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THE NOMINATION OF JOHN R. BOLTON TO BE U.S. REPRESENTATIVE TO THE UNITED NATIONS WITH RANK OF AMBASSADOR AND U.S. REPRESENTATIVE TO THE UNITED NATIONS SECURITY COUNCIL AND U.S. REPRESENTATIVE TO SESSIONS OF THE UNITED NATIONS GENERAL ASSEMBLY DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE UNITED NATIONS

MAY 18, 2005.—Ordered to be printed

Mr. LUGAR, from the Committee on Foreign Relations, submitted the following

REPORT

[together with minority views]

The Committee on Foreign Relations, to which was referred the nomination of John R. Bolton to be U.S. Representative to The United Nations with Rank Of Ambassador and U.S. Representative to the United Nations Security Council and to be U.S. Representative to Sessions of the United Nations General Assembly during his tenure of service as U.S. Representative to the United Nations, having considered the same, reports without recommendation his nomination to the Senate.

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I. COMMITTEE ACTION

The nomination of John R. Bolton, to be the U.S. Permanent Representative to the United Nations was submitted to the Senate by President Bush and referred to the committee on March 17, 2005. A hearing was held on April 11, 2005. An additional hearing was held as part of the nomination process on April 12, 2005, when the committee heard the views on the nominee from Mr. Carl W.

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Ford, Jr., a former Assistant Secretary of State for Intelligence and Research.

The committee again considered Mr. Bolton's nomination at a business session held on April 19, 2005 where the committee by general agreement, postponed the vote on the nominee until May 12, 2005 in order for committee staff to investigate various allegations raised at the meeting.

At its business meeting on May 12, 2005, the committee voted by a vote of 10 to 8, with a quorum present and a majority of those members physically present and voting in the affirmative, to report the nomination without recommendation. The following Senators voted in the affirmative: Lugar, Hagel, Chafee, Allen, Coleman, Voinovich, Alexander, Sununu, Murkowski, and Martinez. The following Senators voted in the negative: Biden, Sarbanes, Dodd, Kerry, Feingold, Boxer, Nelson, and Obama. Senator Biden requested that a report be prepared to which members of the committee could submit addition views on the nominee.

II. Committee Comments

On May 12, 2005, the committee carefully considered the nomination of Mr. Bolton. It recognized his many years of public service and depth of knowledge on matters of foreign policy and the United Nations, as well as his responses to Questions for the Record (QFRs) submitted by various committee members. The full text of Mr. Bolton's own opening statement to the committee as presented at his nomination hearing (see Annex A), his response to those QFRs are included in Annex (D). A sampling of the numerous letters of support are included in Annex C including letters signed by five former Secretaries of State, Margaret Thatcher, and former USAID and Department of Justice officials including Ed Meese and Richard Thornburgh.

During the committee's consideration of the nomination of Mr. Bolton, Senator Biden and other members of the minority raised concerns about the nominee related to his interactions with various staff of the State Department and Central Intelligence Agency as well as various speeches and testimony related to his capacity as Undersecretary of State for Arms Control and International Security.

The committee determined that Secretary Bolton is a highly qualified nominee with deep experience in UN affairs. There was a consensus on the committee that the United Nations is in need of reform. The scandal afflicting the UN's Oil for Food Program has revealed serious dysfunction within the United Nations bureaucracy. President Bush nominated Secretary Bolton to help facilitate reform at the UN in addition to representing the American perspective. The President specifically chose Secretary Bolton for the position with this goal in mind.

III. Report on the Investigation

The first business meeting on Secretary Bolton's nomination, where a vote had been scheduled, was adjourned without a vote after some Senators said the committee needed more time to look into allegations regarding Secretary Bolton's character and his eth-

ical behavior while in office. An intense period of investigation by joint Majority and Minority staffs ensued. The committee sought and received some 800 pages of emails, memos and draft speeches from the Department of State, the Agency for International Development and the Central Intelligence Agency. Additionally, the committee staffs jointly conducted some 35 interviews which produced some 1,000 pages of transcripts. It is important to understand the context and the results of that investigation.

In the days immediately following Secretary Rice's March 7 announcement of Secretary Bolton's nomination, most Democratic members of this committee expressed their opposition to the nomination on policy grounds. A March 8 *Associated Press* report states, "Almost immediately after Bolton's nomination was announced, Democrats objected." The March 8, edition of the *Baltimore Sun* said, "Reaction from Senate Democrats promised contentious confirmation hearings for Bolton when he goes before the Foreign Relations Committee."

In several cases the statements by Democrats were unequivocal in opposition. In several other cases, statements were very negative, leaving open only the smallest of possibilities that the Senator would ultimately support the nominee. In all of these cases, objections were based on Secretary Bolton's supposed attitudes toward the United Nations. By March 31, still almost two weeks before the Bolton hearing, a *Los Angeles Times* report noted, "Democrats are likely to vote unanimously against John R. Bolton when his nomination to be U.S. ambassador to the United Nations comes before the Senate Foreign Relations Committee—according to Democratic and Republican lawmakers and aides."

Senators have the right to oppose a nominee because of his substantive views and his past statements. However, the ethical inquiry into Secretary Bolton's background was pressed by members who planned to vote against him even before the committee began interviewing witnesses. They had the right to ask questions, and the committee had a responsibility to follow up credible allegations. But it also important to understand that at times the inquiry followed a more prosecutorial path than most nominees have to endure.

The committee staff worked long and hard to run down allegations that were raised at the first business meeting, and they checked others that arose during that process.

The end result of all this is that Secretary Bolton emerged looking better than when it began. Some allegations turned out not to be as serious as they first appeared, new information has cast others in a different light, most have proven to be groundless or, at best, highly overstated, while some were apparently judged by the Democratic Members as not even worth looking into. The interviews and documents showed Secretary Bolton to be a hardworking public servant, a pro-active policymaker eager to implement President Bush's agenda, with strong views and a blunt style that, frankly, sometimes rubbed people the wrong way.

But there was no evidence to support the most serious charge, that Secretary Bolton sought to manipulate intelligence. He may have disagreed with intelligence findings but in the end, he always accepted the final judgment of the intelligence community.

One of the most sensationalized accusations against Secretary Bolton is that 11 years ago, he chased a woman around a Moscow hotel throwing things at her. This is problematic first because the behavior described seems so out of place. But secondly, because it was very difficult for committee staff, despite many hours of interviews on this matter, to ascertain just what happened.

The woman, Melody Townsel, who lives in Dallas, admits that she is a liberal Democrat who worked for Mothers Opposing Bush in the last election. Ms. Townsel also stated that her original accusation, contained in a letter that was made public, may have been too strong in some places. She said: "'Chasing' may not be the best word." What she meant was that Secretary Bolton would approach her whenever he saw her at the hotel where they were both staying because, as she describes it, she did not want to meet with him over a legal matter. It is important to remember that Secretary Bolton was a private lawyer at that time. He was not representing the U.S. government. He was working for a company against which Ms. Townsel had made some very serious charges—charges which proved unfounded—that could have cost his company an important USAID contract in the former Soviet Union.

Ms. Townsel provided no eyewitnesses to the incidents, which are said to have occurred in public or open areas of the hotel. Moreover, although she claimed this was a highly traumatic encounter and that she told several people about it, staff had difficulty finding others who knew about it. Three people whom Ms. Townsel identified as having heard her complaints at the time of the events told staff that they had no recollection of Ms. Townsel mentioning Secretary Bolton. Her boss, Charles Black, of Black, Manafort, Stone and Kelly, who hired her for the post, said she never mentioned it to him. Neither did her immediate supervisor back in Washington. An employee of a sister company who assisted Ms. Townsel in making her charges against the prime contractor on her project and with whom she said she was in close touch at the time, also knows nothing about it. Staffs talked to three representatives of the contractor, a small Virginia firm which has long experience working for USAID overseas. Those officials also heard nothing about this encounter. They said that Secretary Bolton was in Moscow at that time, but he was working as a consultant for a health project they were involved in, not doing legal work for them. Staff did find one of Ms. Townsel's friends and co-workers from that time, who was not in Moscow, who recalls talking with her by telephone about it, as well as a subordinate of hers in a later USAID-funded project who recalls her mentioning it.

Ultimately, the results of the lengthy investigation into this isolated, long-ago incident were, at most, inconclusive. On this point, Sen. Biden, the ranking member, concurred with the judgment of the chairman. At the second business meeting, Sen. Biden, the ranking member, said the charges remained "unsubstantiated." Ms. Townsel went on to another USAID project in the former Soviet Union, and the company she accused of mismanagement was awarded more USAID contracts and continues to be well regarded. The original charge against Secretary Bolton appeared to be overstated. On the basis of what is known, there was nothing to offset

Secretary Bolton's long record of public service in several different administrations.

It has been charged that Secretary Bolton sought to retaliate in some way against analysts and others with whom he disagreed. Committee staff looked into these cases thoroughly, and in each one the allegations proved to be overstated. In the case of Christian Westermann, the INR analyst whom the committee heard about from Carl Ford, the dispute was over a procedural issue and Mr. Westermann continued in his job. The focus of Mr. Ford's complaint was that Secretary Bolton should not have raised his objections directly with Mr. Westermann, not that Mr. Bolton was wrong to raise the issue. Democratic members at the first business meeting made much of the fact that after this incident Secretary Powell had to go all the way down to INR to boost morale. But Secretary Powell's chief of staff, Lawrence Wilkerson, told staff that such visits were not uncommon. It was part of the Secretary's leadership style to visit with staff in the "bowels of the building," including INR.

In the case of the NIO for Latin America, e-mails the committee staff viewed make it clear that Secretary Bolton's primary objection was over disparaging and inaccurate comments the analyst made to members of Congress about a speech. Secretary Bolton took his complaint to the CIA. Although the NIO has said he feels his career was damaged by Secretary Bolton, his superiors fully backed him at the time, and other witnesses told the committee that if he did not get the promotions he felt he deserved, it was for other reasons. Again, as far as Secretary Bolton was concerned, the dispute was procedural. There was no attempt to fabricate intelligence.

Other allegations related to managerial style show the same pattern upon examination—disagreement over procedure, not policy. In the case of Rexon Ryu, a mid-level civil servant in the non-proliferation bureau under Secretary Bolton, no policy issues were involved at all. Secretary Bolton believed—incorrectly, according to Mr. Ryu's supervisor—that Mr. Ryu had deliberately neglected to share information with Bolton's office. Some months later, Mr. Ryu was up for a job that would have required him to work closely with Secretary Bolton. Secretary Bolton, perhaps regrettably, expressed his opposition to working with Mr. Ryu. Mr. Ryu was given another prized post instead, an assignment to the deputy secretary.

