never, ever happened again.

The Department of Justice, particularly in the Office of Legal Counsel, was struggling with new efforts to try to figure out how to protect Americans from future attacks. I believe they struggled in good faith to try to come up with legal guidance for our President, his administration, and the intelligence authorities to make sure they were operating within the limits of the law, which, of course, prohibits torture. But I want to recount what Mr. Holder said in January 2002, which is at stark odds with what he has said now in 2008. He said in January 2002 that captured al-Qaida terrorists "are not, in fact, people entitled to the protection of the Geneva Conventions. They are not prisoners of war." He went on to endorse indefinite detention of terrorists at Guantanamo Bay and argued that such prisoners should not be afforded Geneva Convention protections so that they could be interrogated and provide actionable intelligence that could prevent future attacks. But more recently, taking perhaps a more political or ideological bent, he chastised the Bush administration for policies he now seems to believe defy the law.

I want to quote at length from an Associated Press article entitled "Obama AG pick defended Guantanamo policy," dated November 22, 2008. According to

this article, when asked whether terrorism suspects could be held forever, Holder responded:

It seems to me you can think of these people as combatants and we are in the middle of a war.

Holder said in a CNN interview in January 2002:

And it seems to me that you could probably say, looking at precedent, that you are going to detain these people until the war is over, if that is ultimately what we wanted to do.

Just weeks later, this article goes on to say, Holder told CNN he did not believe al-Qaida suspects qualified as prisoners of war under the Geneva Conventions.

He said:

One of the things we clearly want to do with these prisoners is to have an ability to interrogate them and find out what their future plans might be, where other cells may be located. Under the Geneva Conventions, you are really limited in the amount of information that you can elicit from people.

Holder said it was important to treat detainees humanely, but he said they "are not, in fact, people entitled to the protection of the Geneva Convention. They are not prisoners of war."

In this article, he also downplayed criticism that these detainees were being mistreated. Now, these were essentially the same arguments being made by the Bush administration in the wake of 9/11. Since then, those arguments, as we all know, have been criticized by human rights groups, leading Democrats, and, surprisingly enough, Mr. Holder himself.

He gave a speech to the American Constitution Society in June of 2008 where he said, "We must close our detention center at Guantanamo Bay."

He said:

A great nation should not detain people, military or civilian, in dark places beyond the reach of law. Guantanamo Bay is an international embarrassment.

He added that he never thought he would see the day where "The Supreme Court would have to order the President of the United States to treat detainees in accordance with the Geneva Convention."

Those sharply contrasting positions from 2002 to 2008 make me wonder if this is the same person, the same Eric Holder. Moreover, it makes me wonder what it is he truly believes. In 2008, Mr. Holder, in a speech before the American Constitution Society, attacked many of the positions he once held as "making a mockery of the rule of law." In that speech he called for "a reckoning" over the Bush administration's "unlawful practices in the war on terror." He also accused the Bush administration of "act[ing] in direct defiance of Federal law" and railed against counterterrorism policies that he claimed "violate international law and the United States Constitution." It is one thing to change your mind; it is another thing to change your mind and attack the very position you once held as one that could only be held in bad

faith. It is cynical to characterize a position you once held later as "making a mockery of the rule of law."

The recent attacks in Mumbai have reminded Americans of the possibility of another attack, literally anywhere in the world by committed terrorists. On November 26, 2008, Mumbai was ravaged by a gang of terrorists. More than 170 people died as a result of bombings and gunfire, including 6 Americans. If an American city were targeted in the same manner as Mumbai, or worse—let's say these terrorists had a biological, chemical, or nuclear device—it is critical that our laws give law enforcement personnel, intelligence personnel, the President of the United States the very intelligence they need in order to detect and defeat those attacks. Our intelligence officials and those who act consistent with interpretations of the law from the Office of Legal Counsel at the Department of Justice need to know the law is not going to change after they act consistent with what they understand the law to be in order to protect American citizens from future attacks.

I worry about Mr. Holder's shifting opinions on what the law provides for and what it does not. I worry about the chilling effect it will have on future intelligence officials who may decide rather than risk prosecution by shifting opinions on what the law provides or does not, rather than risking everything I have worked a lifetime for, including what I have provided for my family, I am going to play it safe. From what we learned on 9/11, according to the 9/11 Commission, when we treat it safe, when we treat terrorism as a criminal act alone, we invite future attacks against our country.

For all these reasons, I oppose the nomination.

I ask unanimous consent that a letter from a number of hunting groups, anglers, landowners, and conservation groups in my State be printed in the RECORD.

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

FEBRUARY 2, 2009.

Hon. JOHN CORNYN,
Hart Senate Office Bldg.,
Washington, DC.

Hon. KAY BAILEY HUTCHISON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS CORNYN AND HUTCHISON: The organizations listed above represent hunters, anglers, landowners, conservationists, natural resource professionals and many law abiding gun owners in Texas. These groups and individuals share a strong interest in sustaining and protecting our current and future conservation initiatives, our long standing hunting heritage, and ensuring our success to effectively manage Texas' fish and wildlife resources. The listed groups want to express their strong opposition to the approval of Eric Holder's nomination as Attorney General of the United States.

Mr. Holder has consistently demonstrated opposition to our Second Amendment Rights and has argued against the individual right to keep and bear arms, as determined by the

U.S. Supreme Court in Washington, D.C. vs Heller. He has advocated for what we consider extreme gun restrictions. We believe that Mr. Holder, as a preeminent legal expert and outspoken advocate on stricter gun laws, would be in a particularly powerful position to implement bureaucratic measures and create procedural mischief that would erode gun ownership rights.

We are forced to logically contend that increased gun control will result in a direct reduction in sales of firearms and ammunition leading to a reduction in Federal Aid funds available through the Sport Fish and Wildlife Restoration Act. This will mean a reduction in funding to financially support state fish and game agencies across the nation and specifically the Texas Parks and Wildlife Department in Texas, thus reducing our ability to conserve our fish, wildlife and natural resources. This is a critical issue for the hunter, angler and conservation community.

While there seems to be a sense that President Obama is still in a "honeymoon period" with his appointments that are being reviewed by the Senate, this nomination clearly must be thoroughly vetted and Mr. Holder's positions clearly exposed and challenged. A lopsided vote without direct confrontation over these extreme gun control positions would send the wrong message and certainly erode progress that has been made on Second Amendment issues and the individual right to keep and bear arms.

Thank you in advance for at the least speaking out and highlighting these concerns during the upcoming vote. America must be on record that his actions and decisions will be closely monitored, and we encourage you to vote against the nomination of Mr. Holder to clearly showcase these concerns.

If you have any questions please contact Kirby Brown, Chairman of the Texas Outdoor Partners.

Sincerely,

Anglers Club of San Antonio; Dove Sportsmen's Society; Exotic Wildlife Association; Gulf Coast Chapter of SCI; Houston Safari Club; Kayak Anglers Society of America; National Wild Turkey Foundation—Texas Chapter; Quality Deer Management Association; Recreational Fishing Alliance—Texas; Rocky Mountain Elk Foundation, Texas Chapter.

San Antonio Metropolitan League of Bass Clubs; Safari Club International, Austin Chapter; Sensible Management of Aquatic Resources Team; Texas Association of Bass Clubs; Texas BASS Federation Nation; Texas Black Bass Unlimited; Texas Chapter of The Wildlife Society; Texas Deer Association; Texas Dog Hunters Association; Texas Gulf Coast Stewards.

TexasHuntFish.Com; Texas Organization of Wildlife Management Associations; Texas Outdoor Council; Texas Quail Unlimited Chapters; Texas Sportsman's Association; Texas State Rifle Association; Texas Trophy Hunters Association; Texas Wildlife Association; Wild Boar USA; Wildlife Habitat Federation.

THE PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I know the distinguished senior Senator from Minnesota, the distinguished only Senator from Minnesota, seeks recognition, the newest member of the Judiciary Committee, an extraordinarily valued addition to the committee. We are especially happy whenever we have a former prosecutor come on the committee.

I yield to the Senator from Minnesota.

Ms. KLOBUCHAR. I thank the Senator from Vermont.

I rise today in support of Eric Holder to be the next Attorney General of the United States.

