

down tax loopholes that allow profitable U.S. multinational companies to avoid paying their fair share.

Over the years, I have heard a few clear messages from the investment community, Federal and State regulators, energy industry, and environmental and local community interests. It must be clean so that we are incentivizing an environmentally sustainable energy option. We need to send the right market signals with duration, with a sustained commitment, and with certainty so that the best investment decisions are made.

I believe this legislation is an important step in that direction.

EXPRESSING THE SENSE OF THE SENATE THAT ATTORNEY GENERAL ALBERTO GONZALES NO LONGER HOLDS THE CONFIDENCE OF THE SENATE AND OF THE AMERICAN PEOPLE—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume debate on the motion to proceed to S.J. Res. 14, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to the consideration of S.J. Res. 14, expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

The ACTING PRESIDENT pro tempore. Under the previous order, the Republican leader shall control the time from 5 to 5:20, and the majority leader shall control the time from 5:20 to 5:30.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, parliamentary inquiry: The Republican leader controls the time from 5:10 to 5:20, as I understand?

The ACTING PRESIDENT pro tempore. Under the previous order, it is from 5 to 5:20.

Mr. SCHUMER. I ask unanimous consent that those of us in favor of this resolution be given a half hour to debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOMENICI. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. SCHUMER. Mr. President, I understand there is a misunderstanding. They weren't supposed to start until 5:10, but the order says 5 o'clock, which would only give us 10 minutes to debate this motion.

Let me begin and not waste any further time. I rise in support of the motion to proceed to a vote of no confidence on Attorney General Alberto Gonzales. It is a fair measure. I know it is one with few precedents, but it is called for today because the dire situation at the Department of Justice is also without precedent. The level of disarray and dysfunction, the crisis of credibility, and the failure of leader-

ship are all without precedent. It is a simple measure we have before us. Let me read it.

It is the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

Are there any Members here who don't agree with that sentiment? If so, I haven't heard them. Senators are not a shy lot. Their silence on this point is deafening. So if Senators cast their votes with their conscience, they would speak with near unanimity that there is no confidence in the Attorney General. Their united voice would undoubtedly dislodge the Attorney General from a post he should no longer hold. But we may not have a unanimous vote here today, I am told. That is a puzzle because no matter what standard one applies, no matter what criteria one uses, the Attorney General cannot enjoy the confidence of the Senate. He certainly doesn't of the American people.

The bill of particulars against the Attorney General is staggering. On the question of the Attorney General's credibility, the record speaks for itself. Repeatedly, the Attorney General has misled the Congress, misled the American people, and given incredible explanations for the U.S. attorney firings. The Attorney General's comments have been a series of shifting reactions and restatements. Is this confidence-inspiring conduct from the Nation's chief law enforcement officer?

We learned that Attorney General Gonzales was personally involved in the firing plan after being told he wasn't. We learned that the White House was involved after being told it wasn't. We learned that Karl Rove was involved after being told he wasn't. We learned that political considerations were paramount after being told they weren't. Then, when the Attorney General finally had the opportunity to set the record straight on April 19, 2007, what did he do? More than 70 times he answered "I don't know" when asked the most basic questions about how he came to fire 10 percent of the Nation's U.S. attorneys. The Attorney General admitted he didn't know the reasons why several U.S. attorneys were fired but insisted in the very next breath that he knew they were not fired for improper reasons. Does that inspire confidence? One of our most mild-mannered Members, Senator PRYOR, believes he was lied to directly by the Attorney General, and he has good reason to think so.

Time after time, the Attorney General has shown he doesn't have the credibility to lead the Department. This is not a liberal or conservative assessment. This is not a Democratic or Republican assessment. It is a universal one. Listen to the words of the conservative National Review magazine, which wrote on March 28:

What little credibility Gonzales had is gone . . . Alberto Gonzales should resign. The Justice Department needs a fresh start.

That is on credibility.

On the Attorney General's lack of commitment to independence and the rule of law, the record is also disturbingly clear. The Attorney General has long shown that he misperceives his role. He forgets that he is the people's lawyer, not just the President's. If one needs a single image to symbolize the Attorney General's contempt for the rule of law, it is that of Alberto Gonzales bending over John Ashcroft's sickbed on the night of March 10, 2004. It is the picture of then-White House Counsel Gonzales trying to take advantage of a very ill man who didn't even have the powers of the Attorney General to approve a program that the Department of Justice could not certify was legal.

That example, unfortunately, has plenty of company. Consider the image of Attorney General Gonzales in March of this year making Mrs. Goodling feel "uncomfortable"—her word—by going through the sequence of events related to the U.S. attorney firings. How often do people comfort someone by reviewing their recollection of events that are subject to congressional investigation? Add to those examples the documented violations with respect to national security letters and other admitted abuses in connection with the PATRIOT Act. How can such leadership inspire confidence?

Rule of law in the Gonzales regime, sadly, has apparently been an afterthought rather than a bedrock principle. Again, there is no liberal or conservative or Democratic or Republican position on the Attorney General's lack of independence and commitment to rule of law; it is virtually unanimous. Consider the words of the conservative group the American Freedom Agenda:

Attorney General Gonzales has proven an unsuitable steward of the law and should resign for the good of the country.

On the question of whether the Department has been improperly politicized, the record is again clear.

Attorney General Gonzales has presided over perhaps the most politicized Department in history. We have learned that under Alberto Gonzales, being a "loyal Bushie" was more important than being a consummate professional. We have learned that U.S. attorneys who were performing their duties admirably were apparently dismissed because of unfounded allegations by political figures, allegations that were never investigated or never proven. We have learned that an unprecedented voter fraud case was brought in Missouri on the eve of an election in clear violation of the Department's own policy. We have learned that deep suspicions about improper politicizing even at the entry level of the professional ranks were correct. We have learned from the Attorney General's own former senior counselor Monica Goodling that she

“crossed the line” in considering partisan affiliation in filling career positions at the Justice Department—career positions, not political positions.

The Office of Professional Responsibility and the Office of Inspector General have now opened investigations relating to the hiring of immigration judges, civil rights lawyers, and Honors Program attorneys. All of this, of course, occurred under the Attorney General’s watch. Either the Attorney General knew about these potentially illegal activities and did nothing or he was oblivious to what was going on beneath his own nose. Either way, Mr. Gonzales is responsible for a deeply political culture at the Department, unprecedented in modern times. As former Deputy Attorney General Jim Comey has said, these kinds of blows to the reputation of the Department will be hard to overcome. Does that kind of leadership inspire confidence?

Finally, given all of this, on the basic question of competence and effectiveness, the Attorney General has proven himself to lack the leadership ability needed to right the Department. By every account, the Attorney General’s handling of the U.S. attorney firings has been catastrophic. Morale at the Department is at an alltime low. How can we have confidence in an Attorney General who can’t get his story straight? How can we have confidence in an Attorney General who still can’t tell us why 10 percent of the Nation’s U.S. attorneys were fired? How can we have confidence in an Attorney General who would allow his top staff to take the fall for his own failings? How can we have confidence in an Attorney General who allowed improper and possibly illegal political hiring to take place?

Given the crisis of confidence and credibility, given the abysmal record of trampling the rule of law and longtime standards of nonpolitical hiring, the vote today should be an easy one. Some will claim they are opposing the motion because they say this vote was called for political reasons. This vote is not about politics. If this were all about politics, it would be easy to sit back, let the Attorney General remain, cast aspersions on him for the next 18 months, and reap the political benefits. But the Department of Justice is too important, and we have an obligation to do everything we can in a bipartisan way to demand new leadership.

The PRESIDING OFFICER (Ms. STABENOW). The time of the Senator has expired.

Mr. SCHUMER. Madam President, we have had some timing difficulties. We have only had about 10 minutes to debate this resolution.

Might I ask the minority leader a question? What is his pleasure? I had been told he was coming at 5:10, but the agreement says 5.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Madam President, my understanding is I am to speak at 5.

I have a leadership meeting at 5:15. I have a time problem. I do not seek to get in front of the Senator from New York, but I really need to speak at 5 o’clock, at the time I was anticipating speaking.