The case of the State Department attorney, also raised by the minority, is even more off the mark. This attorney fully supported what Secretary Bolton wanted to do. It was only because of miscommunication that Secretary Bolton thought the attorney had given out wrong information on a case involving sanctions against a Chinese company. The State Department Legal Advisor, Will Taft, told committee staff that he quickly straightened things out. The attorney stayed on the case, and he even wrote the affidavit that Secretary Bolton later submitted to court.

Staff also looked at a new case that came up. Secretary Bolton's chief of staff, it was learned during the investigation, went to an INR analyst to complain that he had inappropriately attached to a CIA document a cover memo that took exception to some of the CIA's findings regarding China. Further inquiry revealed that no action was sought against the analyst and none was taken. The

issue was procedural, no intelligence was manipulated, and Secretary Bolton was not even directly involved, because he was out of the country at the time.

Secretary Bolton's credibility has also been called into question regarding his testimony before the committee on April 11. Members questioned whether Mr. Bolton really went to the CIA to learn about the National Intelligence Council. Stuart Cohen, the acting head of the NIC, said that while he could not recall exactly why Secretary Bolton wanted to come, it was "perfectly reasonable" to believe that was the reason. In fact, he added, "I was delighted at the prospect that somebody would come out wanting to know more about the NIC." He also said that Secretary Bolton only talked about reassigning, not firing, the NIO, just as Mr. Bolton testified. The investigation has found nothing contrary to Secretary Bolton's claim that his dispute with Mr. Westermann was over procedure, not policy.

Former Ambassador to South Korea Thomas Hubbard called the committee after Secretary Bolton's testimony about a controversial speech he gave in South Korea. Secretary Bolton testified that Ambassador Hubbard had thanked him for the speech afterwards. The ambassador told committee staff he indeed had thanked Secretary Bolton afterwards, but only for making certain changes in the speech that he had requested. Ambassador Hubbard told staff that he wanted to correct the record on that point, but he was not accusing Secretary Bolton of being deliberately misleading.

That speech was one of several by Secretary Bolton that opponents of the nomination have questioned. The investigation showed that many of these speeches and Congressional testimony were preceded by strong policy debates within the administration. As one witness told staff, "That's how good policy is made." In each case it was found that, in the end, Secretary Bolton delivered a speech that was properly cleared and that expressed official U.S. policy.

Finally, it is important to note while these are the major allegations that the committee has investigated against Mr. Bolton, they are not the only ones raised during the first business meeting by Democratic Members when they asked for a delay. For instance, one member said there were allegations "that he harassed a career Justice Department attorney while he was serving as the Attorney General for the Civil Rights Division—in that case Mr. Bolton allegedly went to the lengths to deny a career Justice Department attorney's request for additional unpaid maternity leave—ultimately, the Deputy Attorney General stepped in and overruled Mr. Bolton; that he may have blocked important information from going to senior members of the State Department, including Secretary Powell, Secretary Armitage, and even Secretary Rice—information that has been characterized, and I quote 'As vital to the U.S. strategies on Iran,' and related to the lack of international support for Mr. Bolton's effort to have the head of the IAEA removed." Yet even though the Chairman granted every witness interview request, and did not oppose any document request, these other charges remain both unsubstantiated—Secretary Rice, for instance, has said she got all the information she needed from Mr. Bolton in a timely way—and uninvestigated because Democratic members apparently did not feel they were worth the trouble. The ranking member,

when he said he would pursue the issue of getting full access to the NSA intercept information that Secretary Bolton had sought, stated that he believes that the results will be inconsequential for the nominee.

Despite the fact that many charges were not proven or even investigated, it has been charged that collectively the allegations against Secretary Bolton form an unacceptable pattern of behavior. This is an unfortunate argument by opponents, because it depends on doubts arising from an intense investigation of accusations, many of which had no substantiation. By its nature, it also discounts the dozens of positive testimonials on Secretary Bolton's behalf from former co-workers who attest to his character and effectiveness.

It is important to be clear about the context of the allegations leveled against Secretary Bolton. First, this has been an extremely public inquiry. By its nature, it has encouraged anyone with a grudge or disagreement with Secretary Bolton stretching back to 1983 to come forward and tell their story. There have been no thematic limits on the allegations that opponents of the nominee have asked to be investigated. No one working in Washington in high-ranking positions for that long would come out unscathed from such a process. Any assertive policy-maker will develop opponents based on stylistic differences, personal disputes, or partisan disagreements. Most members of this committee have been in public life for decades. If they were nominated for a similar position of responsibility after their terms in the Senate, how many would want the same standard to be applied to their confirmation process? How many of them would want any instance of conflict or anger directed at their staffs or colleagues to be fair game?

Second, as mentioned, the oldest allegation dates back all the way to 1983. Thus, the committee subjected 22 years of Secretary Bolton's career to a microscope. This included service in many government jobs, as well as time spent in the private sector. Given the length of John Bolton's service in high-ranking positions, it is inevitable that he would have conflict with co-workers of various ranks and political persuasions. He would have had literally thousands of contacts, meetings, and issues to deal with during his career. In this context, the volume of alleged incidents is not that profound.

Third, in John Bolton's case unsubstantiated charges may seem more material than they are because he has a reputation for being an aggressive and blunt negotiator. But this should not be a disqualifying factor, especially for a post that historically has included a number of blunt, plain-spoken individuals, including Jeane Kirkpatrick and our former colleague Pat Moynihan. In fact, President Bush has cited John Bolton's direct style as one of the reasons that he has picked him for this particular job.

ANNEXES

ANNEX A

OPENING STATEMENT OF THE HONORABLE JOHN R. BOLTON

NOMINEE FOR REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS

Senate Foreign Relations Committee
April 11, 2005

Chairman Lugar, Senator Biden, I am honored to appear before you today as President Bush's nominee to be the U.S. Permanent Representative to the United Nations. I am grateful for your consideration and I look forward to discussing the critical leadership role that the United States plays in the United Nations. I would like to extend my warm thanks to Senator Warner for his kind words and introduction. He is a true and valued friend, and his remarks are all the more appreciated given his long history of service to our nation.

Mr. Chairman, I am grateful for the opportunities that I have had to work with this Committee over the years. This is the fourth time I have appeared before this Committee in a confirmation hearing. If confirmed, I pledge to fulfill the President's vision of working in close partnership with the United Nations.

The United States is committed to the success of the United Nations and we view the UN as an important component of our diplomacy. As the President stated before the UN General Assembly last September, "Let history show that in a decisive decade, members of the United Nations did not grow weary in our duties, or waver in meeting them."

The Secretary has made this a top priority as well. She was unequivocal in her remarks about how, "The American people respect the idealism that sparked the creation of the United Nations and we share the UN's unshakable support for human dignity. At this time of great opportunity and great promise, the charge to the international community is clear: we who are on the right side of freedom's divide have an obligation to help those who were unlucky enough to be born on the wrong side of that divide. The hard work of freedom is a task of generations; yet, it is also urgent work that cannot be deferred. . . . Now, more than ever, the UN must play a critical role as it strives to fulfill the dreams and hopes and aspirations of its original promise to save succeeding generations from the scourge of war, to reaffirm faith and fundamental human rights and to promote social progress and better standards of life in larger freedom."

If confirmed, I look forward to working closely with this Committee to forge a stronger relationship between the United States and the United Nations, which depends critically on American leadership. Such leadership in turn must rest on broad bipartisan support in Congress that must be earned by putting to rest skepticism that too many feel about the UN system.

Through the course of three decades of public service, both in and out of government, I have learned that this consensus is not only essential, but possible. Working together, in the spirit of bipartisan cooperation, I believe we can take important steps to restore confidence in the United Nations. Mr. Chairman, we are at a critical juncture, and I fully share the sentiments you expressed in 1997, when you remarked that, "It is time to decide if we want a strong and viable United Nations that can serve United States interests, or a United Nation that is crippled by insolvency and hobbled by controversy and uncertainty."

A Stronger, More Effective United Nations

The President and Secretary Rice believe that a stronger, better, more effective United Nations is one which requires sustained and decisive American leadership, broad bipartisan support, and the support of the American public. If confirmed, that would be my objective as well. Walking away from the United Nations is not an option. I undertake to do my utmost to uphold the confidence that the President, Secretary Rice, and the Senate will have placed in me if confirmed.

Mr. Chairman, now more than ever, the United Nations needs American leadership. President Franklin Roosevelt and Prime Minister Winston Churchill promoted a post-war international organization to avert another world war when they envisioned a collective security organization that would resist aggressor states that threatened international peace and security. Accordingly, the UN Charter lists as its first objective, "to save succeeding generations from the scourge of war."

If the UN is to play a role in fulfilling that mission, however, it is not enough that it reform its internal structures. It must also clearly and forcefully address the new challenges we face. Rogue states, which do not necessarily subscribe to theories of deterrence, now threaten the global community as both possessors and proliferators of weapons of mass destruction. These weapons could also be transferred to terrorist organizations that would have no compunction about using them in cold blood against innocent civilian populations.

I believe my past government experience and writings reflect my awareness of both the strengths and weaknesses of the United Nations. I learned much about the UN's potential when I served for four years as Assistant Secretary of State for International Organization Affairs in 1989–1993, and again later when I worked for the United Nations pro bono between 1997 and 2000, assisting former Secretary of State James Baker in his capacity as the Secretary General's Personal Envoy for the Western Sahara. I saw firsthand the impact of armed conflict and repression, and the devastating consequences this can have on innocent civilian populations.

I therefore wish to assure the Committee, the American people, and potential future colleagues at the United Nations that, if confirmed, I will strive to work with all interested parties to build a stronger and more effective United Nations. Doing so will promote not only American interests, but will inevitably improve and enhance the UN's ability to serve all of its members as well.

Mr. Chairman, if confirmed, I pledge to bring my strong record of experience of working cooperatively within the United Nations to fulfill the intentions and aspirations of its original promise. In particular, I will work closely with the Congress and this Committee to achieve that goal. In attempting to strengthen the UN's effort to promote international peace and security, I would like to identify several priorities.