The next Attorney General will need to hit the ground running, from beefing up civil rights and antitrust enforcement to addressing white-collar crime and drug-related violence, to helping keep our country safe from terrorist attacks. As I told the Judiciary Committee last week when I voted in favor of his nomination, Eric Holder is the right man to do the job. He is the right man to lead the Department of Justice at this critical time. And most importantly, coming from a State that had our own share of problems with a political appointee put in place as U.S. Attorney, he is the right man to get the Department back on course, to put the law first, when it comes to the Department of Justice.

First, as I look at the reasons why I am supporting his confirmation, at a key time in our Nation's history, where we deal with terrorist acts not contemplated in simpler times—from cyber battlefields to sophisticated crimes, from market manipulation to financial fraud—Eric Holder has a clear command of the legal issues confronting our country. That was apparent in the discussions that took place during the nomination hearing. There were a number of Senators, particularly those on the other side of the aisle, who had some very good questions. When you listened to the discussion Eric Holder had with Senator KYL regarding some of the ongoing foreign intelligence issues, from multipoint wiretap authority to lone-wolf surveillance authority, it was obvious that Eric Holder knew what he was talking about. He was convincing to Senator KYL as they discussed this. The discussions he had with Senators HATCH and FEINGOLD regarding executive power and congressional authority and the important back and forth with Senators SESSIONS, GRAHAM, and FEINSTEIN regarding terrorism cases, regarding the unique nature of those cases, regarding the issues facing our agents and soldiers in the field and the prosecution of detainees, despite what we recently heard from my colleague from Texas, it is no surprise to me that after hearing Eric Holder's command of the law and the issues facing the country, the vote on the committee was overwhelming. The vote was 17 to 2. So many of my Republican colleagues who earlier had expressed concerns about Eric Holder ended up supporting him and voting for him and asking that he be the next Attorney General.

The second reason I am glad to support Eric Holder is he is committed to the bread-and-butter work of the Justice Department. As Chairman LEAHY noted, before I came to the Senate I was a prosecutor for 8 years. I ran an office of 400 people. I had some sense of

the importance of going after not only the big crimes but also the little crimes. Eric Holder was a pioneer in this area when he was U.S. attorney and established a community prosecution initiative. It is built on the idea of community policing. It goes back to the basics. The idea is instead of a prosecutor sitting in the office looking at a bunch of files, none with any relation to the neighborhood we are supposed to protect, the prosecutor is assigned to a certain area to work with the same police, to work with the same neighborhood groups. While there may be some crimes committed in the government centers in this country, for the most part they are not. This idea of community prosecution connects what goes on in those four walls of the government centers, in those four squares of the centers to the neighborhoods out in the field, to the people out in the field. When we did this in Hennepin County by assigning prosecutors by geographic area to work directly with a set group of police and neighborhood groups, we got better results for liveability crimes. We got stronger sentences, and we saw a 120-percent reduction in crime. Again, Eric Holder, when he was U.S. Attorney in the District of Columbia, which involves not just doing U.S. attorney type prosecution but also the bread-and-butter work of prosecutions in the District because of its unique nature, he was one of the pioneers for community prosecution. It shows his command and explains why he has so much support from law enforcement.

I remember actually during this time we had a visit—this is way back, years ago—from a Presidential candidate to one of our suburban areas. I said to one of the police officers: Do you want to meet this person? He said: Well, not really. I want to know if Terry Froling is here. She was our community prosecutor we had assigned to that suburb of Bloomington, MN, whom he had gotten to know and respect. It brought home to me again how important this program was. You can see the faith that law enforcement has put on Eric Holder by the number of bipartisan endorsements he has received. You also see the endorsements of Republican-appointed prosecutors such as my law school classmate Jim Comey. That means a lot to me, and it should mean a lot to Members of the Senate.

Third, Eric Holder is a humble person who is willing to admit mistakes. From my brief 2 years here, we need a little bit more of that in Washington. As a former prosecutor, I am not a big fan of pardons. I told this to Mr. Holder. But anyone who has worked in the criminal justice system, whether as a police officer or prosecutor or a public defender or a judge, anyone who has worked in the system for any length of time knows that people make mistakes. For 8 years, when I managed our office, I saw the gut-wrenching decisions—and I had to make some myself—that the people have to make on the frontline.

From the momentary decisions that police officers need to make at a fast-moving crime scene, whether to shoot, whether to knock down a door, to the decisions prosecutors need to make about whether to call a certain witness or whether to plea down a case when the case is falling apart and they know their own hope to get someone off the street they consider dangerous is to accept that plea—those are the tough decisions that may not make good television, but they are the true decisions that prosecutors need to make every day.

If you want someone with experience for this job, they are going to have made some decisions you don't like or that I don't like. There is absolutely no doubt about it. People who are in this field have to make literally dozens of decisions a day. They are going to make some decisions you don't like. They will have made some mistakes. I am glad they were discussed and brought up at the nomination hearing and glad that so many of my committee colleagues actually took the time to listen to the nominee. He explained that one thing was a mistake, that he wouldn't have made that decision if he had more information. He admitted that, and we were able to question him at length. He explained some things that he still supported that they didn't agree with or that the times had changed and they had more information and there is reason they didn't agree with it now. Those discussions were had and he was candid.

What we have learned from that committee hearing is that in the end, so many of my colleagues on both sides of the aisle looked at this man as a whole, and they decided that as a whole his experience, while there may have been flaws in his experience, led them to support him for this job, which leads to my last reason.

Eric Holder's background is, first, as a prosecutor in the field. But just as importantly, it is also as a sound, solid, competent manager who is guided by justice, someone who will lead quietly but firmly, someone who will work to build the morale of a department that has suffered for too long. As I mentioned, I saw it in my own State when one bad decision made up on high, when the Attorney General was Alberto Gonzales, putting an inexperienced political appointee into the top spot of a gem of a U.S. Attorney's Office in Minnesota, created absolute havoc in our State and in that office. I had worked with that office for years. I know the people who work there. I know how high quality they are. That one decision wreaked havoc in that office. Thanks to General Mukasey, that office is now steady. I appreciate how he consulted with me about the replacement for that job. I also appreciate how our State's acting U.S. Attorney Frank Magill has skillfully guided the office through a difficult time and restored morale. But that experience with the U.S. Attorney's Of-

fice in my State has brought home to me the importance of having an Attorney General who puts the law and not politics at the helm of the Department of Justice. As former Attorney General Dick Thornburg said, Attorney General for Presidents Reagan and George H.W. Bush:

The next Attorney General will need to restore the image of the Department of Justice as a nonpartisan organization dedicated to the rule of law.

I couldn't agree more. We need to put justice and the law at the helm. I support the Holder nomination to be Attorney General because I believe Eric Holder can steer this big ship and get it back on course and put justice at the helm.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Kentucky.

Mr. BUNNING. Mr. President, I need about 7 or 8 minutes.

Mr. LEAHY. Mr. President, point of inquiry. I certainly don't want to interfere with the Senator from Kentucky, but I think Senator CORNYN had locked in a specific amount of time for the Senator from Kentucky; am I correct?

The PRESIDING OFFICER. That is correct, 5 minutes.

Mr. BUNNING. All right. I will not argue with the Senator from Vermont.

I rise today to discuss the nomination of Eric Holder to be U.S. Attorney General. Unfortunately, I cannot support his nomination to this post.

While Mr. Holder certainly has the experience and credentials that one would want to see as head of the Department of Justice, his judgment is lacking. As a Deputy Attorney General in the Clinton administration, Mr. Holder approved several controversial pardons.

First, I wish to mention the case of Marc Rich. At the close of the Clinton administration, a pardon was issued for this infamous fugitive financier. Mr. Rich was charged in the early 1980s with 51 counts of tax fraud for evading more than \$48 million in taxes.

He was also indicted for conducting illegal oil deals with the Iranian Government at the time Iran was holding 52 U.S. citizens hostage. Mr. Rich then fled the country and allegedly renounced his U.S. citizenship to avoid extradition. This was enough to land him on the FBI's "Ten Most Wanted List."

Mr. Holder's recommendation on this pardon of Mr. Rich was "neutral, leaning favorable." Accounts indicate he did this without consulting the prosecutors handling the Rich case in the Southern District of New York. His willingness to push this pardon ahead is troubling, to say the least.

The second questionable pardon involving Mr. Holder concerns 16 members of the terrorist group, the Armed Forces of National Liberation, better known as FALN. This radical group supports Puerto Rican independence

and was labeled as a terrorist group by the FBI. Between 1974 and 1983, FALN claimed responsibility for more than 120 bombings in the United States. These bombings killed six people and injured many more.