Mr. SCHUMER. Madam President, I ask unanimous consent that the minority leader be given his 15 minutes now, that then I be given another 10 minutes to finish my remarks, and the Senator from Rhode Island be given 10 minutes to speak, and that we vote immediately thereafter.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Madam President, reserving the right to object, the Senator from Mississippi and I are going to—I guess the Senators from Texas and Mississippi and I are going to divide the 15 minutes. Madam President, provided that Senator LOTT and I could divide the 15 minutes, and Senator HUTCHISON could get an additional 4 minutes, then I would be agreeable to the request.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Madam President, reserving the right to object, I would add to the request—Senator REID wishes 10 minutes at the conclusion of the debate. So adding the 15 minutes for the minority leader, divided with the minority whip from Mississippi, and 4 minutes for the Senator from Texas, 10 minutes for myself, 10 minutes for the Senator from Rhode Island, and 10 minutes for the Senator from Nevada, I ask that we have that time and then we vote.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Madam President, reserving the right to object, when will the vote commence?

The PRESIDING OFFICER. It will commence at 5:49.

Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL. Madam President, there are four ways to become a Senator: by appointment, by special election, by winning an open seat, or by defeating an incumbent.

My good friend from New York, who has been speaking, and I came to the Senate the same way: by defeating an incumbent. That way is often the hardest, so I am sure the Senator remembers his 1998 Senate race against our former colleague, Senator Al D’Amato.

It was quite a race. The Senator from New York surely remembers one of his criticisms of Senator D’Amato: that Senator D’Amato had, in essence, abused his office.

My friend from New York said it was improper for Senator D’Amato to use his official Senate position to investigate the former first lady while Senator D’Amato was also chairman of his party’s Senate campaign committee, the NRSC. My friend from New York said, in referring to Senator D’Amato:

Do you know what he did right after he got elected? He became chairman of the national

Senate Republican Campaign Committee, the most blatantly political position you can hold. Then . . . he embarked on his partisan and political inquisition of the First Family.

According to the New York Times, the thing about Senator D’Amato’s activities that my friend from New York appeared to find particularly galling was that his behavior was motivated by reelection concerns.

Given the two hats my friend from New York currently wears, you can see why I obviously found the standard he set out in 1998 to be quite intriguing.

We all talk to the media—some of us more than others—and we may make offhand comments we later regret, especially in the heat of a campaign. But the Senator from New York thought his conflict of interest charge was so important that he ran a television ad about it. The Buffalo News reported:

Among the blizzard of attack ads running this weekend is one in which Schumer charged that D’Amato used the Banking Committee . . . to mount a ‘vicious’ partisan attack on first lady Hillary Rodham Clinton three years ago.

Now, New York is certainly an expensive media market. Yet because my good friend from New York was so concerned with Senator D’Amato’s chairing the NRSC while he was investigating the First Lady, he spent a lot of money urging New Yorkers to remove Senator D’Amato from office. So he must have really thought it was a serious conflict for someone to lead his party’s campaign committee while also leading an investigation into an administration of the opposite party.

How times change, Madam President. Now my good friend is leading his party’s principal campaign committee for the Senate, the DSCC. At the same time, he is leading an official Senate investigation into the Justice Department.

He chairs the Judiciary Subcommittee on Administrative Oversight and the Courts.

The media widely reports that he has been tapped by the majority leader to lead this investigation. The piece in the National Journal calls him the Democratic “point man” on this particular subject—our good friend from New York.

He usually has chaired one of the numerous hearings the committee has already held on this subject. To borrow from the National Journal, you could say he is ubiquitous when it comes to this subject.

The campaign committee he chairs has repeatedly used material derived from his investigation for partisan campaign purposes.

He held a press conference before the ink was barely dry on the Schumer resolution. There, he predicted, amazingly, that we would go to this resolution immediately after immigration. And it looks as if the majority leader filed cloture on immigration to make sure we kept the schedule of my good friend from New York.

Last, but not least, he is the author of the resolution we will be voting on in a little while.

So I find myself perplexed about the application in these circumstances of the standard the Senator from New York set out in 1998. We could call it the Schumer standard.

It seems to me that Senator D'Amato's position in 1998 is like the current position of my friend from New York in all material respects.

So given that the Senator from New York has said it is a serious conflict of interest for someone to lead his party's campaign committee while he uses his official position to lead an investigation of the administration of the opposite party, I cannot understand why it is not a conflict of interest for my friend from New York to lead his current investigation of the Justice Department.

And given that the Senator from New York wanted Senator D'Amato removed from office under similar circumstances, I also cannot understand why my good friend should not at least recuse himself—recuse himself—from the official investigation of the Justice Department that he himself has been leading.

In conclusion, I hope it is not the case that our friend from New York wrote this resolution and pushed the Senate to spend its valuable time on this particular resolution for partisan political purposes. And if he did not do that, then I trust we will not see the campaign committee he is chairing using the Senate's vote on this resolution—his own resolution—for campaign purposes.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, parliamentary inquiry: How much time do I have?

The PRESIDING OFFICER. The Senator has 9½ minutes.

Mr. LOTT. I have 9½ minutes?

The PRESIDING OFFICER. That is correct.

Mr. LOTT. Thank you, Madam President.

I had some passing remarks to make last week about believing we should find a way to move forward the immigration reform effort—to improve it, to change it, but to try to get it done—because it is an issue we should not just push aside.

We ran into some difficulties, and there is no use in trying to recount how that happened. I think the important thing is we try to find a way to resurrect it, get it properly considered, amended, voted on, and concluded, if at all possible. But that goes to the heart of what I want to say today.

Is this what the business of the Senate is really all about, a nonbinding, irrelevant resolution? Proving what? Nothing. If this should go forward, we would have hours, days—who knows, a week—debating on whether to express our confidence or lack thereof in the Attorney General—to no effect.

Now, I have been in Congress 35 years. I have been in the Senate since

1989. I do not recall anything of this nature having been proposed before. Maybe we should be considering a vote of no confidence in the Senate or in the Congress for malfunction, for an inability to produce anything. Yet this resolution would bring up this issue and have us spend time debating it.

This is not the British Parliament, and I hope it never will become the British Parliament. Are we going to bring the President here and have a questioning period like the Prime Minister has in Great Britain?

So I am very much concerned about this. A vote of no confidence of any Cabinet official would have no effect. The President makes that decision. And I suspect the ability of a Cabinet official to perform or not perform is in the eye of the beholder.

But the main point is, that is not our job. We do not have authority to make that determination. So what are we going to accomplish today? This is all about partisan politics. Nobody is fooled by this. This is about trying to get a vote to try to put some people on the hot spot. That is what it is really all about.

Now, by the way, you have not seen me running around making a big scene of expressing my confidence one way or the other in this Attorney General, or any other Attorney General, or the Justice Department, for that matter, regardless of who is the President of the United States.

We are supposed to be here to pass laws, to get things done. When was the last time we did something like that? Not this year. Frankly, not over the last 3 years because of gymnastics like this—exercising to no effect. No. What should we be doing for the American people? We should be trying to find a way to have strong immigration reform for illegal and legal immigrants. We made a 2-week effort. Some people said: Oh, that is long enough. I can remember us spending weeks on a bill—I think 6 weeks on No Child Left Behind. I remember one time we spent a month on a tobacco bill, which we eventually had to pull down and move on.

To spend in the Senate weeks on a very important issue, so Senators can express their views and offer amendments, and they can be voted on, is quite normal. But, no, we are not doing immigration reform. We hope to be able to get to Defense authorization.

Oh, and by the way, what happened to the appropriations bills? The majority leaders do know, I think, that if you do not begin the appropriations process in late May or early June, you are not going to make it. The majority leader has, appropriately, said we are going to pass all the appropriations bills in regular order. How does he intend to do that? We are not going to do a single one in June, and we will be lucky if we do four in July. It is not going to happen.

We are going to wind up with a train wreck at the end of the fiscal year. We are going to have all these appropri-

tions bills, once again. I cannot just blame Democrats. We have done the same thing: an omnibus appropriations bill with all kinds of shenanigans being involved in that, trying to lump all these bills together—put the Defense appropriations bill in there and irrelevant language and say: Here. Take the whole wad, Mr. President.

Oh, yes, we did it to Clinton, and we have done it to President Bush, but it is not the way to do business. Can we do something about health care? Can we get this Energy bill done? Remember now, if you start these different cloture votes, being able to find a way to get an Energy bill done—not to mention other things we would like to do after that—they are going to be delayed or derailed completely. So this is a very disappointing spectacle here today.