Supporting Freedom and Democracy

One priority is to strengthen and build institutions that serve as the cornerstone of freedom in nascent democracies. I am proud of my record in this regard. In 1981, as General Counsel of the Agency for International Development, I proposed that we fund international observers to witness upcoming elections in El Salvador so that there would be an independent assessment of whether those elections would be free and fair. Many experts at the time thought that the Government of El Salvador would not accept this idea, but, with the support of USAID Administrator Peter McPherson and Deane Hinton, then our Ambassador to El Salvador, I was encouraged to raise the possibility with President Jose Napoleon Duarte in late 1981. I did so and we were able to fund international election observers through Section 116 of the Foreign Assistance Act, very likely the first such assistance provided by USAID, thus leading to further success stories in legitimizing and instilling confidence in democracy in countries once torn apart by violence.

During my service in IO in President George H.W. Bush's Administration, I personally observed the legislative elections in Namibia in 1989 as part of a presidential delegation led by former Senator Edward Muskie, the largest effort to organize elections by the United Nations in its history to that point. It constituted a major test of UN capabilities and resources, and served as a successful model for future elections in Nicaragua, Cambodia and elsewhere.

Some of these earlier missions have no doubt helped pave the way for the recent and remarkable success stories we have observed in Afghanistan and Iraq, where UN assistance in both countries played a critical role. Many of us today, myself included, still marvel at the success of those elections—elections which are having repercussions throughout the region and beyond, as they are already doing in Lebanon. We appreciate that the United Nations is committed over the long-term to respond positively to the elected Iraqi Government's request for help with its constitutional process and subsequent elections, as laid out in Resolution 1546.

Mr. Chairman, we should never underestimate the impact of free and fair elections on a country. I look forward, if confirmed, to working with relevant UN agencies to enable them to contribute further to democratic institutions in countries freed from the bonds of oppression. I am sure that many of you are aware of our support for programs such as the Community of Democracies. If confirmed, I also look forward to working with you on President Bush's request for $10 million in the Fiscal Year 2006 budget to set up a Democracy Fund within the United Nations, and I am grateful to Secretary General Annan for endorsing the President's proposal in

his new report on UN reform. This fund would have a lean staff of experts who identify carefully tailored projects for strengthening democratic institutions, political parties, administration of justice programs and respect for human rights advocacy. If successful, the Fund will be among the best diplomatic tools we have in the global war on terrorism.

While the UN has had its successes in the human rights field, there have been problems as well, such as in the United Nations Commission on Human Rights ("UNHRC"). For too long, some of the most egregious violators of human rights have undercut the UNHRC's principles and its effectiveness. The consequence, as Secretary-General Kofi Annan has said, is that the Commission's important work has "been increasingly undermined by its declining credibility and professionalism." We must work with our friends and allies to keep those who would usurp the moral authority of this Commission off of it, and we must send clear and strong signals that we will not shy away from naming human-rights violators.

We must work to galvanize the General Assembly to focus its attention on issues of true importance. Sadly, there have been times when the General Assembly has gone off track. In my view, one of the greatest stains on the United Nations was the abominable Resolution 3379 equating Zionism with racism. This canard for many years distracted the General Assembly from focusing its attention on the very real problems confronting the international community. I am proud to have been an active player in getting this resolution repealed. I recall fondly the day of December 16, 1991, when the General Assembly voted 111–25 to repeal this odious resolution, when our delegation was led by Acting Secretary of State Lawrence Eagleburger, accompanied in the General Assembly by Senator Moynihan. I was proud to have served also as one of the original members of the U.S. Commission on International Religious Freedom from 1999–2001.

Stopping the Proliferation of Weapons of Mass Destruction

Mr. Chairman, a second priority should I be confirmed will be stemming the proliferation of weapons of mass destruction to ensure that terrorist organizations and the world's most dangerous regimes are unable to threaten the United States, our friends, and our allies.

As Under Secretary of State for Arms Control and International Security, I have worked with our friends and allies to press states that have violated important treaties to stop WMD proliferation such as the Nuclear Nonproliferation Treaty, the Biological Weapons Convention, and the Chemical Weapons Convention, to live up to their obligations or face a referral to the UN Security Council. I have worked hard to promote effective multilateral action to curb the flow of these dangerous weapons. I served as the lead U.S. negotiator in the creation of the G-8 Global Partnership Against the Proliferation of WMD, through which we aim to add an additional $10 billion in Nunn/Lugar type programs through contributions by other nations. In the case of Libya, I had the opportunity to work in close consultation with our British colleagues in diplomatic ef-

forts to secure the verifiable elimination of their weapons of mass destruction programs.

I helped build a coalition of more than 60 countries to help combat the spread of dangerous weapons through President Bush's Proliferation Security Initiative ("PSI"). The Administration welcomes the endorsement of this initiative in the recently published Secretary Generals' Report, "Strengthening the United Nations: an agenda for further change." And despite fears that the U.S. withdrawal from the Anti-Ballistic Missile Treaty would result in a new arms race, exactly the opposite occurred. I was proud to serve as the Administration's chief negotiator for the Treaty of Moscow, signed by Presidents Putin and Bush in 2002, which reduced operationally deployed strategic nuclear warheads by two-thirds.

Effective multilateral solutions reflect a commitment on the part of this Administration to use the best tools in our arsenal. Activities such as these are helping to create a new international consensus that recognizes the danger posed by these weapons of terror. I have no doubt these efforts played a crucial role in enabling the United States to lead the Security Council to pass Resolution 1540, first suggested by President Bush in his speech to the General Assembly in September, 2003. This resolution calls upon "all Member States to fulfill their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction." Resolution 1540 was the first of its kind focusing on WMD proliferation, and I am proud that our strong leadership contributed to its unanimous adoption. I am happy to report that as of March 15, over 80 countries have submitted reports required by the resolution outlining their plans to enact and implement measures to stop WMD proliferation. I look forward to working with Security Council members to achieve 100% compliance with the Resolution.

We also cannot ignore the real possibility that countries may be brought before the Security Council if they do not cease the pursuit of weapons of mass destruction. Failure of the Security Council to act on such fundamental threats to international peace and security will only weaken the Council's role in security issues more generally. If confirmed, I would make it a top priority to work with the Security Council to take meaningful action in the face of these grave threats.

Winning the Global War on Terror

A third priority that I would pursue if confirmed is supporting the global war on terror. As we all learned on September 11, 2001, no one is safe from the devastating effects of terrorists' intent on harming innocent people. Confronting and triumphing in the global war on terror remains a central priority of the Bush Administration, and to win this war requires long-term cooperation with all like-minded nations.

The President is firmly committed to working with the United Nations to make this shared goal of the civilized world a reality. As he noted in his speech to the UN General Assembly in September 2003, "All governments that support terror are complicit in a war against civilization. No government should ignore the threat of terror, because to look the other way gives terrorists the chance

to regroup, recruit and prepare. And all nations that fight terror, as if the lives of their own people depend on it, will earn the favorable judgment of history."

The United Nations has taken positive steps to support the war on terror, but more of course remains to be done. In the wake of September 11th, we have been actively encouraging Member States to become parties to the UN Conventions on Terrorism. I have been personally involved in the past four years as well in working to complete the negotiations on a Nuclear Terrorism Convention. We must build upon Security Council Resolution 1368, passed one day after the tragic events of September 11th, which for the first time classified every act of international terrorism as a threat to international peace and security. We must also work together to help Member States build capacities to combat terrorism as outlined in Resolution 1373, passed on September 28, 2001. This resolution obligates all UN member states to use their domestic laws and courts to keep terrorists from sheltering resources or finding safe haven anywhere in the world and to cooperate in investigating, prosecuting, and preventing terrorism wherever it may spring up. The UN Security Council is monitoring compliance with the requirements of this resolution, with impressive results: to date 142 countries have issued orders freezing the assets of suspected terrorists and terrorist organizations; accounts totaling almost $105 million have been blocked—$34 million in the U.S. and over twice that amount in other countries. Overall, Resolution 1373 has been the framework for unprecedented international consultation and coordination against terrorism, including the provision of technical assistance to governments that want to do the right thing, but may not have the specialized expertise necessary.

International Humanitarian Efforts

Mr. Chairman, a fourth priority of mine should I be confirmed is addressing humanitarian crises. Following the successful prosecution of the first Gulf War, we worked through the Security Council to address the humanitarian disaster caused by Saddam Hussein's repression of Shiites in southern Iraq and the Kurdish population in the north and east of that country. As we are all aware, this was a thorny and delicate issue—one that required carefully calibrated coordination within the Security Council.

During 1990, we were successful in having the United Nations impose its most comprehensive economic sanctions package ever, in Resolution 661, against Iraq. We were also successful in passing the first Security Council authorization for the use of force since Korea in Resolution 678. It was not lost upon us, however, that a humanitarian crisis was beginning to erupt. Hundreds of thousands of refugees fleeing Iraq into other countries would certainly have had a dramatic and destabilizing effect, in addition to the humanitarian costs of lives lost and displaced.

As a result of our leadership and collaborative efforts, we secured the adoption of Resolution 688, which decided that internal repression causing substantial refugee flows could be a threat to international peace and security. This gave the Security Council jurisdiction to approve intervention into Iraqi territory to aid displaced persons. The United States took the lead in implementing this Res-

olution, under the name "Operation Provide Comfort." Success stories such as these are a direct result of decisive American leadership and our effective multilateral diplomacy.

Of pressing urgency now is stopping the genocide and violence devastating the Darfur region in the Sudan. The United Nations has already played a critical role in bringing attention to this crisis. But we all know there is much more to be done. If confirmed, I pledge to work with our partners in the Security Council to pressure parties to stop the violence in Darfur, deploy the new peacekeeping mission to secure implementation of the comprehensive North-South peace agreement, and to assist the African Union mission in Darfur to punish those responsible for the genocide. My hope is that we can build upon the United Nation's considerable success record in helping to ensure free and fair elections in the Sudan despite its tortured past of violence and strife.

Careful oversight of such operations is critical, particularly in light of recent reports concerning abuse by UN peacekeepers themselves. If confirmed, I will make every effort to see that the Secretary General's new zero-tolerance policy of such behavior by UN personnel is enforced. There is a pressing need to do so. In light of the current global situation, we anticipate that 70,000 peacekeepers will be deployed by the end of 2005, compared with 39,000 by the end of 2002. Since October 2003, the UN has created four new missions including Liberia, Cote d'Ivoire, Burundi, and Haiti and has expanded the Congo mission. In addition to the proper oversight of such troops, there are additional concerns about capacity and stressing the UN system too far. This is not lost upon UN officials either. Jean-Marie Guehenno, Under Secretary-General for Peacekeeping Operations, acknowledges the system is getting stretched to its limits, and that, in his own words, "It is difficult to run and tie your shoelaces properly. I sincerely hope that the organization will not be required to deploy any new complex peacekeeping operations in 2005, beyond what is already on our plate or in the pipeline." Currently, we pay roughly 27% of the costs of these operations.