Mr. Holder overturned previous denials of clemency for these terrorists. The pardons were also opposed by two U.S. attorneys who prosecuted FALN cases, and by the FBI. According to the Los Angeles Times, Mr. Holder even overruled the Office of the Pardon Attorney at the Department of Justice. In fact, Mr. Holder never reached out to opponents of this clemency or one family of the victims. The son of a man killed in an FALN bombing first learned about the pardons from reading the newspaper.

I am also very concerned about Mr. Holder's views on second amendment rights. During his confirmation hearing before the Senate Judiciary Committee, he was consistently vague and would not answer directly on questions regarding the second amendment.

I find this to be unsettling and unsatisfactory. However, past statements and actions indicate a nominee who has shown hostility toward the right of Americans to keep and bear arms. The Supreme Court decision last year in the Heller case reaffirmed that the second amendment is an individual right, and Mr. Holder opposes this decision. He seems to hold the view that gun possession is not a right, as the Heller case confirmed, but more a privilege or hobby that needs to be strictly regulated.

Mr. Holder is supportive of old ideas for gun control that have never proven to make people safer at the expense of taking away their rights. He has indicated he will favor licensing and registering all gun owners, a policy I do not think will sit well with Americans.

Lastly, the Attorney General of the United States is the Nation's top law enforcement official. He cannot pick and choose which of our rights he will defend and which ones he will overrun. His views on the second amendment make me very wary of his confirmation to this great position he is being considered to be confirmed to. Coupled with his handling of the Clinton era pardons, I think this nomination is very worrisome. It is unfortunate, but I cannot support this nominee. I will be voting against his confirmation, and I urge my colleagues to do the same.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, seeing the Senator from California on the floor, how much time would the Senator wish to have?

Mrs. FEINSTEIN. Mr. President, I do not believe I will use it, but if I might have 10 minutes.

Mr. LEAHY. Mr. President, I yield the distinguished senior Senator from California 10 minutes.

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, I respectfully strongly disagree with the distinguished Senator.

In my 16 years on the Judiciary Committee, I have never seen a more qualified nominee. Mr. Holder has been a prosecutor in the Public Integrity Section of the Department of Justice; a Superior Court judge for the District of Columbia; the U.S. attorney for the District of Columbia; an attorney in private practice; and the Deputy Attorney General of the United States, the No. 2 position in the Department. I do not think you can beat these credentials.

Now, people find one two decisions out of a multiplicity of decisions Mr. Holder has made with which they disagree—and they are welcome to disagree—but that does not destroy his value or his worth as Attorney General.

President Reagan first appointed Holder to be a Superior Court judge, and President Clinton then named him U.S. attorney and Deputy Attorney General. On all three occasions, he was unanimously confirmed by the Senate.

Today, his nomination is being broadly supported by Members of both parties. We have received letters from people such as the former FBI Director, Louis Freeh; former Deputy Attorneys General Jim Comey, Paul McNulty, and Larry Thompson; former Solicitor General and Republican Ted Olsen; and President George H.W. Bush's Attorney General, William Barr.

Virtually every single law enforcement agency in the country has come out to endorse him: the Fraternal Order of Police, the National Association of Attorneys General, the Attorneys General of over 30 States, the National Criminal Justice Association, and on and on.

He has unified support among the civil rights community: the NAACP, the Asian-American Justice Center, the Mexican-American Legal Defense and Educational Fund, and the Human Rights Campaign.

It is rare to see such bipartisan support for a candidate. In Mr. Holder's case, I believe it is very well deserved. He is a man of integrity, intelligence, humility, and heart.

I remember our prior Attorney General, Mr. Gonzales, making the statement that he wore two hats. At the time he said it, I did not realize what the implication was. He stated, and on the record, that he represented the President of the United States and he represented the people of this Nation.

Well, we saw in spades what a double-hatted Attorney General can do. We saw the politicization of that Department. We saw the top people in the Department acting politically with appointments. We saw the diminution of the Civil Rights Division. We saw at least 9 U.S. attorneys terminated because the administration did not agree with the decision they either refused to

make or made. That is not the way the Attorney General should run what is a very large Department.

This is a \$25 billion agency. It has over 100,000 employees. It is charged with fighting terrorism, stopping violent crime, upholding our civil rights laws, and enforcing our civil liberties. As those of us on the Judiciary Committee know well, the Department is badly in need of repair.

In January of 2007—as a matter of fact, I remember it well—I came to the floor, and I said someone, a Republican, had called me and said that on a given day in December, seven U.S. attorneys had been fired. Well, I checked, and in fact that was correct. On December 7, seven U.S. attorneys had been fired. What he also told me: It was all for the wrong reasons. And he said: Look into it.

Under the leadership of the chairman of the committee, PAT LEAHY, we did look into it. What we found was a trend in the middle of the term to essentially take certain U.S. attorneys and terminate them for one reason or another: some, I believe, because they would not bring a certain prosecution and some, I believe to this day, because they did bring a certain prosecution.

Last year, Inspector General Glenn Fine released four separate reports documenting violations of civil service laws and politicized hiring throughout the Department. Well, there is a big job to do, and it is going to be Mr. Holder's duty to turn this Department around, to restore its credibility.

This is a proud Department, and I believe Mr. Holder gave every one of us on the committee confidence last month when he stated this:

[T]he notion that the Justice Department would ever take into account a person's political affiliation or political beliefs in making [career] hiring decisions is antithetical to everything that the Department stands for. Now, that is a substantial commitment, and those of us on the Judiciary Committee will be watching him carry it out. So I am delighted this new Attorney General—I believe will be confirmed at 6:15 tonight—will restore the integrity and the professionalism of this great Department.

In my view, despite differences on certain judgments, there is no one—no one—more qualified to become Attorney General of the United States than Eric Holder, and I will proudly cast my vote for him.

Thank you very much, Mr. President. The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is remaining on the Republican side, and how much time is remaining on the Democratic side?

The PRESIDING OFFICER. The Democratic side has 31 minutes 40 seconds, and the Republican side has 31 minutes 5 seconds.

Mr. LEAHY. Mr. President, I thank the distinguished Presiding Officer. I do not see any Republicans in the Chamber, although it would be their turn to speak next on this confirmation. While we are waiting, I will men-

tion a couple things, and do this on the Democratic time.

There has been a lot of criticism of pardons and clemencies that former President Clinton granted. I would note that it was not Eric Holder who granted any of these clemencies or pardons. It was President Clinton.

Now, I know for the last 8 years, certainly while the Republicans were in charge, we would have one hearing, one investigation after another about the Clinton years, and it seemed to be kind of on automatic pilot. I heard a lot of outrage on the Republican side about pardons granted by President Clinton, and I shared my disappointment in some of those. I have heard them say people should have spoken out immediately. Well, many of us did.

But I was not able to find a single one who spoke out showing any outrage a few months ago when Republican President Bush gave a pass to Scooter Libby, Vice President Dick Cheney's former Chief of Staff, who commuted his prison sentence a very short time before he was about to begin that sentence. That was an extraordinarily serious case that involved leaking the name of a covert CIA operative for a political purpose, and the decision to communicate that leak was made by President Bush, despite objections from the prosecutor, despite objections from the victim, and despite objections from the public. I do not recall any Republicans objecting to President Bush's decision.

Now, they say they are objecting to something President Clinton did. I do not want to suggest in any way that the objections are partisan, but they certainly are not consistent.

I know Republicans set the standard as to who should be Attorney General. They voted unanimously for Attorney General Alberto Gonzales. Afterwards, many quietly talked to the White House about getting rid of Attorney General Gonzales because he was not up to par, but they were not going to vote against him. Now we have somebody far more qualified, and the Republicans talk about voting against him.

On the subject of the FALN, I should not that we have already had many hearings on this issue. I, for one, was critical of the commutations made by President Clinton, but let's look at the record and let's look at the facts. As Deputy Attorney General, Mr. Holder had no final decision-making power to grant clemency or pardons. Mr. Holder's memo to the White House made no recommendation on clemency for the prisoners. It simply provided the analysis that is expected to be provided to the White House with multiple options for each prisoner. None of the FALN members offered clemency by President Clinton were present when individuals were killed or injured. The prisoners who were offered clemency were released under strict supervision by Federal probation authorities. None have caused any future harm. The only ones who were given clemency were

those who announced their willingness to renounce violence and had already served from 17 to 19 years. This was not a get-out-of-jail free card.