Now, the sponsor of the resolution—the fact is, he is chairman of the Democratic Senatorial Campaign Committee. He is in that position, and then he is taking these attack positions. So I do not think anybody has to be drawn a further picture to understand what is going on with this effort.

So I urge my colleagues: Look, he has made his point, made his speech. We are going to have a vote in a few minutes. We ought to summarily punt this out into the end zone where it belongs. This is beneath the dignity of the Senate. How low will the Senate go? If we get into this for hours or days, pity how much it is going to debase this institution even further.

I urge my colleagues to vote against the motion to invoke cloture on the motion to proceed, and let's move on to the business of the Senate and the business of the American people. The American people may not have particular confidence one way or the other in this Attorney General, but this is not an election of the Attorney General.

I urge my colleagues to vote against cloture on the motion to proceed and let's get on with the business of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I rise to speak against this motion as well. I agree totally with the Senator from Mississippi in saying: What are we doing spending this whole day talking about a resolution which everyone knows will have no effect whatsoever, except probably on the nightly news, which I assume was the purpose of introducing it in the first place.

We have talked about the judgment of the Attorney General in handling the U.S. attorney personnel issues. There is clearly a division. There has been a lot of discussion. A number of people have said what they think of the handling of that situation. But stating your opinion is very different from having the Senate address this matter. The President relieved almost all of his Cabinet when he changed into his second term. Why wouldn't he be able to

replace U.S. attorneys who also serve at his pleasure in the same way he decided to change leadership in the Cabinet? That is the right of the President. The Senate has the right to confirm Cabinet officers and U.S. attorneys, and we have exercised that right. What the Senate should not be doing is passing meaningless resolutions that could only serve a political purpose.

With the issues we have facing this country, how could we be spending a whole day, and possibly more if cloture is invoked, on a resolution that will have no impact? Why wouldn't we be talking about immigration, which we discussed last week and the week before that when we were in session? We were making headway. Immigration is a very important issue for our country.

The Energy bill which is before us is a very legitimate, major issue for our country. We all want to bring gasoline prices down. But all of a sudden, thrust in the middle of the energy debate is a meaningless resolution of no confidence in the Attorney General. There has been no allegation that he has done something criminal or illegal, just that people disagree with his judgment.

There were people who disagreed with the Attorney General serving in the previous administration—Janet Reno—when the Branch Davidian complex in Waco, TX was charged and people died. Many felt the Attorney General jumped the gun and took too drastic an action, when talking would have been better. Or the Elian Gonzalez issue. There was much disagreement about the handling of that issue. I didn't see Republicans running to the floor of the Senate seeking a resolution of no confidence in the Attorney General. I think, frankly, the majority is jumping the gun in doing something such as that here. I hope we will put this away by not invoking cloture on the motion to proceed. Frankly, I hope we will restore the reputation of this body by taking up the issues that affect our country, debating them, and having votes.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, first, in regard to my good friend from Texas, I think there is a little bit too much protestation here. We have spent less than 2 hours on this issue—just 2 hours—and now we are being told we don't have enough time to debate whether one of the most important Cabinet officers is up to the job. That doesn't hold water. They are not upset we are taking 2 hours away from debate. They have spent much more time on many more things that are of less consequence to this country.

But let me say this: The minority leader and the minority whip have made my case better than I ever could. They failed to utter the words: We have faith in Attorney General Gonzales. They failed to state: We have confidence in Attorney General Gonzales. In fact, in the entire speech of both the

minority leader and the minority whip, there was not a single word uttered in defense of the Attorney General. No wonder the other side doesn't want this resolution brought up. They know the Attorney General has failed miserably in his job. They know the President has clung stubbornly to keeping a man who virtually no one in America thinks is up to the job, who overwhelmingly has lost his credibility in his answers and nonanswers and "don't knows." They can't defend him. So they do what somebody does when they don't have much of an argument—they seek diversions. We will not be diverted. The rule of law is too important. The rule of law is too sacred.

Is it unusual to have a no-confidence resolution? Yes. But it is just as unusual—more unusual—to have an Attorney General not in charge of his department on a major issue facing his department—the firing of U.S. attorneys—to say he didn't know what was happening 70 times; to have an Attorney General contradict himself time after time after time. For me, it is unusual in whatever airport I go to around this country to have people come up to me—it has happened five or six times now—and say: I work in the Justice Department. I am a civil service employee. Keep it up, Senator. Our Department is demeaned—one of them used the word "disgraced"—by the fact that Alberto Gonzales is still Attorney General.

So, yes, a no-confidence resolution is unusual, but this is not simply a policy disagreement. Oh, no. This is a major scandal. This is a series of inappropriate behaviors by a Cabinet officer. I don't have a single bit of doubt that if the shoe were on the other foot, my colleagues from the other side of the aisle would be complaining more loudly, more quickly than we have.

What do you do when there is someone in an office who we all know doesn't deserve to be in that office, and not a word—except for Senator HATCH—not a word of confidence has been spoken by the other side? We heard 19 minutes of speeches a minute ago. We don't hear the words: We support the Attorney General; we have confidence in the Attorney General; the Attorney General should be able to stay. It is because his record is indefensible.

So, yes, this no-confidence resolution is unusual, but it rises to the highest calling of the Senate, to seek rule of law over politics, to seek rationality and fairness over stubbornness and political games. This is what we are supposed to do. We have a function of oversight. There is no question Attorney General Gonzales has failed on credibility, on competence, on upholding the rule of law.

The Nation has been shocked by what he has done. He urged an ill John Ashcroft, on John Ashcroft's sickbed, to sign a statement that the Justice Department itself thought was not justified by the law in terms of wiretaps,

and he is still Attorney General. John Ashcroft, who is hardly a liberal, hardly a Democrat, threatened to resign because of what then Counsel Gonzales attempted to do, and he is still in office.

The bottom line is very simple. We have a sacred, noble obligation in this country to defend the rule of law. There was an article in the New York Times the other day about how some people are using elections to try to justify themselves staying in office in some less developed countries. But the public wasn't falling for it, because without rule of law, without democracy, without law being applied without fear of favor, there is no freedom. Our job is to be vigilant in protecting that freedom.

Some of my friends tossed off charges of "political"—to vote "no" when one, in fact, agrees with the sentiment in the resolution is to cast a vote for the worst political reasons. A "no" vote ratifies the President's support for the Attorney General. A "no" vote condones the conduct of the Attorney General. A "no" vote condemns the Department to a prolonged vacuum in leadership and a crisis of morale.

It is politics simply to cover for the President when you know on this issue he is wrong. It is politics to put blind loyalty to a political leader over the sacred century after century tradition of rule of law. It is politics to voice opposition to the Attorney General and then refuse to back one's conviction with one's vote. It is politics to know that Alberto Gonzales should not, must not, remain as Attorney General and then quietly, meekly cast your vote to keep him.

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

The PRESIDING OFFICER. The Senator from Rhode Island is recognized as part of the unanimous consent agreement.

Mr. WHITEHOUSE. Madam President, I yield 2 minutes to the Senator from Missouri.

Mrs. MCCASKILL. Madam President, I thank the Senator from Rhode Island for yielding a couple of minutes.

There have been a couple of times in my career when I have walked into a room and have been humbled. Obviously, the day I walked in this place, I was humbled beyond words. But when I first walked into a criminal courtroom as an assistant prosecutor as a very young lawyer, I was also humbled by the responsibility that had been placed upon me by our system of justice. I remember talking to one of the older prosecutors in the office about what I should worry about. He said: Just remember, remember that woman with the scales of justice, Claire. Remember she has a blindfold on.

That blindfold is what this is about today. Frankly, it doesn't matter whether you are a Democrat or a Republican, whether you were for George Bush or not for George Bush. What matters today is how those prosecutors

out there in this country feel right now, and what this incident did to the way they feel about their jobs. Because there are thousands of professional prosecutors—some of them have been appointed, some of them have been hired, some have been elected—what they all have in common is they understand their job is not about politics, it is about the rule of law.

When this whole incident unfurled in front of the American public, to all of those prosecutors it felt as though they were being cheapened, that somehow Gonzales and the rest of them were saying they were being judged on their politics and not on their professionalism.