Other humanitarian crises demand our attention as well. It is not just the scourge of war we must confront. We must confront the scourge of disease and afflictions such as HIV/AIDS through strong U.S. leadership in the United Nations system. We strongly support the UN Declaration of Commitment on HIV/AIDS and are working to ensure resources from the Global Fund for AIDS, Malaria and Tuberculosis are available to countries most severely affected. We are actively pursuing the President's Emergency Plan for AIDS Relief, a five-year $15 billion investment, the largest commitment ever by a nation toward an international health initiative for a single disease or affliction.

I will make it a key priority as well to improve programs that have been involved in the tsunami relief effort, so that we can enhance and build upon structures and institutions already in place. Doing so will not only help current victims and communities, who will surely need help for years to come, but will help prepare for the next time a natural disaster of this magnitude strikes. More broadly, we must confront the scourge of poverty, which leaves hundreds of millions on the margins of societies scrambling for food

or shelter with little opportunity to improve their lives or those of their children.

We also must make sure that the UN acts effectively in promoting the economic and social advancement of all people. For far too long, the UN promoted statist solutions to the problems of poverty and underdevelopment. Today, we know the private sector can do the best job in generating flows of investment capital and encourage small entrepreneurship, as set out in the remarkable report of the Commission on the Private Sector and Development, chaired by President Zedillo and Martin, and in the consensus results of the Monterey Conference on Financing for Development. Policy reform, institution building, appropriate technology transfer and private sector involvement are all necessary for underpinning sustained economic growth. We will continue to support the contribution of women to economic growth and development as well as their critical role in the growth of democratic institutions worldwide.

The UN, in conjunction with U.S. leadership, is hopefully now recognizing that the traditional models of development are insufficient to achieve development objectives and better the lives of people around the world. The Partnership for Maternal, New Born and Child Health, The Global Alliance for Vaccinations & Immunizations, and Roll Back Malaria, are all examples of how UN agencies, such as UNICEF, are working along side the private sector, charitable organizations, and foundations, such as the Gates Foundation, to leverage resources, generate new activities and impact the lives of millions in developing countries.

To enhance these efforts, if I am confirmed, I hope I would have your support in increasing the level of American representation in UN agencies and affiliated organizations. This is not a question of simply getting our fair share of positions. Americans have the skills and training to contribute significantly to making the UN more efficient, effective, and accountable.

A More Efficient UN Will Make a Stronger UN

Accountability and reform of the United Nations is something I know this Committee has encouraged, including by holding a hearing on this important question just last month. This will be a top priority of mine if confirmed. During the first President Bush's Administration, I worked hard to secure appropriations to repay U.S. arrearages. Working with the Congress, we also made sure that the United Nations would target these arrearages to effective programs rather than treating them as a "windfall." If confirmed, I would look forward to working with the Congress again to make certain that the money you allocate is spent wisely and accountably.

I look forward if confirmed to reviving the concept of the "Unitary UN," which served as a guiding analytical construct during our work under Secretaries Baker and Eagleburger. As the system has grown, there has been too little attention paid by member governments to coordinating their efforts in key programs. The consequence is a tremendous waste of resources due to duplication, overlap and inefficiencies, all of which can be corrected if member governments have the political will.

The Administration welcomes the Secretary-General's new report on UN Reform, and we are examining carefully its many recommendations. I hope to work closely with the Secretary-General and my colleagues if confirmed to bring greater accountability and transparency to the United Nations. The key is to implement changes to the UN structure and management, including budget, personnel, and oversight reforms. Scandals, such as those we have witnessed with the Oil-for-Food program, undermine not only America's confidence in the United Nations, but the confidence of the international community as well. They must not recur. To make this outcome a reality, we must recognize the proper roles and capabilities of UN agencies, funds and programs. Some have all but concluded that the Oil-for-Food scandal was bound to happen because it was beyond the UN's capabilities. Even the Deputy Secretary-General Louise Frechette, has lamented, "Personally, I hope to God we never get another oil-for-food program or anything approaching that kind of responsibility, which was tantamount to trying to oversee the entire import-export regime of a country of 24 million people." Whether or not this is so, we must never lose sight of the reality that ultimately it is member governments that must take responsibility for the UN's actions, whether they be successes or failures.

The successful implementation of any reform will require broad consensus among member states. If confirmed, I will work actively with my colleagues at the United Nations and with Congress to help restore confidence in the organization.

Mr. Chairman, let me close by reiterating what I said at the beginning. If confirmed, I will work closely and effectively with this Committee and both Houses of Congress. The President and Secretary Rice are committed to building a strong, effective United Nations. The United Nations affords us the opportunity to move our policies forward together with unity of purpose. Now, more than ever, the UN must play a critical role as it strives to fulfill the dreams and hopes and aspirations of its original promise to save succeeding generations from the scourge of war, to reaffirm faith and fundamental human rights and to promote social progress and better standards of life in larger freedom. This effort demands decisive American leadership, broad bipartisan support, and the backing of the American public. I will undertake to do my utmost to uphold the confidence that the President, Secretary Rice, and the Senate will have placed in me.

Thank you, and I would welcome the opportunity to answer your questions.

ANNEX B

BIOGRAPHIC SUMMARY

(HIGHLIGHTS)

NAME:

- John Robert Bolton

POSITION FOR WHICH CONSIDERED:

- Representative of the United States of America to the United Nations

PRESENT POSITION:

- Under Secretary of State (Arms Control and International Security Affairs)

LEGAL RESIDENCE:

- Maryland

OFFICE ADDRESS:

- Washington, DC

DATE/PLACE OF BIRTH:

- November 20, 1948—Baltimore, Maryland

MARITAL STATUS:

- Married

NAME OF SPOUSE:

- Gretchen Louise Bolton

NAMES OF CHILDREN:

- Jennifer Sarah Bolton

EDUCATION:

- J.D., Yale Law School, 1971–1974;
- B.A., Yale College, 1966–1970

MILITARY SERVICE:

- U.S. Army Reserves, 1974–1976;
- U.S. Army National Guard, 1970–1974 (Honorable Discharge)

FOREIGN LANGUAGES:

- French

EXPERIENCE:

- 2001–present—Under Secretary of State (Arms Control and International Security Affairs)
- 1997–2001—Senior Vice President, American Enterprise Institute, Washington, DC
- Dec 1999–2001—Of Counsel Kutak Rock LLP, Washington, D.C.

- May 1999–2001—Commissioner, U.S. Commission on International Religion Freedom
- 1995–1996—President, National Policy Forum, Washington, D.C.
- 1994–1996—Adjunct Professor, George Mason University School of Law, Arlington, Virginia
- 1993–1999—Partner, Lerner, Reed, Bolton & McManus (and predecessor firms) Washington, D.C.
- Jan 1993–July 1993—Senior Fellow, Manhattan Institute, Washington, D.C.
- 1989–1993—Assistant Secretary of State for International Organization Affairs
- 1988–1989—Assistant Attorney General for the Civil Division, U.S. Department of Justice, Washington, DC
- 1985–1988—Assistant Attorney General for Legislative Affairs, Department of Justice, Washington, D.C.
- 1983–1985—Partner, Covington & Burling, Washington, D.C.
- Aug 1993–Sept 1993—Consultant, Republican National Committee, Washington, D.C.
- 1983–1983—Assistant Administrator for program and Policy Coordination, U.S. Agency for International Development, Washington, D.C.
- 1981–1982—General Counsel, U.S. Agency for International Development, Washington, D.C.
- 1974–1981—Associate, Covington & Burling, Washington, DC
- June 1973–Aug 1973—Summer, associate Lord, Day & Lord, New York, N.Y.
- June 1972–Aug 1972—White House summer Intern, Office of the Vice President
- 1970–1971—Executive Director, Lux et Veritas, Inc. New Haven, Connecticut

HONORS/AWARDS:

- U.S. Department of Justice Edmund J. Randolph Award, 1998
- U.S. Department of State Distinguished Service Award, 1993
- Tree of Life Award, Northern and Southern New England Regions of Hadassah, 1990
- Editor, Yale Law Journal
- Phi Sigma Alpha
- Phi Beta Kappa
- Scholarships to McDonogh School, Yale College and Yale Law School

ORGANIZATIONAL AFFILIATIONS:

- Member, Subcommittee on International Law, Federalist Society, 1999–2001
- Member of Board of Directors, Project for a New American Century, 1989–2001

- Advisory Board Member, Jewish Institute for National Security Affairs, 1994–2001

ANNEX C

BUSINESS MEETING TO CONSIDER AND VOTE ON THE NOMINATION OF JOHN R. BOLTON TO BE U.S. REPRESENTATIVE TO THE UNITED NATIONS

THURSDAY, MAY 12, 2005

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 10 a.m. in room SD–419, Dirksen Senate Office Building, Hon. Richard G. Lugar, chairman of the committee, presiding.

Present: Senators Lugar, Hagel, Chafee, Allen, Coleman, Voinovich, Alexander, Sununu, Murkowski, Martinez, Biden, Sarbanes, Dodd, Kerry, Feingold, Boxer, Nelson, and Obama.

OPENING STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM INDIANA

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee is called to order.

Before beginning our testimony and our debate today, I would like to lay out for members how we will proceed. Democratic members have requested a 5-hour debate on the nomination of John Bolton to be Ambassador to the United Nations, and we have agreed to that request. I have agreed to hold this debate to give all members of the committee an opportunity, once again, to explain their views, and we look forward to an enlightening and thoughtful debate.

Now, in the interest of decorum and order, it's my intention to manage this debate much like a debate on the Senate floor. I will control 2½ hours of time—that is, of the 5 hours allotted to the debate—yielding time to Republican members. Senator Biden, the distinguished ranking member, will control the other two and a half hours, yielding time to Democratic members.

Republicans will lead off the debate with approximately 1 hour of time, to be controlled by myself and my designees, to be followed by an equal amount of time, another hour, under the control of Senator Biden or designees. At that stage, we will alternate between Democrats and Republican members until all time on both sides is consumed or given back.

Now, as chairman and manager of the nomination, I'll reserve the final 10 minutes of our time, on the Republican side—that is, about 150 minutes—for myself. Throughout this process, members should request time through the chairman or through the ranking

member. Senator Biden and I will be responsible for apportioning the time on our respective sides.