The clemency provided by President Clinton was supported by various Members of Congress; numerous religious, human rights, labor, Hispanic, civic and community groups; as well as Archbishop Desmond Tutu, and other Nobel prize recipients. I would note that many of the law enforcement agencies and law enforcement officials who were critical of the FALN clemencies given by former President Clinton are the same prosecutors who had prosecuted those cases and who came forward and strongly and unequivocally endorsed Eric Holder to be Attorney General of the United States.

So we can talk and talk and talk and talk and talk and talk and set up double standards. The fact is, the people most knowledgeable about what happened argued in favor of Eric Holder as Attorney General.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I rise today to support the nomination of Eric Holder for the position of Attorney General of the United States.

The PRESIDING OFFICER. The Senator from Missouri is recognized under the previous order for 10 minutes.

Mr. BOND. I thank the Chair.

My decision to support Mr. Holder's nomination does not come easily. Certainly, Mr. Holder has an outstanding reputation as a career prosecutor and an effective litigator, and he has received strong support from prominent government and former government officials on both sides of the aisle. However, I have been concerned about a number of aspects of Mr. Holder's nomination.

First, I have been deeply troubled by Mr. Holder's poor decisionmaking in the case of the pardon of Mr. Rich and the FALN members. Also, I have been concerned about his past comments regarding the second amendment, even after the Supreme Court rendered its pro-individual rights decision earlier this year. Most notably, I have been concerned about some of the comments related to intelligence activities that Mr. Holder made in past public speeches and during his recent confirmation hearing.

As vice chairman of the Intelligence Committee, I want to ensure that the intelligence community has the tools it needs to protect the country, and I want to make sure we will have an Attorney General in place who will help keep America safe.

In an effort to gain some clarity on Mr. Holder's current thinking on these issues and concerns, he met with me privately to discuss them. We discussed, for example, the President's Terrorist Surveillance Program, the FISA Amendments Act, the intelligence community's Detention and In-

terrogation Program, Guantanamo Bay, various interrogation legislative proposals, the applicability of the writ of habeas corpus to terrorists, renditions, and media leak investigations. A few days later we had a second meeting to discuss further the issues of great concern to me and my position on the Intelligence Committee, notably, the carrier liability provisions in the FISA Amendments Act and the propriety of investigating intelligence officials who acted in good faith and with proper authorization in the conduct of intelligence interrogations.

There have been some confusing press reports about my meetings with Mr. Holder as well as statements from Senators who were not in attendance at those meetings about it. So now is probably a good time to set the record straight.

First, it should go without saying that neither Mr. Holder nor I made any pledges or promises with respect to his nomination. We met, rather, so that we could share our perspectives on these very important issues. In those meetings, Mr. Holder provided me some additional insight that assures me he and the Department of Justice will be looking forward to keeping the Nation safe.

I invite my colleagues' attention to the following written assurance given by Mr. Holder to Senator KYL about a week ago concerning the investigation of intelligence officials conducting interrogation activities. He said:

Prosecutorial and investigative judgments must depend on the facts and no one is above the law. But where it is clear that a government agent has acted in responsible and good faith reliance on Justice Department legal opinions' authoritatively permitting his conduct, I would find it difficult to justify commencing a full blown criminal investigation, let alone a prosecution.

During our meeting, Mr. Holder expanded on these remarks and explained why he had reached that conclusion—a conclusion with which I happen to agree.

While his public answer to Senator KYL and my main emphasis during our meetings focused on the intelligence officials who followed DOJ legal guidance and not on those who either wrote that legal advice or authorized the intelligence activities based upon such advice, I told him—and I believe he understood—that trying to prosecute these lawyers or political leaders would generate a political firestorm.

Besides interrogation, we focused during both meetings on the issue of carrier liability protection under the FISA Amendments Act. During Mr. Holder's confirmation hearing, Senator HATCH asked him whether he would honor the carrier liability certifications issued by Attorney General Mukasey. Mr. Holder answered that he believed he would honor those certifications unless circumstances changed.

I have asked Mr. Holder if he could explain the "changed circumstances" which would cause him to withdraw the existing certifications, noting that it would be difficult for circumstances

to change since all this happened in the past, was considered by the Senate and the House, we wrote a bill, and under which the Attorney General made a judgment based on those circumstances. Mr. Holder didn't give any specific examples of changed circumstances, but he planned to review the certifications to which he has not had access if confirmed. Given that those certifications are based upon relatively simple, classified facts, I am certain he will reach the same legal conclusion as Attorney General Mukasey, and I am comfortable with his thinking on the matter as he described it to me.

I cannot stress enough to my colleagues and the American people the importance of the carrier liability protection provisions in the FISA Amendments Act. These provisions not only put an end to the frivolous lawsuits brought against the carriers alleged to have participated in the terrorist surveillance program, they also increase the likelihood of future cooperation with the intelligence community by the carriers as the community strives to keep us safe within the bounds of law. I also stressed the fact that Mr. Holder is not read-in—or given access—either to the terrorist surveillance program or the interrogation program, so it would not be advisable to make any definitive statements about either program without the pertinent facts, and he agreed with me on this point.

I enjoyed my meetings with Mr. Holder. While we did not agree on every issue, I appreciated his stated willingness to keep an open mind until he has had a chance to review the classified facts involved in most of these intelligence issues.

I found Mr. Holder to be a good listener, which is an important prerequisite for any good leader. I believe him when he says he is willing to take good ideas from wherever they come. As his predecessor, General Mukasey, he will, I believe, be an Attorney General more interested in justice than in politics.

Now, I understand a number of my colleagues will not support Mr. Holder's nomination. I respect their legitimate concerns about his unsatisfactory performance in the Rich and FALN pardons. I, too, have real problems in these matters. Pardoning Marc Rich—an international fugitive from justice—was certainly a stain on the Presidency and Mr. Holder's record. Mr. Holder told me, as he said publicly, that his role was a mistake he regrets. I believe he genuinely knows what he did was wrong and would not do such a thing again. Similarly, I suppressed my concerns to Mr. Holder regarding his role with the Puerto Rican FALN group. I disagree with him that granting clemency to such people even after the time they served could ever be appropriate, but he has told me that regardless of whether we agree that it was acceptable in a pre-9/11 world; he would not view similar future requests in the

same manner in our post-9/11 world. In that respect, I believe Mr. Holder fully supports an aggressive stand against terrorists today. I am hopeful he has learned important lessons from these events.

When confirmed, Mr. Holder will be taking over the Department of Justice that is stacked with legal talent. I wish to take a moment to note that the Nation owes a great debt of gratitude to the Department of Justice. During the past several years, we have worked very closely with the Department on many important pieces of national security legislation, including the PATRIOT Act, the Intelligence Reform and Terrorism Prevention Act, the 9/11 Recommendations Implementation Act, the USA Patriot Improvement and Reauthorization Act, the Protect America Act, and of course, the FISA Amendments Act. I am very grateful for the dedicated efforts of the National Security Division, the Office of Legal Policy, the Office of Legal Counsel, and the FBI in assisting us with these various legislative matters. I also commend those on the frontline for their untiring service and efforts to keep us safe from the many and diverse threats against our national security while ensuring that our civil liberties are protected. I expect that Mr. Holder and the Department of Justice will continue this tradition, and I look forward to working with Mr. Holder closely on PATRIOT Act sunset issues and other important national security matters during this Congress to protect our Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I thank the Chair, and I thank the distinguished vice chairman of the Intelligence Committee for his words. It is a pleasure to work with him on the committee. I think we are both looking forward to a new relationship with the Department of Justice under a new Attorney General.

I see my friend and colleague, Senator SESSIONS, here waiting to speak, so I just wanted to make two quick points. The first is that this is a man of really exceptional experience. Our distinguished Presiding Officer—who I don't think can be seen on the television right now—is the distinguished Senator UDALL from New Mexico who was an Attorney General himself. He understands the value of experience in these jobs. This is a man who has been a U.S. attorney, who has been a Federal judge, who has been the Deputy Attorney General of the United States—the No. 2 position in this Department, and who, by all standards, has acquitted himself with remarkable distinction during the course of his tenure in those three positions.