So I come here just for a moment to try to give a voice to those thousands of prosecutors out there. I know them. I have worked with them shoulder to shoulder for years. They care deeply about their work, they care deeply about the rule of law, and they care deeply about fundamental justice.

On their behalf, I rise today for a moment to say this Chamber should vote unanimously a vote of no confidence against the Attorney General of the United States.

I yield the floor.

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

Mr. WHITEHOUSE. Madam President, I thank the Senator from Missouri for her remarks. Like her, I have been appointed and elected as a U.S. attorney and as an attorney general. I ask all of my colleagues who are listening to take her at her word. Prosecutors across the country are horrified about what has happened. I applaud Senator SCHUMER for what he has done to push this forward.

The Senate has an important oversight role. We have advice and consent responsibilities, and we have a Judiciary Committee on which Senator SCHUMER and I serve. I tell you, the U.S. Department of Justice is a precious institution in our democracy. It is under siege from within, and we need to take some action.

This resolution is not about partisanship. It is not about scoring political points. It is about two very important things—one, letting the people of America know we care about an honest, independent, and truthful Department of Justice. That is not meaningless. It is also about letting the career people within the Department of Justice know that we hear them, we care about them, we know what has been done to this Department is shameful; that this ordeal for them will one day be over, and we will work hard as people who care about this country and about the Department of Justice to make that day come soon, so that once again truth and justice can be the stars that guide the Department of Justice. That, too, is not meaningless.

Madam President, the bill of particulars against Attorney General Gonzales is long. First is the fact that he does not respect the institution he leads.

Time-honored traditions and practices of the Department, vital to the impartial administration of justice, have been gravely damaged or destroyed on his watch.

One, U.S. attorneys used to come from their home districts, where they were accountable to local people, where they knew the judges and the law enforcement officers. Not under this Attorney General. Now they fly them in from Washington where they will do President Bush's bidding.

Two, U.S. attorneys were always put up for advice and consent. Not under this Attorney General. He presided over the statutory circumvention of our Senate confirmation process.

Three, the list of people at the White House and the DOJ who used to be able to talk about cases with each other recently included only four people at the White House and only three at the DOJ. Not under this Attorney General, where 417 White House officials, including Karl Rove, can now have these formerly illicit conversations with the Department of Justice.

Four, career attorneys were kept free of partisan interference. Not under this Attorney General. There are politics in the Honors Program, politics in career official appointments, politics in personnel evaluations, and politics in the appointment of immigration judges.

Five, U.S. attorneys were almost always left in place to do their jobs once they were appointed, knowing that they had a higher calling than their political appointment. Not under this Attorney General. Simply put, a man who doesn't care about those institutions of the Department of Justice is the wrong person to lead it back out of the mess he has put it in.

He has politicized this Department to a degree not seen since the Nixon administration—U.S. attorneys fired for political reasons, with White House fingerprints all over the place, and Karl Rove and others passing on information to the Department of Justice about voter fraud to pump up interest in cases. DOJ policy is ignored, with no justification; written policy was ignored to bring indictments on the eve of a critical election in the State of Missouri; the White House Counsel chastising a U.S. attorney over mishandling a case. How does the White House Counsel know whether a DOJ attorney mishandled the case? Who is telling him what is going on in the DOJ? The DOJ even invented the position of White House Liaison—first time ever—who, by her own admission, screened applicants based on inappropriate and probably illegal political factors.

Third, the Attorney General has set the bar for his office far too low. His stated definition of what is improper for him and his staff, believe it or not, tracks the legal standard for criminal obstruction of justice. Is that the kind of Attorney General we want? Is that the kind of accountability to himself we want? The Attorney General should do a lot better than that.

There has been an almost unbelievable series of half-truths and obfuscations coming out of the Attorney General and his circle. They told us that the firings of U.S. attorneys were performance related. Not true. They told us the Attorney General was not involved and didn't discuss the plan to fire U.S. attorneys. Not true. They told us the White House was not involved. Not true. They told us these EARS performance evaluations were not relevant. Not true. They told us the Attorney General didn't discuss the substance of the testimony with other witnesses during the investigation. Not true. They told us the Chief of Staff of the Deputy Attorney General never made threatening calls to U.S. attorneys who were going to publicly discuss the matter. Again, not true.

How many times can the Department of Justice say things that are not true?

Fifth, the hypocrisy is almost unbelievable. The Attorney General's own incompetence and misjudgments fail the very test he claimed he set for the fired U.S. attorneys. As one of my colleagues said to Attorney General Gonzales at his hearing, "Why should you not be judged by the same standards at which you judged these dismissed U.S. Attorneys?"

Madam President, our Attorney General would fail that standard. How can he oversee our Federal Bureau of Investigation when the FBI Director had to warn FBI agents guarding the Attorney General not to obey his instructions, when he was White House Counsel scurrying over to the ailing Attorney General's hospital room to try to get his signature on a document?

You can say this is just a partisan exercise, but it may take a decade to repair the damage Attorney General Gonzales has caused. Every day that passes without his resignation is one more day before the repair has begun. From the perspective of the Bush administration, I can see how a wounded, grateful Attorney General on a very short leash may be just as they want as they try to exit Washington without further indictments. But that is not the Attorney General America needs to maintain the best traditions of the Department of Justice through administration and administration, through Republicans and Democrats alike, and to ensure the fair administration of justice in our country.

As a former U.S. attorney who has profound respect for the Department of Justice and its thousands of career employees, I believe America deserves an Attorney General who will lead by example, who will set the very highest standard for himself and his staff, who will do his best to keep politics out of the justice system and will restore the country's faith and confidence in one of its most important institutions.

Please set aside politics and let us stand up for the Department of Justice. Let us restore a vital institution in American life. Please let us vote for

cloture and proceed to do what our duty calls for us to do.

I yield the floor.

Mr. FEINGOLD. Mr. President, I will vote in favor of cloture on the motion to proceed. After months of troubling and even shocking disclosures about the U.S. Attorney firings and the politicization of the Department of Justice, it is important for the Senate to go on record on the question of whether the Attorney General should continue in his post. This vote may end up being our only vote on this matter, but since the resolution itself is non-binding, this vote, though procedural in nature, is sufficient to inform the Nation exactly what the Senate's position is. Those who vote against cloture plainly are comfortable with the Attorney General remaining right where he is. Those of us who vote for cloture are not.

In January 2005, I voted against Alberto Gonzales to be the Attorney General because I was not convinced he would put the rule of law, and the interests of the country, above those of the President and the administration. Unfortunately, those concerns have been realized over and over. It is not just the U.S. Attorneys scandal. In recent months, the Department's Inspector General issued a very troubling report on National Security Letters. The Attorney General, of course, had assured us that the Department could be trusted to respect civil liberties in its exercise of the unprecedented powers it was given in the Patriot Act.

Perhaps the Attorney General's biggest failure concerns the warrantless wiretapping program. When he came before the Judiciary Committee for his confirmation hearing, he gave very misleading testimony to a question I asked concerning whether the position the administration had taken with respect to torture might also allow it to authorize warrantless wiretaps. He called my question "hypothetical." Just less than a year later, we found out that the administration had in fact taken precisely that position for years.

His appearance before the Judiciary Committee last year to discuss the legal justification of the wiretapping program was one of the weakest and least convincing I have ever seen. And the recent testimony of former Deputy Attorney General James Comey concerning Mr. Gonzales's bedside visit to former Attorney General John Ashcroft raises serious questions about his veracity at that hearing. It also raises questions about his ethics, and, once again, his respect for the rule of law.

But it is not just his commitment to the rule of law and his willingness to tell the truth to Congress that troubles me about this Attorney General's tenure. At his most recent appearance before the Senate Judiciary Committee to discuss the U.S. Attorney firings, I questioned him about whether he did some of the most basic things that you would expect a manager to do if he del-

egated to his staff a major project like deciding which of 93 presidential appointees to top law enforcement positions to fire. He could not recall doing any of them. We know that the Attorney General was involved in this process and made the final decisions on the firing plan, but he can't seem to remember much beyond that, even though it was only a few months ago that this all took place. He has failed in a very significant way. He should resign.

With the snowballing problems at the Justice Department, it could hardly be more plain that the Attorney General has lost the confidence of Congress and the public. As Mr. Comey said in response to my written question: "This entire affair has harmed the Department and its reputation." The Department of Justice should always be above reproach. The AG should step down for the good of the country. Since he will not, the Senate should express its judgment, on behalf of the American people.