Since 5 hours of debate time has been requested, and we have an abundance of speakers on both sides, I will not entertain motions or other business during the 5-hour debate. If floor votes intervene, I believe we can continue the debate without interruption by voting in shifts, as we frequently do. I would, likewise, say, as members have need to have a bite to eat or to drink a sip of water, they can proceed to do that. Hopefully, our debate will continue on in some responsible way throughout that period of time.

My hope is to complete the meeting by close to 3 p.m., as members will have invested 5 hours of valuable time during this experience. And I would just say, at that point that I begin my statement, I will ask the Clerk to be, again, counting the time so that our 150 minutes will begin to diminish as I make an opening statement to open the debate this morning.

The Foreign Relations Committee meets today——

Senator DODD. Mr. Chairman, could I just——

The CHAIRMAN. Yes. Senator Dodd.

Senator DODD. Senator Biden's not here yet, so I'm reluctant—was this something we agreed to, between the Chair and the Ranking Member? I'm just unclear as to the—how the procedures will work.

The CHAIRMAN. No, I have not asked for agreement. I'm just indicating the structure of our morning. I'm trying, at least, in fairness, to allocate 2½ hours to both sides, indicate that Senator Biden and I will manage the 2½ hours. During that time, I hope we can continue the time running while we go to vote. We will have a closure vote at 11:30, more or less. In other words, I think these are reasonable statements, but, nevertheless, the prerogative of the Chair, I think, is to structure a debate in a fair manner, which I'm attempting to do.

Senator DODD. Fine. By the way, I'd ask consent that the—this discussion here not be time taken away from the chairman's——

The CHAIRMAN. I thank——

Senator BOXER. Mr. Chairman.

The CHAIRMAN. Senator Boxer.

Senator BOXER. With the same caveat. Just because you went—I was confused—it went on awhile. Now Senator Biden is here. Would you please go over—I hate to do this, but could you go over this one more time, what your plan is for how we're going to take this five hours, so that Senator Biden may hear it?

The CHAIRMAN. Very well.

Senator BIDEN. The staff has informed me, but, please——

The CHAIRMAN. I'll proceed, once again, through the statement, so there can be no ambiguity.

Before beginning, I would like to lay out for all members how we will proceed today. Democratic members have requested a 5-hour debate on the nomination of John Bolton to be Ambassador to the United Nations, and I have agreed to that plan. I have agreed to hold this debate to give all members of the committee a chance to explain their views, and I look forward to an enlightening and thoughtful debate.

In the interest of decorum and order, it's my intention to manage the debate much like a debate on the Senate floor. I will control 2½ hours of time, yielding time to Republican members. Senator Biden will control the other two and a half hours, yielding time to Democratic members.

Republicans will lead off the debate with approximately 1 hour of time, to be controlled by myself and by my designees, to be followed by an equal amount of time—that is, an hour, more or less—under the control of Senator Biden or his designees. At that stage, we would alternate between Democrat and Republican members until all time is consumed or yielded back.

As chairman and manager of the nomination, I would reserve the last 10 minutes of our Republican time—that is, of our 150 minutes—for myself. Throughout this process, members should request time through the chairman or through the ranking member. Senator Biden and I will be responsible for apportioning the time on our respective sides.

Since five hours of debate time has been requested, and we have an abundance of speakers on both sides, I will not entertain motions or other business during the five-hour debate. If floor votes intervene, I believe that we can continue the debate without interruption by voting in shifts, as we frequently do. My intention is to complete the meeting as close as possible to 3 p.m.

But, with that, I would instruct the Clerk to begin keeping time now as I begin the opening segment, which I will do shortly.

Senator BIDEN. Mr. Chairman, I think it's good to proceed like we do on the floor, but the way usually do it on the floor is, the manager of the bill and the opponent of the bill—the manager speaks and then the opponent gets to speak—and then they control the remaining time. So, I would prefer, if you're willing, after you speak, for me to be able to—allowed to make my opening statement, and then you control the time. Otherwise—I mean, it's not usual, on the floor debate, that we would have an hour of Republican or Democratic testimony—or, not testimony—debate, other than if it's—if you wish to take an hour, that's fine by me, but I would like to be able to open at the time when you finish, and then you control the debate, in terms of the remaining time, if that's appropriate.

The CHAIRMAN. Well, I appreciate the Senator's suggestion. I would like to follow the path I set forth, because the—in the first hour, I will try to make a case for the nominee, but then I will yield the remainder of that hour to Senator Voinovich, who will approach the case of the nominee in his own way, so that members and, I think, the public will have perspective of our debate from that hour. And so, I would ask the cooperation of the ranking member in allowing us to proceed in that way.

Senator BIDEN. Mr. Chairman, I don't want this committee to look like we're just tied up in parliamentary problems. I will not object, but that is not how we do it on the floor. And I understand your wishing to set the terms of the debate. I got that part. And that's okay by me. But let's just not kid ourselves; this is not how we do it in the Senate floor. But it's okay if you want to do it that way. I understand the deal. And I hope you'll be as accommodating

to me if I decide to do this if I ever become chairman again, and you'll allow me to do things that we don't do on the floor.

Thank you.

The CHAIRMAN. Well, the Senator knows that I will be accommodating and as reasonable as possible, and I thank the Senator for his accommodation and his good humor.

Now, I will——

Senator BIDEN. I might have objected if it weren't going to be Voinovich second, but that's all right.

The CHAIRMAN. Very well.

We will begin now, and I will ask, as I've mentioned before, for the countdown. And we'll make available to the ranking member and the chairman at various times, at our request, how many minutes remain on both sides, so that the management may continue as smoothly as possible.

The Foreign Relations Committee meets today to vote on the nomination of John Bolton to be U.S. Ambassador to the United Nations. In this capacity, he would play an important role in securing greater international support for the national-security and the foreign-policy objectives of the United States.

The Foreign Relations Committee has reviewed Secretary Bolton's actions with respect to several allegations. In the process, we have interviewed 29 witnesses, producing approximately 1,000 pages of transcripts. We have received and reviewed more than 830 pages of documents from the State Department, USAID, and the CIA regarding the Bolton nomination. We have questioned Secretary Bolton in person for seven hours. We have received responses to nearly 100 questions for the record, many containing numerous subparts.

This effort represents one of the most intense and far-reaching examinations of a nominee in my experience. The depth and breadth of the inquiry is particularly notable given that Secretary Bolton has been confirmed four times by the Senate already and that most of us have had personal experiences with him.

After reviewing this material, it's my judgment that Secretary Bolton should be confirmed as U.S. Ambassador to the United Nations. I do not believe that the evidence supports a disqualification of the President's nominee.

I was struck by the portrait of Secretary Bolton that emerged from interviews of witnesses that shows him serving in a job where some of his ideas and strategies were at odds with those above and below him at the State Department. It is clear from the transcripts that he was combative in defense of his perspectives. In some cases, this led to split memos fed up the policy chain, communicating multiple points of view. Secretary Bolton's actions were not always exemplary. On several occasions, he made incorrect assumptions about the behavior and motivations of subordinates. At other times, he failed to use proper managerial channels or unnecessarily personalized internal disputes.

The picture is one of an aggressive policymaker who pressed his missions at every opportunity and argued vociferously for his point of view. In the process, his blunt style alienated some colleagues, but there is no evidence that he has broken laws or engaged in serious ethical misconduct.

At the core of any nomination process is the question of whether the nominee is qualified to undertake the task for which he or she is nominated. I have no doubts that Secretary Bolton is extremely well qualified. He has just served four years in a key Under Secretary position that technically outranks the post for which he is now nominated. He has succeeded in several high-profile negotiation settings. He was the primary negotiator in the creation of the successful Proliferation Security Initiative and the landmark Moscow Treaty. He played a large role in the agreement with Libya on the surrender of that nation's WMD programs and the "10 Plus 10 Over 10" agreement that resulted in $10 billion in pledges from the other G8 countries to secure the Soviet weapons-of-mass-destruction arsenal. These are among the Bush administration's most important and indisputable foreign-policy successes.

Opponents have argued that Secretary Bolton's personality will prevent him from being effective at the U.N., but his diplomatic successes over the last four years belie that expectation.

Few people in government have thought more about U.N. reform than John Bolton. He served 4 years as the Assistant Secretary of State overseeing international organizations under the first President Bush. He has written and commented extensively on the subject.

Senator Biden acknowledged to the nominee at the hearing, and I quote, "There is no question that you have extensive experience in U.N. affairs," end of quote.

Deputy Secretary Rich Armitage recently told reporters, and I quote, "John Bolton is eminently qualified. He is one of the smartest guys in Washington," end of quote.

Secretary Bolton also demonstrated his ability to get things done prior to becoming Under Secretary of State. Perhaps the best example is his initiative to repeal U.N. Resolution 3379, which equated Zionism with racism. In May 1991, as Assistant Secretary of State for International Organizations, John Bolton refused to accept the common wisdom that repealing this infamous resolution was impossible. He and his staff initiated a campaign to change votes in the General Assembly, even though they were advised that they would not be successful. Within a few months, they had made substantial progress. And, by the fall, the State Department put its full weight behind the effort. On December 16, 1991, the U.N. General Assembly voted to repeal the resolution, by a vote of 111 to 25.

In the private sector, Secretary Bolton made some blunt statements about the United Nations, and many of these statements were made in academic or think-tank settings where debate on these subjects was encouraged. Many of the quotes that have been repeated by opponents came in the context of much larger speeches that were more nuanced. In fact—or the fact that he has strong views and a long record of commentary on the job that he is about to undertake should not be disqualifying.

During our hearing, Secretary Bolton spoke of the United Nations' important role in international security. He has emphasized that he wants the institution to work well on behalf of international security and the interests of the United States.

Beyond qualifications, we should recognize that Secretary Bolton has the confidence of the President and the Secretary of State. The President has made it clear that this is not a casual appointment. He wants a specific person to do a specific job. President Bush has a reform agenda in mind at the United Nations. This reform agenda is generally supported by the U.N. Secretary General, who has put forward a reform plan of his own. The President wants John Bolton, an avowed and knowledgeable reformer, to carry out that reform agenda. Kofi Annan has welcomed John Bolton's appointment.

I would emphasize that Secretary Bolton is being appointed to a position that is within the chain of command of the President and the Secretary of State. The Ambassador to the U.N. reports directly to the President and to the Secretary of State. In fact, historically, this ambassadorship has reflected directly on the President. The Ambassador is seen as the President's voice at the U.N. Consequently, there are few positions in government where the President should have more latitude in choosing the nominee.