It is also noteworthy that the Department of Justice has fallen on very hard times recently. People from both sides of the aisle from recent and distant administrations have come for-

ward to try to be helpful to express their concern and their dismay about what was allowed to happen to this great Department. From all of my experience with the—I guess you could call them group of friends at the Department of Justice, people who served there and who have great affection for that Department, they view Eric Holder as a special person who has a unique capacity to fight for the principles the Department has long prided itself on: independence, talent, pure legal analysis, and courage. I think it is going to be very reassuring for the friends and family of the Department of Justice who have been so concerned about what has happened to it in the last few months to have this man now in charge. There will be a huge sigh of relief. I compliment my colleagues on the bipartisan way in which this has gone forward. Clearly, there were concerns early on and they were addressed fairly. This is a nomination that passed out of the Judiciary Committee 17 to 2, which, in a highly partisan environment in Washington, is as close to a perfect score as I think you are going to get. It continues to receive broad support from both sides of the aisle on the floor. I know many people who are significant in the history of the Department of Justice have spoken in support of Eric Holder, including former Attorneys General Barr and Jim Comer, two of the most distinguished people who have done so.

Without further ado, I will yield the floor so my friend, Senator SESSIONS, can speak. I think this is a great moment of opportunity for the country and the Department of Justice. I hope we can confirm Eric Holder to be Attorney General with a very strong number when we get to the vote.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized for 5 minutes.

Mr. SESSIONS. Mr. President, I ask to be notified when I have used 3 minutes.

The PRESIDING OFFICER. The Chair will do so.

Mr. SESSIONS. Mr. President, Senator WHITEHOUSE and I both served as U.S. attorneys. Eric Holder also served as a Federal judge supervising prosecutions and tried cases in the District of Columbia as a U.S. attorney. He served 4 years as Deputy Attorney General and did many good things during that time. He also made several serious errors, which I think and believe he has understood. He has committed not to make them again. He was influenced by the President, President Clinton, to do the pardons, and he should not have been influenced. I note that he moved away from that area of judge, prosecutor, and was active in the Kerry and Obama presidential campaigns. I have talked to him, and I believe he will be a responsible legal officer and not a politician as the Attorney General. I intend to support him.

I want to take a minute to express a growing concern I have about my be-

loved Department of Justice, where I spent 15 years as a prosecutor. It is something I respect highly. We do need to eliminate politics from that office. Some of the nominees coming up disturb me, and the pattern of them is disturbing. One is Elena Kagan, nominated for the Solicitor General. While dean of the Harvard Law School, she barred the U.S. military from coming on campus as long as she could successfully get away with it. She actually filed a brief in the Supreme Court when the Congress got so fed up with the idea that American universities would not allow the U.S. military to come on campus to ask students if they would like to be a part of the American military. She led the fight with an appeal all the way to the Supreme Court to reverse the Solomon amendment, which would require colleges and universities to either allow the military on campus or get no Federal funds. She led that battle. It was voted down in the Supreme Court 8 to 0, as well it should have been.

The PRESIDING OFFICER. The Chair advises the Senator that 3 minutes has elapsed.

Mr. SESSIONS. Mr. President, I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. On the Republican time?

Mr. SESSIONS. Yes.

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

Mr. SESSIONS. Dawn Johnsen, nominated to be assistant Attorney General for the Office of Legal Counsel, was the legal director for NARAL, the National Abortion Rights Action League, one of the most aggressive—probably the most aggressive—pro-abortion group in the country.

David Ogden, nominated for Deputy Attorney General, represented the murder defendants in *Roper v. Simmons*, which led to the unprincipled decision about defendants and the death penalty.

Thomas Perrelli, who represented Michael Schiavo in the Terry Schiavo case, is nominated for Associate Attorney General, third in command.

D. Anthony West, who is nominated for Assistant Attorney General for Civil Division, represented John Walker Lindh, the American Taliban who has been prosecuted and convicted.

We are heading into problems on some other nominations. We do not need the Department of Justice to become a liberal bastion. It needs to be the cornerstone of defending Americans and our safety.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. ISAKSON. Mr. President, I ask to be recognized for up to 2 minutes of the Republican time.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ISAKSON. Mr. President, I will vote today for Eric Holder. I want to

tell this body why. When he was first nominated, I had concerns—second amendment concerns and Guantanamo interrogation concerns, and about some of the releases that had taken place while he was a deputy U.S. attorney. There are three main reasons I am going to support this nomination. One, when I called him, he was the most forthright, most candid of all the people who have been appointed by the President, and I appreciate very much the time he took.

On the second amendment, he may have had interpretations more strict than mine, but he interpreted the Supreme Court to be the law of the land, and he would enforce the Supreme Court, which has clearly determined that the second amendment is an individual right.

Secondly, on Guantanamo, he acknowledged that those who had done interrogations had done so under the authority of the Department of Justice, and the Department of Justice could not undo what it had done. I respected that.

Third, a great U.S. attorney general from Georgia by the name of Griffin Bell, who died 2 weeks ago, under Jimmy Carter, sang Eric Holder's praises. Also, Larry Thompson of Georgia, deputy U.S. attorney under John Ashcroft—when I called him to ask about Holder, he said he was as good a lawyer and as fine and forthright a man as he knew. With those endorsements and his candid answers to my questions, I will vote for his confirmation in the Senate.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Georgia, and I appreciate his support. I understood there were going to be other Senators from this side coming to speak. I note that the time is running, and they will lose their time if they do not come to speak soon. I also add, while we are waiting, that I have had a special and significant interest in the Department of Justice from the time I was a law student. I watched so many attorneys general who have served at the Justice Department, some have been very good, but many have not. There is nobody—certainly, since I have been old enough to vote—who has been Attorney General with the potential to be as great an Attorney General as Eric Holder.

Like others in the Senate, I supported him when President Reagan nominated him for a judgeship, and he was unanimously confirmed. With many others in the Senate, I supported him when he was nominated to be a U.S. Attorney. He was unanimously confirmed. I also supported him when he was nominated to be Deputy Attorney General and for weeks he was held up on the floor by an anonymous hold. For some reason, there was an anonymous hold against Eric Holder. When

that hold was finally lifted, lo and behold, nobody voted against him. He was again unanimously confirmed.

I see the distinguished Senator from Maryland, one of the most valuable members of the Judiciary Committee, on the floor of the Senate. How much time would the Senator like?

Mr. CARDIN. About 5 minutes.

Mr. LEAHY. I yield 5 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first, I thank the Senator from Vermont, the chairman of the Judiciary Committee, for his work regarding the Eric Holder nomination. I think the confirmation process has been very fair. I must point out that when then-President-elect Obama indicated that his choice for Attorney General would be Eric Holder, I was very excited and supportive of his selection.

The confirmation process of the chairman of the Judiciary Committee has been conducted in a very fair and open manner. It has only made my support for Eric Holder more strong. The documents made available to the committee and the letters we have received from interested parties—many from those who have served in the Department of Justice under Republican administrations—have all strongly endorsed Eric Holder to be the next Attorney General of the United States.

I am convinced he is the right person at the right time for many reasons. First, his experience; he brings a wealth of experience to the position of Attorney General. He was a former judge and a former U.S. attorney. He has been in the Office of the Attorney General in the Department of Justice, and he has been a private attorney. He brings a sense of independence that we need in the Office of the Attorney General. He must be the Attorney General for the people of this country. He doesn't serve one person or just the President; he serves all Americans. We need an Attorney General who is going to be independent and willing to stand for what is right; stand up to a Cabinet Secretary or even the President with independent advice as to what the law states.

We are a nation of laws. The rule of law is extremely important. Eric Holder, throughout his career, has demonstrated that independence. I will give you one example. When Ken Starr, who was investigating former President Bill Clinton, wanted to expand his investigation of the President, it was up to Eric Holder to make that recommendation, and he made that recommendation in favor of the Independent Counsel. So he has shown his ability to do what is right, even if it is not popular to the person who appointed him, the President.

Secondly, I believe Eric Holder will restore the right priorities for the good of justice. When asked about torture, without any equivocation he said torture is illegal and cannot be accepted

under any situation. He didn't equivocate. We know when we need to restore the strength of the Civil Rights Division in the Department of Justice, he said he would do that. He clearly will restore to the Department of Justice the priorities that are most important for the Department of Justice.

Let me point out, in short, Eric Holder will restore the reputation of the Department of Justice, and he will retain and recruit the very best legal minds to represent the interests of all of the people of our Nation. I strongly endorse his confirmation and urge my colleagues to do that. With that, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized for 5 minutes.