Mr. SESSIONS. Mr. President, as a former U.S. Attorney for 12 years and as an assistant U.S. attorney for over 2 years, I am well aware that U.S. attorneys serve at the pleasure of the President and that they are appointed through a political process that involves home State senators conferring with the President of the United States before the nomination is made, and which involves confirmation by the U.S. Senate.

As I have observed previously, the matter involving Attorney General Gonzales concerning the appointment and removal of certain U.S. attorneys arose because at some point there was interest in a substantial change in the persons holding the offices of U.S. attorneys throughout the country. Apparently, some wanted a large number of changes and others did not. To them, it may have seemed like an easy thing to do. The President would simply just remove them and appoint others.

Attorney General Alberto Gonzales had no previous experience in the Department of Justice at any time in his career and seemed to have very little interest in who were serving as U.S. attorneys. This was an error on his part. Attorney General Gonzales simply did not understand that the removal of a U.S. attorney is always a delicate and difficult process. First, U.S. attorneys have Senatorial support. Their appointment was initially cleared by the U.S. Senator for that State and often the Congressman from that district. Secondly, they have local support among their friends and constituents and they often have built up strong support among local, State, and Federal law enforcement agencies. Those bonds are often strong and the removal of a U.S. attorney often causes concern among those law enforcement agencies and groups. They have also often gained support in the local community with childrens' advocacy groups, crime prevention groups, and victims' rights groups.

Finally, almost every U.S. attorney will have one, sometimes more, sensitive cases that are ongoing at any given time. Anyone familiar with the process will know that removing a U.S. attorney who is in the process of handling some high profile criminal case will often result in quite a bit of political pushback, even if the U.S. attorney has very little hands-on involvement with the case.

One of the problems that the Attorney General had was that he did not fully understand these dangers in removing U.S. attorneys because he had never been involved in it as a member of the Department of Justice. He simply did not comprehend the seriousness of the issue with which he was dealing. If he had, he would have spent a great deal more time on it than he did. He would not have delegated it to his assistants—many of them young and also not experienced—in the reality of this process either.

As a result, there occurred an unseemly series of events that reflected poorly on Attorney General Gonzales and other members of the Department of Justice, and which has damaged the reputation of the Department of Justice. This was not a small matter but a very important matter. I think now he realizes the importance of this process and is sincerely apologetic for allowing it to develop the way it did. He is also apologetic for the way that he responded to the inquiries made about the proposed U.S. attorney changes.

Let me insert, parenthetically, that much of the criticism leveled against the Attorney General, the President and his aides has been exaggerated and sometimes quite inaccurate. But, if it comes from a member of Congress or a Senator, that means you never have to say you are sorry. However, if the Attorney General, in responding to attacks, makes explanations that are in any way less than fully accurate one can expect that he will be attacked vociferously as attempting to mislead or worse. Unfortunately, there is a double standard and it often results in unfairness and this is one of those cases. Many of the complaints against Attorney General Gonzales have been very unfair and unfortunate.

After this spasm developed, I was worried about the Attorney General's capacity to lead the Department of Justice effectively and expressed concern as to whether or not he would be able to assemble an able staff to complete his term and whether or not it would be, in sum, better for the Department of Justice that he step aside. I publicly suggested that he and the President meet together and discuss this issue with frankness. I quoted the Attorney General himself as saying that the matter was not about the Attorney General, but was really about what was best for the Department of Justice.

It now appears that the Attorney General and the President have concluded that the Attorney General committed no offense, committed no crime

for which he should be impeached, and has not made any error sufficient that he should no longer remain as Attorney General. The Attorney General's lack of experience in certain aspects of the Department of Justice were well known before he was confirmed by the Senate. In my personal view, there is no Cabinet member that requires more personal experience and detailed knowledge of the agency they will lead than the Attorney General. It is a very, very tough job and the Attorney General must be able to personally handle a large portfolio of issues and at the same time have a comprehensive grasp of complex legal issues and legal precedents involving the Department of Justice. For example, Attorney General Janet Reno was constantly struggling in the office. Before becoming the Attorney General, she had simply been a county district attorney and had never been involved in the kinds of issues she faced as Attorney General. In the future, I expect to be far more assertive in the confirmation process as I will insist that any Attorney General nominee have significant relevant experience.

In conclusion, I conclude that there is not cause for any censure of Attorney General Gonzales and I conclude that there is no basis whatsoever for him to be impeached.

It has been 120 years since a no-confidence vote has been had on any Cabinet member. That is something they do in Europe. It is not something we do in the United States. This no-confidence resolution is not necessary, it is harmful to our system, and should not be a precedent in the future. Frankly, it is driven by politics and not by what is best for the Department of Justice because this process will greatly magnify any errors that he has made and create a false impression. Attorney General Gonzales is a good man who sincerely wants to meet the highest standards of the Department of Justice.

The process in our government is that the President nominates for the position of Attorney General, and the Senate votes to confirm them or not. After that confirmation, unless he is subject to impeachment, it is not good policy for the Senate to rush in and express formal opinions about the Cabinet officer and his or her performance. Therefore, I have, after considerable thought, concluded this resolution is bad policy and precedent, and is unfairly damaging to the Department of Justice. It is a political overreach and should not be passed. Therefore, I oppose the resolution.

Mr. KENNEDY. Mr. President, when Alberto Gonzales came before the Senate as the President's nominee for Attorney General, many of us were concerned that he would not be able to distinguish between his past role as White House Counsel and his new role as Attorney General. During his service as counsel to the President, he had assisted the President in promulgating a series of disastrous policies that ran

roughshod over the rule of law and damaged the United States in the eyes of the world. He refused to give detainees the protections of the Geneva Conventions, calling them "quaint." He facilitated the establishment of Guantanamo and denied other basic legal protections to detainees. He approved an interpretation of the law that was inconsistent with international agreements. He authorized the use of torture, a step that led to the horrors of Abu Ghraib. At every turn, he promoted an extreme view of the President's authority. Yet, when he came before the committee seeking confirmation, he assured us: "With the consent of the Senate, I will no longer represent only the White House; I will represent the United States of America and its people. I understand the differences between the two roles."

That assurance has proven hollow. On issue after issue, Mr. Gonzales has singlemindedly served the President's agenda, without any respect for the broader responsibilities of the Attorney General. He has continued to promote an extreme view of the President's power as Commander in Chief to authorize warrantless eavesdropping in violation of the law, secret detentions, abuse of detainees, and violations of the Geneva Conventions. He believes that the President can issue signing statements that nullify duly enacted statutes whenever they might limit the President's discretion. As Attorney General, he has used the enormous power of his office to promote the agenda of the White House.

The current U.S. attorney scandal has revealed the devastating legacy of Mr. Gonzales's tenure as Attorney General. We now have a Department of Justice that is wide open to partisan influence and has abandoned many of the basic principles that kept the Department independent and assured the American people that its decisions were based on the rule of law.

As a result, the Department of Justice is now embroiled in a scandal involving the firing of U.S. attorneys, under a process controlled by inexperienced, partisan staffers in consultation with the White House. U.S. attorneys were targeted for firing because they failed to serve the White House agenda. Karl Rove and the President passed along to the Attorney General complaints that U.S. attorneys failed to pursue voter fraud. Over the past 5 years, the Department of Justice has actually pushed hard to prosecute voter fraud, but among the hundreds of millions of votes cast in that period, it has managed to convict only 86 people nationwide. The pursuit of virtually nonexistent voter fraud at the ballot box is part of a Republican effort to suppress the legitimate votes of minority, elderly, and disabled voters. Other measures taken in this cynical scheme include photo ID laws and purges of voter rolls.

The conclusion is inescapable that the firings of U.S. attorneys were part

of an effort to put partisans in charge of U.S. attorney offices in key States. New Mexico, Washington, Arkansas and Nevada are all closely contested States. Add those States to which the Attorney General sent interim appointees from Washington in the past 2 years—Florida, Missouri, Iowa and Minnesota—and the pattern is clear. Attorney General Gonzales, more than any other Attorney General in memory, has tried to turn the Department of Justice into an arm of a political party.