In my judgment, it would be absolutely extraordinary circumstances for the Senate to say, quote, "Mr. President, you can't have your choice to carry out your directive at the U.N., even though the Senate has approved him for four other high-ranking positions and he is extremely knowledgeable about the task that you are giving him," end of quote.

At times during this process, opponents have suggested that Secretary Bolton sits outside the mainstream in the Bush administration. Senator Biden devoted several minutes of his opening statement at Secretary Bolton's hearing to this point, saying that, quote, "Your views, based on what you've said in the past, seems to be contrary to the direction the President the Secretary now want to take this administration," end of quote.

The problem with this assertion is that President Bush is telling us that this is not so. President Bush is telling us that Secretary Bolton accurately represents his views about the U.N. and how that institution should be reformed. President Bush is saying that Secretary Bolton is his considered choice to implement his policies and diplomatic initiatives at the U.N.

Some observers, who want a different program than the President's, may not agree with the President's choice, but the results of the 2004 election give the President the responsibility and the right to nominate like-minded representatives, and to define who a like-minded representative is.

We have ample evidence that the United Nations is in need of reform. The Foreign Relations Committee held the first congressional hearing on the U.N.'s Oil-for-Food scandal more than a year ago. Since that time, through the work of Paul Volcker and our colleague, Senator Coleman, and many others, we have learned much more about the extent of that corruption and mismanagement, and this knowledge has supported the case for reform. We know that billions of dollars that should have been spend on humanitarian needs in Iraq were siphoned off by Saddam Hussein's regime through a system of surcharges, bribes, and kickbacks. This corruption depended upon members of the U.N. Security Council who were willing to be complicit in these activities. It also depended on

U.N. officials and contractors who were dishonest, inattentive, or willing to make damaging compromises in pursuit of the compassionate mission.

United Nations reform is not a new issue. The structure and role of the United Nations have been debated in our country almost continuously since the U.N. was established, in 1945. But, in 2005, we may have a unique opportunity to improve the operations of the U.N. The revelations of the Oil-for-Food scandal and the urgency of strengthening global cooperation to address terrorism, the AIDS crisis, nuclear proliferation, many other international problems, have created momentum in favor of constructive reforms at the U.N.

Secretary General Kofi Annan has proposed a substantial reform plan that will provide a platform for further reform initiatives and discussions. The United States must be a leader in the effort to improve the United Nations, particularly its accountability. At a time when the United Nations is appealing for greater international help in Iraq, in Afghanistan, and in trouble-spots around the world, the diminishment of U.N. credibility because of scandal reduces U.S. options and increases our own burdens.

Secretary Bolton has become closely associated with the United States efforts to reform the U.N. If he goes to the U.N. and helps achieve reform, the U.N. will gain in credibility, especially with the American people. If reform moves forward, Secretary Bolton will be in an excellent position to help convince skeptics that reform has occurred and that the United Nations can be an effective partner in achieving global security. If we reject Secretary Bolton without even granting him a vote on the Senate floor, President Bush's hand will be weakened at the U.N. We will recover, but we will have wasted time, and we will have strengthened the position of reform opponents.

In the days immediately following Secretary Rice's March 7 announcement of Secretary Bolton's nomination, most Democrat members of this committee expressed their opposition to the nomination, on policy grounds.

A March 8th Associated Press report states, quote, "Almost immediately after Bolton's nomination was announced, Democrats objected," end of quote.

The March 8 addition of the Baltimore Sun said, quote, "Reaction from Senate Democrats promised contentious confirmation hearings for Bolton when he goes before the Foreign Relations Committee," end of quote.

In several cases, the statements by Democrats were unequivocal in opposition. In several other cases, statements were very negative, leaving open only the smallest of possibilities that the Senate would ultimately support the nominee. In all of these cases, objections were based on Secretary Bolton's supposed attitudes toward the United Nations.

Senator Dodd said that Secretary Bolton's, quote, "antipathy to the U.N. will prevent him from effectively discharging his duties as our ambassador," end of quote.

Senator Kerry says the Bolton nomination, quote, "was the most inexplicable appointment the President could make to represent the United States in the world community," end of quote.

Senator Boxer said of Secretary Bolton, quote, "He's contemptuous of the U.N."

By March 31, still almost two weeks before the Bolton hearing, a Los Angeles Times report noted, quote, "Democrats are likely to vote unanimously against John R. Bolton when the nomination to the U.S. Ambassador to the United Nations comes before the Senate Foreign Relations Committee, according to Democratic and Republican lawmakers and aids," end of quote.

Now, Senators have the right to oppose a nominee because of his substantive views and his past statements. However, it's important to acknowledge that the ethical inquiry into Secretary Bolton's background has been pressed by members who had planned to vote against him even before we began interviewing the witnesses. They have the right to ask questions, and the committee has a responsibility to follow up credible allegations. But we should also understand that, at times, the inquiry has followed a more prosecutorial role than many nominees have had to endure.

The committee staff has worked long and hard to run down the salvo of unsubstantiated allegations that were leveled at Secretary Bolton at the last business meeting. The end result is that many of the accusations have proven to be groundless or, at worse, overstated. New information has cast others in a different light.

With regard to the most serious charge, that Secretary Bolton sought to improperly manipulate intelligence, the insights we have gained do not support that conclusion. He may have disagreed with intelligence findings, but, in the end, he always accepted the final judgment of the intelligence community, and always delivered speeches in their cleared form.

During this inquiry, there has been the implication that if nominee challenged or opposed the conclusions of intelligence analysts, he somehow committed an ethical violation. I think we need to be very precise that arguing in favor of one's own reading of intelligence within the context of an internal policy debate is not wrongdoing. Intelligence reports are not sacrosanct. They involve interpretations, and they are intended to stimulate debate.

This committee has held numerous classified briefings. The word "briefing" is perhaps a misnomer, because, as Senators, we spent much of the time during those briefings questioning the panel. We probe to determine not just what analysts think, but why they think it, and often we challenge their conclusions.

Earlier this year, for example, our committee held a highly classified briefing on North Korea, in which one of our members pointedly disputed the conclusions of the briefer. There was a blunt exchange of views, and no resolution to this disagreement was achieved. And I am doubtful that any of us who have attended a good number of intelligence briefings have not done the same thing. My point is that the act of challenging or disputing intelligence conclusion is not, in and of itself, wrong.

Some have appeared shocked that Secretary Bolton might have challenge intelligence conclusions or advanced alternative interpretations, even though the same thing happens every day in multiple departments and agencies.

Congress has the benefit of something called the, quote, "speech and debate clause," end of quote. Article 1, Section 6 of the Con-

stitution states that Members of Congress, quote, "shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses. And, in going to and returning from the same, and for any speech or debate in either house, they shall not be questioned in any other place," end of quote.

The Founders put this extraordinary provision in the Constitution because they saw the value in debate. The context surrounding arguments within an administration over intelligence is different, but the principle is the same. Policymakers should be free to exert opinions and interpretations during the policymaking process.

Clearly, there are lines that should not be crossed. Some may argue that Secretary Bolton crossed these lines, but the proof is in the result. After fighting for his interpretation, Secretary Bolton conformed to the clearance process and gave the speeches as they had been approved.

It has been charged Secretary Bolton sought to retaliate in some way against analysts and others with whom he disagreed. Our staffs have looked into these cases thoroughly; and, in each one, I believe the allegations are overstated. In the case of Christian Westermann, the INR analyst whom the committee heard about from Carl Ford, the dispute was over a procedural issue, and Mr. Westermann continued in his job. We should recall that the focus of Mr. Ford's complaint was that Mr. Bolton should not have raised his objections directly with Mr. Westermann, not that Mr. Bolton was wrong to raise the issue.

Our Democratic colleagues, last month, made much of the fact that, after this incident, Secretary Powell had to go all the way down to INR to boost morale. But we heard, last week, from Secretary Powell's chief of staff, that such visits were not uncommon, that it was part of the Secretary's leadership style to visit with staff in the bowels of the building, including INR.

In the case of the NIO for Latin America, e-mails the committee staff has viewed make it clear that Secretary Bolton's primary objection was over disparaging and inaccurate comments the analysts made to Members of Congress about a speech. Secretary Bolton took his complaint to the CIA. Although the NIO has said he feels his career was damaged by Secretary Bolton, his superiors fully backed him at the time, and other witnesses have told the committee that if he did not get the promotions he felt he deserved, it was for other reasons. Again, as far as Secretary Bolton was concerned, the dispute was procedural; there was no attempt to fabricate intelligence.

Other allegations related to managerial style show the same pattern, upon examination: disagreement over procedure, not policy. In the case of Rexon Ryu, a mid-level civil servant in the Nonproliferation Bureau under Secretary Bolton, no policy issues were involved at all. Secretary Bolton believed, incorrectly, according to Mr. Ryu's supervisor, that Mr. Ryu had deliberately neglected to share information with Bolton's office. Some months later, Mr. Ryu was up for a job that would have required him to work closely with Secretary Bolton. Secretary Bolton, perhaps regrettably, expressed his opposition to working with Mr. Ryu. Mr. Ryu was given another prized post instead, an assignment to be Deputy Secretary.

The case of the State Department attorney, also raised by the other side, is even more off the mark. This attorney fully supported what Secretary Bolton wanted to do. It was only because of miscommunication that Secretary Bolton thought the attorney had given out wrong information on a case involving sanctions against a Chinese company. The State Department legal advisor, Will Taft, told our staff that he quickly straightened things out. The attorney stayed on the case, even wrote the affidavit that Secretary Bolton later submitted to the court.

Staff also looked at a new case that came up. Secretary Bolton's chief of staff, we learned, went to an INR analyst to complaint that he had inappropriately attached to a CIA document a cover memo that took exception to some of the CIA's findings regarding China. No action was sought against the analyst, none was taken. The issue was procedural. No intelligence was manipulated. And Secretary Bolton wasn't even directly involved, because he was out of the country at the time.

Secretary Bolton's credibility has also been called into question regarding his testimony before our committee on April 11. Senator Biden questioned whether Mr. Bolton really went to the CIA to learn about the National Intelligence Council. Stuart Cohen, the acting head of the NIC, said that, while he could not recall why Secretary Bolton wanted to come, it was, quote, "perfectly reasonable," end of quote, to believe that was the reason. In fact, he added, quote, "I was delighted at the prospect that somebody would come out wanting to know more about the NIC," end of quote. He also said that Secretary Bolton only talked about reassigning, not firing, the NIO, just as Mr. Bolton testified.