Mrs. HUTCHISON. Mr. President, I rise to speak on the nomination of Eric Holder for the position of Attorney General of the United States. We place enormous trust in the nominee for this position to not only enforce the laws of our land but also to advise the President on legal and constitutional matters. One of the important freedoms that we have in the Constitution is the right to keep and bear arms, guaranteed to us in the second amendment of the Constitution. Many jurisdictions around our country do not have the ability to own a gun, and there are restrictions in jurisdictions all over our country for the use of a gun. Nowhere is it more strict than in Washington, DC.

In 1976, in Washington, DC, the City Council passed the toughest gun control laws in the Nation, banning handguns and requiring rifles and shotguns to be registered, stored unloaded, and either locked or disassembled. These were the most restrictive laws in our Nation regarding gun ownership. I thought they were not only incomprehensible but certainly unconstitutional.

I introduced a bill with a number of my colleagues to repeal these prohibitive measures.

This prohibition, however, was challenged in court before my bill could get through Congress, and the DC Circuit Court of Appeals agreed that the District's ban was unconstitutional.

When the District appealed to the Supreme Court, I filed an amicus brief with our colleague JON TESTER that was supported by 53 Senators and 250 Members of the House of Representatives. This was on the interpretation of the second amendment as preserving an individual right to keep and bear firearms. Our brief contained the most congressional signatures on any amicus brief ever in the history of our country.

In another amicus brief in this same district court opinion that was appealed to the Supreme Court, the nominee before us, Mr. Holder, along with 12 other former Justice Department officials, argued in favor of the gun ban in Washington, DC. His brief stated:

The second amendment does not protect firearms possession or use that is unrelated to participation in a well-regulated militia.

Fortunately, on June 2, 2008, the Supreme Court affirmed the intent of the Founders: that the right to bear arms is an individual right protected by the Constitution. This was a major ruling on the second amendment because local governments that seek gun control measures have made the argument that Mr. Holder made in his brief. That is the basis for gun control ordinances and laws around our country.

The ruling in the DC case was a victory for the rights of all Americans to protect themselves and their families. The Supreme Court sent a clear message that the law of the land, the individual right to keep and bear arms, cannot be unreasonably infringed.

The Founding Fathers knew what they were doing when they put the right to keep and bear arms in the Constitution. They knew from their experience in the Revolutionary War that a free people must have the right to possess and bear arms. In 1775, the American Revolution started because ordinary farmers decided to fight back against foreign tyranny. Many in George Washington's regiments used their own guns.

I was alarmed to learn that while serving as Deputy Attorney General in the Clinton administration, Mr. Holder said in an appearance on ABC's "This Week" that the second amendment "talks about bearing guns in a well-regulated militia. And I don't think anywhere it talks about an individual."

This interpretation, while interesting in academic circles, is not mainstream, nor is it reflective of public opinion. Indeed, in our brief that we filed, we cited every congressional action that has happened throughout the history of our country that affirmed that Congress believes the second amendment is an individual right.

Mr. President, I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, I have no objection, but it will have to come from the Republican side, of course.

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

Mrs. HUTCHISON. Mr. President, the Framers did not intend for this right to be collective. If that was their purpose, it would have been satisfied with article I, section 8 of the Constitution, which gives Congress the power "to provide for calling forth the Militia to execute the Laws of the Union, suppress insurrections and repel Invasions."

The Framers went further than that. They wanted to ensure that gun ownership was recognized by posterity as an individual right. They put it in the Bill of Rights for that purpose. It is a compilation of individual rights of free speech, freedom of religion, a fair trial, and the right to keep and bear arms.

The Framers looked at the governments of Europe. James Madison said:

The governments of Europe are afraid to trust the people with arms. If they did, the

people would surely shake off the yoke of tyranny, as America did.

Later on, President Madison explained:

The Constitution preserves the advantage of being armed, which Americans possess over the people of almost every other nation where the governments are afraid to trust the people with arms.

The right to bear arms should not be an issue in the United States. The Constitution is clear, and the Supreme Court has spoken. Our Second Amendment right ensures that our people have the ability to secure all of our rights and defend them, if necessary, from government suppression. It is this right that a government of the people, by the people, and for the people must never extinguish.

I believe that Eric Holder, from everything I have read, is an intelligent, experienced, and thoughtful candidate to be the U.S. Attorney General. But after examination of Mr. Holder's public statements and positions on gun rights, I cannot in good conscience support his nomination for the office of Attorney General, and I, therefore, will vote no.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, I support the nominee. I have known him for a long time. We differ on many issues, but he is a qualified person, and he is a good man. He has the necessary professional qualifications to do this job. I personally believe we ought to support the President and his choice of Cabinet officials if there are no other disqualifying factors, such as ethics or criminal activity or something serious. I have a friendship with the nominee.

In fulfilling my responsibility in the confirmation process, I try to apply the right standard to the whole record about a nominee. The right standard comes from the Constitution, which gives the appointment power to the President, not to the Senate.

Elections have consequences, and Presidents must be given significant latitude when choosing members of their own Cabinet. Differences on issues or whether I would have nominated the individual are not alone enough to overcome that latitude. I have always argued for this standard no matter which party controlled either the Senate or the executive branch. The Senate checks the President's appointment power, but it may not highjack it.

I realize that my friends on the other side of the aisle have at times applied a different standard, a much more partisan standard, when a Republican was

in the White House. They got in the habit of putting partisan politics before the process principles the Constitution requires. I am not going to do that. I am going to apply the same standard to President Obama's nominees that I argued should have been applied to President Bush's nominees. In doing that, I believe the right standard must be applied to the whole record.

The record includes the fact that Mr. Holder has been nominated three times before, by both Republican and Democratic Presidents, and he has been confirmed three times before, by both Republican and Democratic Senates. Those confirmations were by voice vote, by unanimous consent, and by a rollcall vote of 100 to 0. Not one member of this body voted against Mr. Holder as he was appointed to be a judge on District of Columbia Superior Court, U.S. Attorney for the District, and Deputy Attorney General.

I think it also matters that the Judiciary Committee last week voted 17 to 2 to approve Mr. Holder's current nomination.

Another part of the record is the breadth of support Mr. Holder has received. This includes the entire law enforcement community. The cops on the beat and the chiefs of police, the troopers and the sheriffs, the district attorneys, the Federal prosecutors, and the State attorneys general, all of these and more support Mr. Holder. Advocates for crime victims also support Mr. Holder. These include my friend John Walsh, Mothers Against Drunk Driving, the National Center for Missing & Exploited Children, and the National Association for Victims of Crime. This really matters to me.

These organizations examined Mr. Holder's qualifications, his record of public service, and concluded that he would make a good Attorney General. Does that mean we should, therefore, set aside our own review and automatically support him? Of course not, but it is part of the whole record and, I believe, an important part.

I have served in this body and on the Judiciary Committee for more than 32 years and do not remember when the law enforcement and victims communities have been this united in support of an Attorney General nominee.

And the record also includes support for Mr. Holder from many legal experts and past Justice Department officials with high standing in conservative and Republican circles.

Former Solicitor General Ted Olson says that Mr. Holder will be a strong, courageous leader who is both a good manager and a good listener.

Former Acting Attorney General Stuart Gerson and Former Deputy Attorney General George Terwilliger write that Mr. Holder is an extraordinary lawyer and an even better person.

Former Deputy Attorney General Larry Thompson says that Mr. Holder will be principled, pragmatic, fair, and tough.

Former Congressman and Federal prosecutor Asa Hatchinson writes that Mr. Holder will be the kind of Attorney General who puts the law first and political considerations second.

And recent Assistant Attorney General Kenneth Wainstein, who headed the Justice Department's National Security Division, says that Mr. Holder is a man of integrity, a strong proponent of law and order, and more concerned with justice than with politics.

That is high praise from very good company.

This does not mean that I have no concerns about Mr. Holder or do not intend to be vigilant about what the Justice Department will be doing in the months and years ahead. I hope, for example, that Mr. Holder will continue some critical initiatives begun in the last several years, such as the protection of religious liberty and the prosecution of human trafficking. These initiatives were part of the work of the Civil Rights Division, which was led at the end of the Bush administration by Grace Chung Becker, who earlier served on my Judiciary Committee staff.

Religious liberty is the first freedom protected by the first amendment. Human trafficking is, to put it bluntly, modern-day slavery. Upholding human dignity and freedom requires both protecting the one and prosecuting the other.