In addition, under his leadership, the Department's hiring procedures have been corrupted by partisan officials who rejected longstanding merit-based hiring procedures and placed political party loyalty ahead of legal merit in hiring career attorneys. His Department of Justice has tried to obliterate the distinction between political appointees and career civil servants.

In his testimony before the Judiciary Committee, Mr. Gonzales has repeatedly made false statements. He told us the warrantless eavesdropping program could not be conducted within the limits of The Foreign Intelligence Surveillance Act. Then, on the eve of an appearance before the committee, he told us that the program now fits within FISA. He told us that there had not been significant disagreement over that program, but we now know that as many as 30 members of the Justice Department were prepared to resign if an earlier version of the program proceeded unchanged. He stated that he had not seen memoranda or been involved in discussions about the U.S. attorney firings, but it was later revealed that he did both. He told us that only eight U.S. attorneys had been targeted for firing, but it turns out the list was longer. He has said scores of times that he does not recall key meetings and events. With each misstatement and memory lapse, the Attorney General's credibility has faded until there is nothing left.

In the years I have served in this body, I have had the privilege to work with many Attorneys General. The defining quality of the outstanding occupants of that office—both Democrats and Republicans—has been an understanding that the law and the evidence trump loyalty to a political party or a president. Respect for the rule of law lies at the heart of our democracy. If our machinery of justice becomes just another means to preserve and promote the power of the party in office, we have corrupted our democracy. If the American people believe that partisanship is driving law enforcement, our system of justice cannot survive.

We need a strong and credible Attorney General who believes deeply in our system of justice as we undertake the difficult and essential job of restoring the credibility of the Department of Justice. I urge my colleagues to support this resolution of no-confidence as a first step in rebuilding the faith of the American people in the Department of Justice.

Mr. BYRD. Mr. President, 28 months ago, on February 3, 2005, I voted against the confirmation of Alberto Gonzales to be the Attorney General of the United States. Hallelujah, Amen! Eight days before that, I was one of 13 Senators who voted against the nomination of Condoleezza Rice to be the U.S. Secretary of State. And, if the Senate had been permitted to vote on the nomination of Paul Wolfowitz to head the World Bank, I would have voted against that nomination, too.

I am proud of my votes against confirmation of these failed architects of the unconstitutional war in Iraq. Their flawed policies have cost our Nation dearly. I shudder to contemplate the billions and even trillions of dollars and the decades of effort that it will take to correct their extraordinary errors in judgment. These are the same administration officials, led by Alberto Gonzales here at home, who have done everything they can to abolish our Nation's carefully calibrated separation of powers and to undermine Americans' civil liberties. Based on ongoing errors in judgment and mistakes made on his watch, I remain convinced that my vote against Alberto Gonzales was in the best interests of this country.

It is, therefore, not surprising that I am pleased to be an original cosponsor of S.J. Res. 14. This resolution expresses the sense of the Senate that Attorney General Gonzales no longer holds the confidence of the Senate and of the American people. Frankly, he never held my confidence. Not from day one, and I will tell you why that is so.

When President Bush nominated Alberto Gonzales to be the U.S. Attorney General, the President stated that Mr. Gonzales, as White House counsel, had a "sharp intellect," and that it was White House counsel's "sound judgment" that had, in the President's words, "helped shape our policies in the war on terror."

Sharp intellect and sound judgment? I have heard of damning with faint praise, but applying those words to someone who has had a major role in the reckless and incompetent way in which this administration has waged its so-called war on terror is hardly a compliment.

But don't expect Alberto Gonzales to take responsibility for what happened on his watch. Throughout his time in this administration, whenever Mr. Gonzales has been questioned about what he knows about improper conduct, his standard and repetitive response, in the words of the fictional Sergeant Schultz is simply: "I know nothing." When questioned about who made the decision to fire U.S. attorneys for what appear to be purely political reasons, he implausibly states that while he signed off on the decision, he was not really responsible because he was out of the loop.

At a press conference on March 13, Attorney General Gonzales stated that he knew nothing of the scandal sur-

rounding the U.S. attorneys, because he was, in his words, "not involved in seeing any memos, was not involved in any discussions about what was going on," and, he said, "that's basically what I knew as the Attorney General." Mr. President, that is not an impressive response. Even the Attorney General now says his comment was "too broad" and that he "misspoke." He now admits that he did have some involvement. But he said this only after the Justice Department released e-mails and memoranda which showed that he had, in fact, been involved in discussions about the firings.

He also claimed that he is not really responsible, because, in his words, "in an organization of 110,000 people," he said, "I am not aware of every bit of information that passes through the halls of justice, nor am I aware of all decisions." Now that seems an odd assertion, considering that he is, in fact—if you will allow me to use the President's terminology—the top "decider" at the U.S. Department of Justice.

When the Attorney General testified before the Senate Judiciary Committee on April 19, 2007, he continued to argue that he was simply out of touch—an assertion that has been disputed by the two employees he had charged with filling the U.S. attorney positions with party loyalists, D. Kyle Sampson and Monica Goodling.

On May 15, 2007, speaking before the National Press Club, Mr. Gonzales made yet another effort to shift the blame for any wrongdoing. But this time he chose a new victim. He said, "You have to remember, at the end of the day, the recommendations [to fire the U.S. Attorneys] reflected the views of the deputy attorney general," meaning Paul McNulty. But the Associated Press reported immediately thereafter that documents released from the Justice Department showed that McNulty was not closely involved in picking all of the U.S. attorneys who were put on the list. Instead, it was a job mostly driven by the Attorney General's own, two hand-picked subordinates, Sampson and Goodling.

I would invite those who believe that Alberto Gonzales did not know what was happening in his own Department to join me on a quick trip down memory lane. Let me recount a section of the speech that I delivered on the Senate floor just prior to voting against his confirmation to be Attorney General. I reminded my colleagues at that time that Judge Gonzales had admitted being physically present at meetings in his office to determine which acts against enemy combatants should be outlawed as torture.

But at his confirmation hearing, he disavowed having any role in the administration's initial decision to define torture extremely narrowly. On January 6, 2005, he was asked by a member of the Judiciary Committee whether he had ever chaired a meeting in which he discussed with Justice Department at-

torneys the legitimacy of such interrogation techniques. He was asked if, in the meetings he attended, there was discussion of strapping detainees to boards and holding them under water as if to drown them. He testified that there were such meetings, and while he did remember having had some "discussions" with Justice Department attorneys, he simply could not recall what he told them in those meetings. He stated that, as White House counsel, he might have attended those meetings, but it was not his role but that of the Justice Department to determine which interrogation techniques were lawful.

In other words, he was saying then, just as he is saying today: Don't hold me accountable! Don't blame me if mistakes were made! And, then, just like today, he didn't point the finger of blame at just one other victim. He spread the blame around. While he admitted he'd made some mistakes as White House counsel, he attempted to further deflect responsibility for his actions by saying that a number of what he called other "operational agencies" also took responsibility for making flawed decisions on prisoner interrogation techniques.

At his confirmation hearing, he said:

I have a recollection that we had some discussions in my office, but let me be very clear with the Committee. It is not my job to decide which types of methods of obtaining information from terrorists would be the most effective. That job responsibility falls to folks within the agencies. It is also not my job to make the ultimate decision about whether or not those methods would, in fact, meet the requirements of the anti-torture statute. That would be the job for the agencies . . . I viewed it as their responsibility to make a decision as to whether or not a procedure or method would, in fact, be lawful.

Whether on the issue of torture or of firing U.S. attorneys, when it comes to Alberto Gonzales taking responsibility for his actions—as Yogi Berra would say—it's *deja vu* all over again. One wishes that Judge Gonzales could tell us, just once, what his job is, rather than always telling us only what it is not.

Article II, section 3 of the United States Constitution, as head of the Executive Branch, the President has a legal duty to take care that the laws be faithfully executed. The Constitution does not say that the President or his officers "should" or "may" undertake that responsibility: it clearly states that the President "shall take Care that the Laws be faithfully executed." The President and his Chief Law Enforcement Officer at the Justice Department must be held accountable not only when they fail to faithfully execute the law, but also when they or their subordinates attempt to undermine, ignore, or gut the law.

The Attorney General has a credibility problem, and the American people know it. Despite his assertions to the contrary, he continues to contribute in large measure to the flawed policies and decision making that have

flowed from this administration over the past seven years. For all of these reasons, I urge my colleagues to support S.J. Res. 14.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I rise in support of S.J. Res. 14, a resolution expressing the sense of the Senate that Attorney General Gonzales has lost the confidence of Congress and the American people. This is a sense-of-the-Senate resolution.