Our investigation has found nothing contrary to Secretary Bolton's claim that his dispute with Mr. Westermann was over procedure, and not policy.

Former Ambassador to South Korea Thomas Hubbard called the committee, after Secretary Bolton's testimony, about a controversial speech he gave in South Korea. Secretary Bolton testified that Ambassador Hubbard had thanked him for the speech afterwards. The Ambassador told us he, indeed, had thanked Secretary Bolton afterwards, but only for making certain changes in the speech that he had requested. Ambassador Hubbard told our staff that he wanted to correct the record on that point, but he was not accusing Secretary Bolton of being deliberately misleading.

That speech was one of several by Secretary Bolton that opponents to the nomination have questioned. Our investigation has shown that many of these speeches and congressional testimony were preceded by strong policy debates within the administration. As one witness told our staff, quote, "That's how good policy is made," end of quote. In each case, we've found that, in the end, Secretary Bolton delivered a speech that was perfectly cleared and that expressed official U.S. policy.

One of the most sensationalized accusations against Secretary Bolton is that, 11 years ago, he chased a woman around a Moscow hotel, throwing things at her. This is problematic, first, because the behavior described seems so out of place, but, secondly, because it has been very difficult for our staffs, despite many hours of interviews on this matter, to ascertain just what happened. The woman,

Melody Townsel, who lives in Dallas, admits that she is a liberal Democrat who worked for Mothers Opposing Bush in the last election. Ms. Townsel also told our staffs that her original accusation contained a letter, that was made public—may have been too strong in some pieces. She said, quote, "chasing," end of quote, may not be the best word. What she meant was that Secretary Bolton would approach her whenever he saw her at the hotel where they were both staying, because, as she describes it, she didn't want to meet with him over a legal matter. It's important to remember that Secretary Bolton was a private lawyer at the time. He was not representing the U.S. Government; he was working for company against which Ms. Townsel had made some very serious charges, charges which proved unfounded, that could have cost this company an important USAID contract in the former Soviet Union.

Ms. Townsel provided no eyewitnesses to the incidents, which are said to have occurred in public or open areas of the hotel. Moreover, although she claimed that this was a highly traumatic encounter and that she told several people about it, staff had difficulty finding others who knew about it. Three people whom Ms. Townsel identified as having heard her complaints at the time of the events told us they had no recollection of Ms. Townsel's mentioning Mr. Bolton. Her boss, Charles Black, of Black, Manafort, Stone & Kelly, who hired her for the post, said she never mentioned it to him. Neither did her intermediate supervisor back in Washington.

An employee of a sister company who assisted Ms. Townsel in making her charges against the prime contractor on her project, and with whom she said she was in close touch at the time, also knows nothing about it.

Staffs talked to three representatives of the contractor, a small Virginia firm, which has long experience working for USAID overseas. These officials also heard nothing about this encounter. They said that Secretary Bolton was in Moscow at the time, but that he was working for a consultant for a health project that they were involved in, not doing legal work for them.

We did find one of her friends and coworkers from that time, who was not in Moscow, who recalls talking with her by telephone about it, as well as a subordinate of hers in a later USAID-funded project who recalls her mentioning it.

Now, ultimately, the results of a lengthy investigation into this isolated, long-ago incident are, at most, inconclusive. Ms. Townsel went on to another USAID project in former Soviet Union, and the company she accused of mismanagement was awarded more USAID contracts and continues to be well regarded. The original charge against Secretary Bolton appears to be overstated.

On the basis of what we do know, there is nothing to offset Secretary Bolton's long record of public service in several different administrations.

It's been charged that, collectively, the allegations against Secretary Bolton form an unacceptable pattern of behavior. This is an unfortunate argument by opponents, because it depends on doubts arising from an intense investigation of accusations, many of which had no substantiation. By its nature, it also discounts the dozens

of positive testimonials on Secretary Bolton's behalf from former coworkers, who attest to his character and his effectiveness.

We need to think clearly about the context of the allegations leveled against Secretary Bolton.

First, this has been an extremely public inquiry. By it's nature, it has encountered anyone with a grudge or a disagreement with Secretary Bolton, stretching back to 1983, to come forward and tell their story. There have been no thematic limits on the allegations that opponents of the nominee have asked to be investigated.

I would simply submit that no one working in Washington in high-ranking positions for that long would come out unscathed from such a process. Any assertive policymaker will develop opponents based on stylistic differences, personal disputes, or partisan disagreements. Most members of this committee have been in public life for decades. If we were nominated for a similar position of responsibility after our terms in the Senate, how many of us would want the same standard to be applied to our confirmation process? How many of us would want any instance of conflict or anger directed at our staffs or our colleagues to be fair game?

Second, as mentioned, the oldest allegation dates back all the way to 1983; thus, we are subjecting 22 years of Secretary Bolton's career to a microscope. This included service in many government jobs, as well as time spent in the private sector. And given the length of John Bolton's service in high-ranking positions, it's inevitable that he would have conflict with coworkers of various ranks and political persuasions. He would have had literally thousands of contacts, meetings, and issues to deal with during his career. In this context, the volume of alleged incidents is not that profound.

Third, in John Bolton's case, unsubstantiated charges may seem more material than they are, because he has a reputation for being an aggressive and blunt negotiator. But this should not be a disqualifying factor, especially for a post that, historically, has included a number of blunt, plainspoken individuals, including Jeane Kirkpatrick and our former colleague, Senator Pat Moynihan. In fact, President Bush has cited John Bolton's direct style as one of the reasons that he's picked him for this particular job.

It is easy to say that any inquiry into any allegation is justified if we are pursuing the truth. But, as Senators who are frequently called upon to pass judgment on nominees, we know reality is more complicated than that. We want to ensure that nominees are qualified, skilled, honest, and open. Clearly, we should pursue credible reports of wrongdoing; but, in doing so, we should understand that there can be human and organizational costs if the inquiry is not focused and fair. We have all witnessed quality nominees who have had to endure a contentious nomination process that opened them up to any charge leveled from any directions.

Both Republicans and Democrats have been guilty of employing prosecuting tactics to oppose nominees with whom they did not agree. Some would say that nominees are fair game. If they accept an appointment, they enter the public arena, where no quarter will be given. But we need capable people who are willing to serve our government and the American people. And among all the other qualifications, it seems that we require nominees to subject them-

selves and their families to partisan scrutiny. This has implications well beyond the current nomination.

Our Democrat colleagues have recognized this fact when they have defended Democrat nominees in the past. With respect to one nominee, in October 1993, Senator Biden said, quote, "The Senate does nothing to fulfill its responsibility to advise and consent on presidential nominations, and does nothing to enhance its reputation as the world's greatest liberty body, by entertaining a long and disagreeable litany of past policy disagreements, not by entertaining anonymous and probably false allegations," end of quote.

With regard to a troubled 1999 nomination, Senator Dodd, quite insightfully, stated, quote, "I am one, Mr. Chairman, who worries deeply about our ability to attract the best our society can produce to serve our country. It is not easy to submit yourself and your family to the kind of public scrutiny that a nomination of this magnitude involves. We have got to sort out some ways in which we can go through this process without making it so discouraging to people that—those watch the process, think one day they might like to serve their country—will be discouraged from doing so, in any administration. And I am deeply worried that if we do not get a better handle on this, that that will be the net result of what we accomplish," end of quote.

Senator Dodd also provided comments for a March 1, 1997, Washington Post article about the travails of a different nominee. He said, and I quote, "It's getting harder and harder to get good people to serve in government. Advice and consent does not have to be abuse," end of quote.

In an investigation of this type, we constantly have to ask where we draw the line. Where does legitimate due diligence turn into partisanship? Where does the desire for the truth turn into a competition over who wins and who loses? Not every line of inquiry is justified by our curiosity, or even our suspicions.

The committee has focused a great deal of energy examining several accusations against the nominee. And this may leave some observers with the false impression that John Bolton's service has been dominated by discord and conflict. We need to acknowledge that a great many officials with whom he has worked have endorsed him, and that many subordinates have attested to his managerial character.

In the interest of fairness, I would like to cite just a few of the comments received by the committee in support of Secretary Bolton. Former Secretaries of State James Baker, Larry Eagleburger, Alexander Haig, Henry Kissinger, and George Shultz; former Secretaries of Defense Frank Carlucci, and James Schlesinger; former Ambassadors Jeane Kirkpatrick and Max Kampelman; former National Security Advisor Richard Allen; former Arms Control and Disarmament Agency Director Kenneth Adelman; former Assistant Secretary of State David Abshire; and former Department of State Counselor Helmut Sonnenfeldt strongly endorsed Secretary Bolton in a letter to the committee, saying, and I quote, "It is a moment when we must have an ambassador in place whose knowledge, experience, dedication, and drive will be vital to protecting the American interests in an effective, forward-looking United Nations. Secretary Bolton, like the administration,

has his critics. Anyone as energetic and effective as John Bolton is bound to encounter those who disagree with some, or even all, of his administration policies. But the policies for which he is sometimes criticized are those of the President and the Department of State, which he has served with loyalty, honor, and distinction."

Andrew Natsios, the current USAID administrator, and Mr. Peter McPherson, a former USAID administrator, along with 37 officials who worked with John Bolton during his years at USAID, wrote, quote, "We know John to be a forceful policy advocate who both encourages and learns from rigorous debate. We know him to be a man of balanced judgment. And we know him to have a sense of humor, even about himself. John leads from in front, with courage and conviction, especially positive qualities, we believe, for the assignment he is being asked to take on. He is tough, but fair. He does not abuse power or people. John is direct, yet thoughtful, in his communications. He is highly dedicated, working long hours in a never-ending quest to maximize performance, yet he does not place undue time demands on his staff, recognizing their family obligations. What he does demand from his staff is personal honesty and intellectual clarity," end of quote from that letter.

Another letter, from Former Attorneys General Ed Meese and Dick Thornburgh, former Governors William Weld and Frank Keating, former Counselors to the President C. Boyden Gray and Arthur Culvahouse, Jr., and 39 other distinguished officials stated, quote, "Each of us has worked with Mr. Bolton. We know him to be a man of personal and intellectual integrity, deeply devoted to the service to this country and the promotion of our foreign-policy interests, as established by this President and Congress. Not one of us has ever witnessed conduct on his part that resembles that which has been alleged. We feel our collective knowledge of him and what he stands for, combined with our experiences in government and in the private sector, more than counterbalances the credibility of those who have tried to destroy the distinguished achievements of a lifetime," end of quote from that letter.