I also am concerned that enforcement of Federal laws regarding child pornography and adult obscenity will suffer and the exploitation and corrosion that this material causes for individuals, families, and communities will worsen. This is a completely non-partisan issue for me. I was no fan of the Bush administration's enforcement of the obscenity laws and said so in both confirmation and oversight hearings.

The record of the Clinton administration, in which Mr. Holder served, was even worse. On November 4, 1993, this body voted 100 to 0 to condemn the Justice Department's attempt to adopt a novel, weak interpretation of the Federal child pornography statute. The Justice Department had used this distortion of the law to ask the U.S. Court of Appeals to overturn a child pornographer's conviction. This body rarely votes 100 to 0 on anything, but we voted to condemn the Justice Department's action.

I know that was in the first Clinton term, and Mr. Holder did not serve as Deputy Attorney General until the second term. But that is the record of the Justice Department in which he previously served, and I hope that the record of the Justice Department he will now lead will be much different.

Another significant issue which I raised at Mr. Holder's confirmation hearing is the right to keep and bear arms, guaranteed by the second amendment to the Constitution. It continues to baffle me how people can claim to see unwritten rights in our written

Constitution but refuse to fully acknowledge those that are right there in plain sight. Mr. Holder has argued that the second amendment protects only a collective right related to service in an organized militia rather than an individual right of citizens. He took this position as Deputy Attorney General during the Clinton administration and since then as a private citizen, most recently before the Supreme Court in the case titled *District of Columbia v. Heller*.

I believe Mr. Holder is wrong and the Supreme Court rejected Mr. Holder's position in *Heller*, ruling definitively that the second amendment protects an individual right.

Mr. Holder has also in the past advocated some restrictive gun control proposals that I oppose and which I believe would likely be unconstitutional under *Heller*.

I asked Mr. Holder about the second amendment and gun control during his hearing and in follow-up written questions. He acknowledged his duty to enforce the Constitution as interpreted in *Heller*. He said he would respect the right to keep and bear arms as articulated by the Supreme Court in *Heller*, that is, as an individual constitutional right.

I note that the Senate voted 100 to 0 in July 1997 to allow Mr. Holder to serve as deputy to an Attorney General who was no friend of the second amendment. That was before the Supreme Court ruled that the right to keep and bear arms is an individual right, a ruling Mr. Holder has a duty to follow.

If confirmed, Mr. Holder will take an oath before God to support and defend the Constitution. So while I disagree with his past positions on the second amendment and gun control, I believe and expect that he will take his duty and his oath seriously.

I am also troubled by Mr. Holder's role, while he served as Deputy Attorney General, in the process resulting in President Clinton's clemency for Puerto Rican terrorists and his pardon for international fugitive Marc Rich. In 1999, I joined 94 other Senators in voting to deplore the clemency for the FALN terrorists. Needless to say, I disagree with Mr. Holder's statement at his hearing that he still believes his support of that clemency was reasonable.

I agree with former FBI Director Louis Freeh who said at Mr. Holder's confirmation hearing on January 16 that the pardon of Marc Rich, which happened after avoiding the Justice Department's evaluation process altogether, was a corrupt act. Mr. Holder, however, made neither of those decisions. President Clinton did.

Mr. Holder has acknowledged mistakes and said he has learned from them.

I believe that his actions and decisions in the process leading to those decisions reflect bad judgment but not corrupt character. This confirmation process has certainly focused even

more attention on those past mistakes and, I hope, will make Mr. Holder even more diligent in his duties ahead.

I know Eric Holder. My own experience and knowledge of his record and the testimony of so many others whose judgment I respect confirms that he is a man of ability, experience, and integrity.

The issues and concerns I have raised, while not enough to overcome the deference the Constitution requires, do identify areas for work in the future and I hope, when confirmed, Mr. Holder will work with both Republicans and Democrats on these important issues.

Applying the right standard to the whole record leads me to support Eric Holder to become the next Attorney General of the United States.

I reserve the remainder of our time. The PRESIDING OFFICER (Mr. WARNER). Who yields time? If no side yields time, the time will be charged equally to both sides.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I was withholding saying anything because I thought there were other Republicans coming to speak. I see none.

During the three different times I have been chairman of the Senate Judiciary Committee, I have presided over the confirmations of three Attorneys General. In my 35 years in the Senate, I have voted on many more. No nomination for Attorney General has filled me with greater pride than this one, and it is time for the Senate to complete its consideration of President Obama's historic nomination of Eric Holder to be Attorney General of the United States.

In an article I co-authored with the Judiciary Committee ranking member, Senator SPECTER, before last November's election, we wrote—and we were writing to whomever would be President:

The Attorney General's duty is to uphold the Constitution and the rule of law, not to circumvent them.

We wrote further:

The President and the American people are best served by an Attorney General who gives sound advice and takes responsible action, rather than one who develops legalistic loopholes to serve the partisan ends of a particular administration.

We could not have made that job description better for anyone than Eric Holder. That is what kind of an Attorney General he will be.

It was seven score and four years ago that this Nation answered the fundamental question President Lincoln posed in his Gettysburg Address, and the world learned that liberty, equality, and democracy could serve as the foundation for this great and united Nation.

The American people have had cause and occasion to reflect during the past several weeks about our great country. The inauguration of our new President was two weeks ago tomorrow, and two

weeks ago today was the holiday our country has set aside to celebrate and rededicate ourselves to the cause of freedom and equality.

Three and a half weeks ago, the day of Mr. Holder's hearing, was the 80th anniversary of the birthday of the extraordinary man for whom that holiday is named. With this confirmation, we take another step up the path toward the time Dr. King foresaw when people are judged by the content of their character. Eric Holder has the character to serve as the Attorney General of the United States. He passes any fair confirmation standard.

America's diversity when drawn together is the source of our Nation's strength and resilience. Americans have to be able to trust their Justice Department. That trust must not be squandered or taken for granted. We need leaders who are prepared to take up the laboring oars of a Justice Department whose dedicated law enforcement professionals have been misused and even demoralized. Eric Holder is such a leader.

With this confirmation, we mark the distance from when an Attorney General of the United States did not believe that the Constitution of the United States allowed an African American to be considered a citizen of the United States to an Attorney General who knows that the Constitution is our country's great charter of freedom and equality for all people.

It was former Attorney General, Roger Taney, who wrote the Supreme Court's *Dred Scott* decision denying the humanity of slaves, former slaves, and free people. It is perhaps the worst legal opinion ever rendered in this country. That is not what the Constitution said, and it is not the promise of America.

Today, each one of us, acting pursuant to our constitutional responsibilities as U.S. Senators, can, by our votes and by the overwhelming endorsement of this institution for this nomination, demonstrate how far we have come as a nation.

The election of Barack Obama and JOE BIDEN and the President's nomination of Eric Holder to be Attorney General of the United States provide an historic opportunity for the country to move beyond the partisanship of the past decades. We can make a real difference if we come together to solve the Nation's problems, protect against serious threats, and meet the challenge of our time.

Let us honor the wishes of the American people who in November broke through debilitating divisions to join together in record numbers. Let us acknowledge that our inspirational new President has moved forward promptly to assemble an extraordinarily well-qualified and diverse group of Cabinet officers and advisers. And let us move away from petty partisanship in order to serve the greater good.

Of course, any Senator is free to oppose a nomination and vote against

confirmation. In this instance, I think they will be on the wrong side of history. I believe that when we take a step back and look at the big picture and the best interests of the country, Eric Holder is someone who deserves our support and merits our votes. In order to serve effectively as Attorney General he will also need our help. The challenges are too great not to join together to confirm Mr. Holder and proceed promptly to consider the entire Justice Department leadership team that President Obama has selected.

I urge all Senators to join together to do what is right and approve this extraordinary public servant to the critical post for which President Obama has nominated him. Go on the right side of history and vote for Eric H. Holder, Jr. to be the 82nd Attorney General of the United States.

Mr. President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we are due to vote at 6:15. I believe everybody has spoken for Mr. Holder who chooses, so I ask unanimous consent to be permitted to use the remaining time to talk about the stimulus package.

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

Mr. LEAHY. Mr. President, reserving the right to object, the Senator wants to use the rest of the Republican time; is that what you meant?

Mr. SPECTER. Well, unless—

Mr. LEAHY. How much time remains on both sides, Mr. President?

The PRESIDING OFFICER. The minority has 1 minute 45 seconds; the majority has 8 minutes 25 seconds.