Now, Madam President, let me initially say that I was doing other things and was unable to listen to the remarks of some of my Republican colleagues. I apologize for that. I have had a briefing as to what they said. They have chosen to impugn the motives of the sponsor of this resolution, the senior Senator from New York, Mr. SCHUMER. I work very closely with this man. I have worked in government most all of my adult life. Rarely have I seen anybody—in fact, I have never seen anyone with the intellectual capacity of CHUCK SCHUMER from New York and his ability to understand what is going on in the State of New York and in our country. Any suggestions that were made to impugn his integrity are unwarranted, out of line, and unfair.

Senator SCHUMER is a member of the Judiciary Committee. He is a lawyer. As a member of that Judiciary Committee and as a lawyer who cares deeply about the rule of law and the reputation of the Justice Department, he had an obligation to do what he did. There are others who joined with him. Senator FEINSTEIN was out front on this issue with Senator SCHUMER, as were others. The chairman of the committee, Senator LEAHY, has been with them every step of the way.

In my opinion, his work in this investigation has been commendable.

Mr. LEAHY. Will the majority leader yield for a comment?

Mr. REID. Yes, I am happy to.

Mr. LEAHY. Madam President, I tell the leader and the senior Senator from New York, I know he has worked hard on this. Nobody has had more roadblocks thrown in front of him than the Senator from New York. He has asked legitimate questions. Many times, his legitimate questions were not answered by the Department of Justice. They refused to answer. We had to actually subpoena them to get answers that should have been sent to him by return courier. He has acted in the best sense of oversight. He has done what one should do in oversight. He should not be criticized for that.

Maybe those who do the criticizing should ask why they allowed a rubberstamp Senate under their watch to continue for 6 years, with conduct that certainly borders on the criminal and certainly reflects the unethical goings-on at the Department of Justice, and they didn't say one word about it.

Mr. REID. Madam President, I appreciate very much the Senator from Vermont, the chairman of our com-

mittee, for standing up for what is right. That is what he is doing.

The Senate has a responsibility to express its displeasure with a Cabinet officer who has grossly mismanaged his responsibilities and failed the American people in the process. This is the one and only mechanism we have, short of impeachment, to address malfeasance of a high-ranking Federal official.

Along with the Department of Defense and State, the Department of Justice is the most important Cabinet agency we have. The Attorney General is responsible for enforcing Federal law, protecting civil rights, and, most importantly, ensuring fidelity to the Constitution of the United States.

Madam President, in my young days as a lawyer and public official in Nevada, during the 1960s, I saw the critical role the Justice Department can play in what is going on in a State. In those days—the early sixties—a person of color, a Black man or woman, could not work in a Strip hotel and could not work in downtown hotels. They weren't there unless they were a porter, a janitor—someplace where they could not be seen. Thousands of people, Black and White, protested that discrimination, but it didn't matter until the Justice Department stepped in. They stepped in and forced it. There was a consent decree entered into between the State of Nevada—I was there. I was Lieutenant Governor, and I helped negotiate that along with Governor O'Callaghan and the attorney assigned to do that. We worked on that for weeks and weeks. But for the Justice Department, that integration of those large hotels in Nevada would have taken place much later. That is what the Justice Department is all about. Major civil rights battles in Las Vegas over integrating the strip would never have been determined in favor of the people of color but for the Justice Department.

You see, the Justice Department is color blind, and that is the way it is supposed to be. It wasn't a Democratic Department of Justice or Republican Department of Justice. It was an American, a U.S. Department of Justice. Its lawyers were fighting for the most American ideal—the right of all Americans to participate in our democracy.

What a proud history this is. What a source of pride it is for our country what the Justice Department in decades past has done. But today under this President, President Bush, and under this Attorney General, Alberto Gonzales, the Department of Justice has lost its way.

Now the Justice Department is just another arm of the Karl Rove political machine, where partisanship earns patronage and independence earns contempt.

Today's Justice Department is dysfunctional. I so appreciate the statement made by the former attorney general of the State of Rhode Island, Sen-

ator WHITEHOUSE. He laid it out. He has a feeling of what the Justice Department is all about. He spoke from his heart. The Department of Justice's credibility is shredded. Its morale is at an all-time low, and the blame for that tragic deterioration lies squarely on the shoulders of two people: the President of the United States and the Attorney General of the United States, Alberto Gonzales.

We are here today to discuss Alberto Gonzales. Over the past 6 months, congressional oversight has revealed the many ways the crass political calculations in that White House have pervaded the personnel and prosecutorial decisions of the Bush-Gonzales Justice Department. Remember, for 4 years, this was a big rubberstamp, this thing called Congress.

The careers of many fine men and women, lawyers, have been destroyed. One of those is a man from Nevada by the name of Daniel Bogden, a career prosecutor. He worked his way up as a line prosecutor in Washoe County, Reno, NV, and became an assistant U.S. attorney. He—I have spoken with him—wanted to spend his life being a prosecutor, going after people who violate the law. That is over with. Once you are removed from being a U.S. attorney, you can no longer work as a deputy U.S. attorney.

He, I repeat, was a career prosecutor. When my Republican friend and colleague, JOHN ENSIGN, recommended him to be U.S. attorney for Nevada, he reached what he thought was the pinnacle of his career. Oh, was he mistaken. He has been humiliated, embarrassed, denigrated by this Justice Department for no reason. He worked hard. No one questioned his work ethic.

My son was a deputy U.S. attorney with Daniel Bogden. They worked together. A fine lawyer is Daniel Bogden. He worked hard as our U.S. attorney to protect Nevadans from crimes, drugs and white-collar crimes and earned a wide respect from law enforcement agencies throughout the State.

I repeat, he was fired. To this day, no satisfactory explanation has been provided to Dan Bogden and the people of Nevada.

In light of this evidence, we learned that other U.S. attorneys had been fired at the same time because they failed to pursue partisan political cases. So without any question, there is every reason to believe Dan Bogden suffered the same fate. He was fired for administering justice in Nevada in an evenhanded, nonpolitical way, as he thought as a prosecutor he was supposed to do.

I can remember as a young lawyer, I had a part-time job as a city attorney in Henderson, NV. It is now the second largest city in the State. It wasn't then. I prosecuted criminal cases. I came back to my law firm and I was bragging. That is the wrong word. I was saying: Man, that case, I can't imagine why that judge did that. That wasn't a very good case at all. One of the people

I worked with said: HARRY, that is not your responsibility.

I will use leader time now.

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

Mr. REID. Madam President, he said: Your job is not to convict people. It is to do the right thing for the people of the State of Nevada, the city of Henderson, NV.

That is a lesson somebody should have given Alberto Gonzales before he took the job as Attorney General. Dan Bogden was fired for doing his job exactly the way it is supposed to be done.

When he testified before the Senate Judiciary Committee, Attorney General Gonzales couldn't even say why Bogden was included on the list to be fired. Think about that: A man's career ruined, and the man who fired him or had him fired didn't even know why he was fired.

His lack of memory was astounding. He couldn't recall basic facts, even meetings with the President. Writing in the New York Times, Professor Frank Bowman, a former Federal prosecutor, said, talking about Gonzales:

The truth is almost surely that Mr. Gonzales's forgetfulness is feigned—a calculated ploy to block legitimate congressional inquiry into questionable decisions made by the Department of Justice, White House officials, and, quite possibly, the President himself.

If Albert Gonzales was not truthful with the Congress, he deserves to be fired—not Bogden but Gonzales.

On the other hand, if the Attorney General was not involved in the decision to fire Bogden and others, he is guilty of gross negligence and deserves to be fired. He turned over the awesome power of his office to a handful of young, inexperienced ideologues and allowed them to carry out a political campaign from the once-hallowed halls of the Justice Department.

But the Attorney General's misdeeds extend well beyond politically driven personnel decisions. As White House counsel, he presided over the development of antiterror tactics that have undermined the rule of law and made Americans less safe. We know now from former Deputy Attorney General Jim Comey the Attorney General tried to take advantage of John Ashcroft's serious illness—was sick in a hospital bed—to obtain Justice Department approval for an illegal surveillance program. He took papers there for him to sign.

Time and time again, Alberto Gonzales has proven beyond a doubt his utter lack of judgment and independence is foremost in his mind. Whether it is tortured reasoning allowing torture or his support of domestic surveillance, firing unfairly U.S. attorneys, hiring immigration judges based on their political affiliation—there is a long list. But let's talk about his being one of the masters of torture in our country.

I have a law review article from Columbia Law Journal, one of the finest

law schools in America, the name of which is "Drop by Drop: Forgetting the History of Water Torture in U.S. Courts." This is an article written by Judge Evan Wallach, one of the foremost experts in the world on the law of the war. I am only going to read the last paragraph of this article. He goes into some detail in the article, talking about how this Attorney General's office, this White House counsel, this administration has allowed torture to be part of what Americans do with detainees and others.

Here is what Judge Wallach said:

If we remember what we said and did when our military personnel were victims, if we remember our response when they were perpetrators, how can our government possibly opine that the use of water torture is within the bounds of law? To do so is beneath contempt; it is beyond redemption; and it is a repudiation of the rule of law that in our origins was the core principle of governance which distinguished our nation from the crowned dictatorships of the European continent.

That is the legacy of this administration and this Attorney General, that law review articles are being written to talk about how awful this Attorney General is and what he has allowed to happen.

To do so is beneath contempt; it is beyond redemption; and it is a repudiation of the rule of law that in our origins was the core principle of governance which distinguished our nation from the crowned dictatorships of the European continent.

Alberto Gonzales is profoundly unworthy to hold one of the highest and most important offices of our great country. I urge my colleagues to support this resolution reflecting the facts before us. I urge Attorney General Gonzales to resign his office, to give the Department of Justice a chance it needs to recover from his catastrophic tenure. If he does not, I urge President Bush to finally remove him.

The PRESIDING OFFICER. All time has expired.

Mr. REID. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays are mandatory.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 179, S.J. Res. 14, relating to Attorney General Alberto Gonzales.

Harry Reid, Richard J. Durbin, Kent Conrad, Bernard Sanders, Jeff Bingaman, Dan Inouye, Jon Tester, S. Whitehouse, Debbie Stabenow, Byron L. Dorgan, Amy Klobuchar, Sherrod Brown, Carl Levin, Chuck Schumer, Barbara Boxer, Jack Reed, H.R. Clinton.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to

proceed to S.J. Res. 14, a joint resolution expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

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

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 53, nays 38, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—53

Akaka	Feinstein	Nelson (NE)
Baucus	Hagel	Pryor
Bayh	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Clinton	Levin	Stabenow
Coleman	Lincoln	Sununu
Collins	McCaskill	Tester
Conrad	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murray	Wyden
Feingold	Nelson (FL)	

NAYS—38

Alexander	Dole	Lott
Allard	Domenici	Lugar
Bennett	Ensign	Martinez
Bond	Enzi	McConnell
Bunning	Graham	Murkowski
Burr	Grassley	Roberts
Chambliss	Gregg	Sessions
Cochran	Hatch	Shelby
Corker	Hutchison	Thune
Cornyn	Inhofe	Vitter
Craig	Isakson	Voinovich
Crapo	Kyl	Warner
DeMint	Lieberman	

ANSWERED "PRESENT"—1

Stevens

NOT VOTING—7

Biden	Dodd	Obama
Brownback	Johnson	
Coburn	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays 38, and one Senator responded "present." Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion. The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 9, H.R. 6, Comprehensive Energy legislation.

Jeff Bingaman, Dick Durbin, S. Whitehouse, Blanche L. Lincoln, Jon Tester, Robert P. Casey, Jr., Patty Murray, Daniel K. Akaka, Jack Reed, Mary Landrieu, Max Baucus, Mark Pryor, Ron Wyden, Joe Biden, Pat Leahy, Claire McCaskill, Amy Klobuchar, Ken Salazar.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 6, an act to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 91, nays 0, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—91

Akaka	Burr	Collins
Alexander	Byrd	Conrad
Allard	Cantwell	Corker
Baucus	Cardin	Cornyn
Bennett	Carper	Craig
Bingaman	Casey	Crapo
Bond	Chambliss	DeMint
Boxer	Clinton	Dole
Brown	Cochran	Domenici
Bunning	Coleman	Dorgan

Durbin	Lautenberg	Salazar
Ensign	Leahy	Sanders
Enzi	Levin	Schumer
Feingold	Lieberman	Sessions
Feinstein	Lincoln	Shelby
Graham	Lott	Smith
Grassley	Lugar	Snowe
Gregg	Martinez	Specter
Hagel	McCaskill	Stabenow
Harkin	McConnell	Stevens
Hatch	Menendez	Sununu
Hutchison	Mikulski	Tester
Inhofe	Murkowski	Thune
Inouye	Murray	Vitter
Isakson	Nelson (FL)	Voinovich
Kennedy	Nelson (NE)	Warner
Kerry	Pryor	Webb
Klobuchar	Reed	Webb
Kohl	Reid	Whitehouse
Kyl	Roberts	Wyden
Landrieu	Rockefeller	

NOT VOTING—8

Bayh	Coburn	McCain
Biden	Dodd	Obama
Brownback	Johnson	

The PRESIDING OFFICER. On this vote, the yeas are 91, the nays are zero. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Ms. KLOBUCHAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

REMEMBERING SENATOR CRAIG THOMAS

Mr. BAUCUS. Mr. President, I honor a colleague, a friend, and a great Senator, Senator Craig Thomas.

No words that I can speak will ease the sadness of this loss. Nothing my colleagues and I say can fill the emptiness that his passing has left or lessen the pain that so many feel.

I feel compelled to speak of Senator Thomas not for the effect of my words. Instead, I speak to recognize the effect of his words, his actions, and his service.

His were words, actions, and service that have improved the lives and futures of Americans. His words and actions will leave a legacy long after our sadness passes.

Senator Thomas represented Wyoming effectively and with dignity. I was proud to work with him.

We both loved the open beautiful spaces of our home States, and we worked to keep them clean, safe, and sustainable. We collaborated to improve the Endangered Species Act and the Safe Drinking Water Act.

We also worked to safeguard our constituents' livelihoods—establishing the wool trust fund, keeping open global beef markets, and making sure that our trading partners played by the rules.

We worked together to safeguard our natural resources, improve rural energy infrastructure, and plan for a sustainable energy future with clean coal technologies.

These and many other accomplishments will be Senator Thomas's legacy. It is a legacy for which he deserves recognition, remembrance, and honor. It is a legacy for which our Nation is grateful.

But many will remember Senator Thomas more for who he was than for what he did. They will remember someone with a quick wit, an easy smile, and a generous helping hand.

I will remember Senator Thomas as I met him when he first joined the Senate in 1989. Back then, I recognized in him something very familiar. Senator Thomas was a man of the American West. He embodied the values and the character of the people whom he represented.

You always knew where Senator Thomas stood. Like many in the West, Senator Thomas was quiet, unassuming, and unpretentious—but he was never intimidated.

He was gentle and decent. When he gave you his word, he kept it. And as we all saw in these final months of his life, when he had to, he could fight like hell.

That is the man I will miss and it is the man I wish to recognize today—an honorable Senator and a great man of the American West.

Mr. DOMENICI. Mr. President, this last Saturday, I traveled with my wife Nancy and many of our colleagues in the Senate to Casper, WY, for the funeral service of my friend Senator Craig Thomas.

During the service I was particularly impressed by the words of Minority Leader MCCONNELL and I would like to thank him for so eloquently eulogizing Senator Thomas. So appropriately did his words honor Senator Thomas that I hope all our colleges in the Senate will take the time to read them.

I ask unanimous consent that this transcript of Senator MCCONNELL's comments be printed in the RECORD.

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

SERVICE IN HONOR OF CRAIG THOMAS, JUNE 9, 2007

Reverend [Moore], Susan, Lexie, Patrick, Greg, Peter; distinguished guests, colleagues and friends of Craig Lyle Thomas.

There are people that we can't ever imagine dying because they're so alive, and there are people we can't imagine dying because they seem so healthy and so strong. Craig Thomas's death is doubly hard because he was both of these people. But death has done its work, and so we come back to the place that he was always so eager to return to, to accompany him on one last trip back.

It was here that he first heard his calling to serve in public life, and here that he first