Mr. LEAHY. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

STIMULUS PACKAGE

Mr. SPECTER. Mr. President, later this evening, we are going to be moving ahead to discuss the stimulus package, and I want to use a few moments now to express my views on the subject. There is no doubt about the need for stimulating the U.S. economy. January figures show 7.2 percent unemployed, 2.8 million jobs lost last year, more layoffs all the time, and more foreclosures. It is my hope that there will be a very strong stimulus package which is directed at putting people to work.

The proposals which have come from the House bill are laudable and in many respects are measures which I have long supported. But on analysis, it seems to me they belong more directly in a budget program where we have targets for spending—discretionary spending—making an evaluation of priorities and moving in that direction. But when the American people are being asked to support a stimulus program of more than \$800 billion, which is deficit financing, the programs ought to be directed at job opportunities.

Mr. President, I ask my distinguished colleague, the chairman, if nobody wants his time, if I might use 5 minutes of it.

Mr. LEAHY. I intend to use the rest of my time. If you want another minute or two, I will give you two minutes of my time, but then I intend to use the rest of it.

Mr. SPECTER. I yield the floor.

Mr. LEAHY. How much time remains, Mr. President?

The PRESIDING OFFICER. Eight minutes.

Mr. LEAHY. How much time remains for the Republicans?

The PRESIDING OFFICER. That time has expired.

Mr. LEAHY. Would the Senator like 2 minutes of my remaining time?

Mr. SPECTER. Mr. President, 2 minutes won't do me any good. The chairman wants his time; he has it.

Mr. LEAHY. Mr. President, I have a feeling we are all going to be spending hours talking about the stimulus package. Right now, I am more concerned to talk about the Holder nomination.

I have heard a great deal about the second amendment. I couldn't help but think during the hearing, when he was asked about the second amendment and how he would support the rights of those who are gun owners, and I looked down at some of those asking from the different States. I looked at the States that are represented on the Senate Judiciary Committee—Wisconsin, California, New York, Illinois, Maryland, Rhode Island, Oregon, Minnesota, Delaware, Pennsylvania, Utah, Iowa, Arizona, Alabama, South Carolina, Texas, and Oklahoma, as well as the State of Vermont. There is only one of those States that does not have restrictive gun laws—the State of Vermont. We do not have any gun laws in effect, except during hunting season. We limit the number of rounds you might have in your semiautomatic during deer season. It is supposed to give the deer a chance. Anyone who wanted to carry a loaded concealed weapon without a permit in the State of Vermont, the distinguished Senator from Virginia or anyone else, could.

I mention that only because several of the Senators who have come from States with very restrictive gun laws went after Eric Holder on gun laws. So I asked him: "Would you, as Attorney General, support legislation that would require Vermont to change its gun laws?" And thus make Vermont as restrictive as these Senators who were giving him grief on his support of the second amendment. He said: Absolutely not. I asked him if there was any question whether he would steadfastly protect the second amendment rights of law-abiding Americans to purchase, transport, and use guns. He said he would. I asked if he would follow the law, including the Supreme Court decision in the recent case in the District of Columbia versus Heller. He said, of course he would follow the law.

I mention that because I put into the RECORD already 130 or more organizations. Every single law enforcement organization of any significance in this country is supporting Eric Holder. Civil rights groups are supporting Eric Holder. Past prosecutors, including those of the Bush and Reagan administrations, have supported Eric Holder. Current prosecutors, the members of the immediate past President, President Bush's administration, have endorsed him.

I say this because I think we are seeing straw men put up here—straw men who are saying they do not want Eric Holder as Attorney General; yet these same people voted unanimously for Alberto Gonzalez, an Attorney General who left in disgrace.

This man restores the lustre of the Department of Justice. This man will be as independent as the Attorney General I talked with in his office when I was a young law student and we were talking about what it would be like to come to the Department of Justice. I asked that Attorney General if he would allow anybody in the White House, up to and including the President, to interfere with any criminal prosecution or civil rights prosecution. He said absolutely not, and I have told the President that. That Attorney General I was talking with was Robert F. Kennedy. He was talking about his brother John F. Kennedy. And when it came time to prosecute a man who had been critical to his brother's election as President of the United States, Robert Kennedy prosecuted him.

I left as a young law student, tempted to stay in Washington, but my wife Marcelle and I went back to Vermont, where we were both born and where we wanted to be. But I have never forgotten that discussion with Attorney General Kennedy. That has been the touchstone for me. I don't want another Attorney General who sits in the room while others in our government approve secretly wiretapping Americans in violation of our law, or engaging in torture. I want an attorney who stands up for the rule of law and our long cherished American values.

That is the kind of Attorney General Eric Holder would be. Come on the right side of history. Come on the right side of history. Reject what we saw in the past. Vote for Eric Holder.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Eric H. Holder, Jr., of the District of Columbia, to be Attorney General? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. BEGICH) would vote "yea."

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. MARTINEZ).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 21, as follows:

[Rollcall Vote No. 32 Ex.]

YEAS—75

Akaka	Gillibrand	Merkley
Alexander	Graham	Mikulski
Baucus	Grassley	Murkowski
Bayh	Gregg	Murray
Bennet	Hagan	Nelson (NE)
Bennett	Harkin	Nelson (FL)
Bingaman	Hatch	Pryor
Bond	Inouye	Reed
Boxer	Isakson	Reid
Brown	Johnson	Rockefeller
Burr	Kaufman	Sanders
Byrd	Kerry	Schumer
Cantwell	Klobuchar	Sessions
Cardin	Kohl	Shaheen
Carper	Kyl	Snowe
Casey	Landrieu	Specter
Chambliss	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Dodd	Lincoln	Voinovich
Dorgan	Lugar	Warner
Durbin	McCain	Webb
Feingold	McCaskill	Whitehouse
Feinstein	Menendez	Wyden

NAYS—21

Barrasso	Crapo	McConnell
Brownback	DeMint	Risch
Bunning	Ensign	Roberts
Burr	Enzi	Shelby
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Cornyn	Johanns	Wicker

NOT VOTING—3

Begich	Kennedy	Martinez
--------	---------	----------

The nomination was confirmed.

Mr. LEAHY. I thank all my colleagues who took part in this debate over the past several weeks. It is a historic nomination. And of the last four—I have to check back—the last four attorneys general, Eric Holder had the largest "aye" vote of any of them.

I think it is a good sign for the country. It is a good sign for the Department of Justice. And this former prosecutor is very happy.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and tabled. The President shall be notified of the Senate's action and the Senate will return to legislative session.

THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009—Resumed

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader.

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

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

Mr. REID. Mr. President, we are on the economic stimulus package. We are going to start on that early in the morning, 10 o'clock. The first amendment we are going to offer, I have already told the Republican leader, is going to be an amendment offered by Senators MURRAY, FEINSTEIN, and others dealing with infrastructure.

We look forward to the next amendment. If the Republicans are ready, then they should be ready to offer their amendment. We will try to move through the process as quickly and as fairly as we can.

This is an extremely important piece of legislation. The problems we have economically in the country today are not the problems of Democrats or Republicans, they are problems that American people have. We together have to try to work through this bill. I hope we can have cooperation. There are many things that people have different responsibilities for. We have had a longstanding partial-day conference we are going to have, but we are going to have opportunities during the time we are there listening to Secretary Chu and Secretary Salazar and others to offer amendments here.

There will be a significant number of votes. We hope if the amendments are offered tomorrow and Wednesday, we will have a number of votes all day tomorrow. Starting about 3 o'clock Wednesday afternoon we can do the amendments that have been offered that day. So we have lots of work to do, and it is important we do it as quickly, I repeat, and as fairly as we can.

I ask unanimous consent the following be recognized for the time specified: UDALL of New Mexico, 15 minutes; BROWNBACK, 10 minutes; CASEY, 15 minutes; SNOWE, 20 minutes; KAUFMAN, 15 minutes. This request is for these Senators to speak this evening.

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

The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, as I rise to give this maiden speech in our Chamber, we all know we are living in very difficult times. Our current economic crisis has only accelerated problems that have been growing for years. America's manufacturing sector was declining before this crisis, and when this crisis has passed, we will still need a blueprint for creating high-paying jobs and growing the middle class.

Meanwhile, our energy policies pose a threat to the economic, environmental, and national security of our Nation and the world. I believe these two problems, our economic stagnation and our energy irresponsibility, demand a common solution. We must put Americans to work building the energy economy of the future, and we must do so now.

I often say our energy policies have produced a perfect storm, a combination of three extraordinary challenges