Another letter came from 21 former officials who worked with John Bolton in his capacity as Assistant Secretary of State for International Organizational Affairs, and states, quote, "Despite what has been said and written in the last few weeks, John has never sought to damage the United Nations or its mission. Quite the contrary, under John's leadership the organization was properly challenged to fulfill its original charter. John's energy and innovation transformed IO from a State Department backwater into a highly appealing workplace in which individuals could effectively articulate and advance U.S. policy and their own careers, as well," end of quote.

A letter also arrived from 43 of John Bolton's former colleagues at the American Enterprise Institute. It stated, and I quote, "As we have followed the strange allegations suddenly leveled at Mr. Bolton in recent days, and reflected among ourselves on our own experiences with him, we have come to realize how much we have learned from him, and how deep and lasting were his contributions. Contrary to portrayals of his accusers, he combines a temperate disposition, good spirit, utter honesty with his well-known attributes of exceptional intelligence and intensity of purpose. This is

a rare combination and, we would think, highly desirable for an American Ambassador to the United Nations," end of quote.

Former British Prime Minister Margaret Thatcher wrote, in a recent letter to Secretary Bolton, quote, "To combine, as you do, clarity of thought, courtesy of expression, and an unshakeable commitment to justice is rare in any walk of life, but it's particularly so in international affairs. A capacity for straight-talking, rather than peddling half-truths, is a strength, and not a disadvantage, in diplomacy. Particularly in the case of a great power like America, it is essential that people know where you stand and assume that you mean what you say. With you at the U.N., they will do both. These same qualities are also required for any serious reform at the United Nations, itself, without which cooperation between nations to defend and extend liberty will be far more difficult," end of quote from Mrs. Thatcher.

Now, during this inquiry, we have spent a great deal of time scrutinizing individual conversations and incidents that happened several years ago. Regardless of how each Senator plans to vote today, we should not lose sight of the larger national-security issues—U.N. reform and international diplomacy—that are central to this nomination.

The President has tasked Secretary Bolton to undertake this urgent mission. Secretary Bolton has affirmed his commitment to fostering a strong United Nations. He has expressed his intent to work hard to secure greater international support at the U.N. for the national-security and foreign-policy objectives of the United States. He has stated his belief in decisive American leadership at the U.N., and underscored that an effective United Nations is very much in the interest of U.S. national security.

I believe that the President deserves to have his nominee represent him at the United Nations. I am hopeful that we will vote to report this nomination to the whole Senate.

At this time, I would like to yield to—the first Republican segment—to Senator Voinovich for his comments.

Senator Voinovich.

STATEMENT OF HON. GEORGE V. VOINOVICH, U.S. SENATOR FROM OHIO

Senator VOINOVICH. Thank you, Mr. Chairman.

First, let me take this opportunity to thank you and your staff for your graciousness and hard work on this nomination. You have made strong arguments in favor of the nominee throughout this process. Additionally, thank you for providing all of the members of this committee with timely information related to Mr. Bolton. I believe that the inquiry has been fair and exhaustive. I'm confident that I have enough information to cast my vote today. Again, I appreciate your staff's hard work, as well as the administration's efforts.

Since our last meeting on this subject, I have pored over hundreds of pages of testimony, have spoken to dozens, or so, of individuals regarding their experiences, interactions, and thoughts about John Bolton. Most importantly, in addition to the meeting that I had with Mr. Bolton prior to the official business meeting that we had on his nomination, I, once again, met with Mr. Bolton

this week, personally, to share my concerns and to listen carefully to his thoughts.

After great thought and consideration, I have based my decision on what I think is the bigger picture. Frankly, there is a particular concern that I have about this nomination, and it involves the big picture of U.S. public diplomacy.

It was not long ago when America's love of freedom was a force of inspiration to the world, and America was admired for its democracy, generosity, and its willingness to help others in need of protection. Today, the United States is criticized for what the world calls arrogance, unilateralism, and for failing to listen and to seek the support of its friends and allies. There has been a drastic change in the attitude of our friends and allies in such organizations as the United Nations and NATO and in the countries of leaders that we need to rely upon for help. I discovered this last November, when I met—when I was in London with people in the Parliament there—I found that to be the case when we visited the NATO meeting in Italy—that things have really changed in the last several years.

It troubled me deeply that the United States is perceived this way in a world community, because the United States will face a steeper challenge in achieving its objectives without their support. We will face more difficulties in conducting the war on terrorism, promoting peace and stability worldwide, and building democracies without the help from our friends to share the responsibilities, leadership, and costs.

To achieve these objectives, public diplomacy must once again be of high importance. If we cannot win over the hearts and minds of the world community, and work together as a team, our goals will be more difficult to achieve. Additionally, we will be unable to reduce the burden on our own resources. The most important of these resources are the human resources, the lives of the men and women of our Armed Forces who are leaving their families every day to serve their country overseas.

Just this last Tuesday, we passed an $82 billion supplemental bill for our operations in Afghanistan and Iraq. It is clear that the costs of this war are rising all the time, and they are not expected to go down anytime soon. There are not many allies standing up to join us in bearing the costs of these wars, particularly Iraq. We need the help of other countries to share the financial burden that is adding to our national debt, and the human-resource burden that our Armed Forces, national guardsman, and contractors are bearing so heavily now, including the deaths of over 1500 American service men and women.

And the key to this, I believe, is public diplomacy. Mr. Chairman, I applaud the President and Secretary of State for understanding that public diplomacy is an important objective and beginning this new term with an emphasis on repairing relationships. I applaud the President and Secretary Rice for reaching out to our friends in the world community and articulating that the United States does respect international law and protocol. And I also applaud the President's decision to appoint Karen Hughes to help take the lead in this effort.

Though the United States may have differences with our friends at times, and though we may need to be firm with our positions, it is important to send the message that we're willing to sit down, talk about them, discuss our reasoning, and to work for solutions.

The work of the President and Secretary of State Rice is a move in the right direction, but what message are we sending to the world community when, in the same breath, we have sought to appoint an Ambassador to the United Nations who, himself, has been accused of being arrogant, of not listening to his friends, of acting unilaterally, of bullying those who do not have the ability to properly defend themselves? These are the very characteristics that we're trying to dispel in the world community.

We must understand that, next to the President, the Vice President, Secretary of State, the next most important prominent public diplomat is our Ambassador to the United Nations. It is my concern that the confirmation of John Bolton would send a contradictory and negative message to the world community about U.S. intentions. I'm afraid that his confirmation will tell the world that we're not dedicated to repairing our relationship or working as a team, but that we believe only someone with sharp elbows can deal properly with the international community.

I want to make it clear that I do believe that the U.N. needs to be reformed if it's to be relevant in the 21st century. I do believe we need to pursue its transformation aggressively, sending the strong message that corruption's not going to be tolerated. The corruption that occurred under the Oil-for-Food Program made it possible for Saddam's Iraq to discredit the U.N. and undermine the goals of its members. This must never happen again, and severe reforms are needed to strengthen the organization. And, yes, I believe that it will be necessary to take a firm position so we can succeed. But it will take a special individual to succeed at this endeavor, and I have great concerns with the current nominee and his ability to get the job done.

And to those who say a vote against John Bolton is against reform of the U.N., I say, nonsense. There are many other people who are qualified to go to the United Nations that can get the job done for our country.

Frankly, I'm concerned that Mr. Bolton would make it more difficult for us to achieve the badly needed reforms to this outdated institution. I believe that there could even be more obstacles to reform if Mr. Bolton is sent to the United Nations than if he were another candidate.

Those in the international community who do not want to see the U.N. reformed will act as a roadblock, and I fear that Mr. Bolton's reputation will make it easier for them to succeed. I believe that some member nations in the U.N. will use Mr. Bolton as part of their agenda to further question the integrity and credibility of the United States, and to reinforce their negative U.S. propaganda—and there's a lot of it out there today.

Another reason I believe Mr. Bolton is not the best candidate for the job is his tendency to act without regard for the views of others, and without respect for the chain of command. We have heard that Mr. Bolton has a reputation for straying off message on occasion. Ambassador Hubbard testified that the tone of Mr. Bolton's speech

on North Korea hurt, rather than helped, efforts to achieve the President's objectives. According to several respectable sources, Mr. Bolton strayed off message too often, and had to be called on the carpet quite often to be reprimanded. In fairness, those sources said that, once reprimanded, Mr. Bolton got back on track, but that he needs to be kept on a short leash.

However, this leaves me a very uneasy feeling. Who is to say that Mr. Bolton will not continue to stray off message as Ambassador to the U.N.? Who is to say he will not hurt, rather than help, U.S. relations with the international community and our desire to reform the U.N.?

When discussing all these concerns with Secretary Rice—John Bolton's propensity to get off message, his lack of interpersonal skills, his tendency to abuse others who disagree with him—I was informed by the Secretary of State that she understood all these things, and, in spite of them, still feels that John Bolton is the best choice, and that she would be in frequent communication with him, and he would be closely supervised. My private thought at the time, and I should have expressed it to her, is, Why in the world would you want to send somebody up to the U.N. that has to be supervised?

I'm also concerned about Mr. Bolton's interpersonal skills. Mr. Chairman, I understand there will be several vacant senior posts on the staff when Mr. Bolton arrives in his new position. As a matter of fact, I understand all the senior people, five of them, they're leaving right now. For example, Ann Patterson, who is highly regarded, is moving to another position. And I've been told by several people that, if he gets there, to be successful he's going to need somebody like Ann Patterson to get the job done for him.

As such, Mr. Bolton's going to face a challenge. These people are gone right now. He's going to have to find some new ones. But his challenge right now is to inspire, lead, and manage a new team, a staff of 150 individuals that he will need to rely on to get the job done.

We have all witnessed the testimony and observations related to Mr. Bolton's interpersonal and management skills. I have concerns about Mr. Bolton's ability to inspire and lead the team so that it can be as effective as possible in completing the important task before him. And I'm not the only one. I understand that 59 U.S. diplomats, who served under administrations from both sides of the aisle, sent a letter to the committee, saying that Mr. Bolton is the wrong man for the job.

I want to note that the interview given by Colin Powell's chief of staff, Colonel Lawrence Wilkerson, has said that Mr. Bolton would be—would make an abysmal ambassador, that he is, quote, "incapable of listening to people and taking into account their views."

I would also like to highlight the words of another person that I highly respect, who worked with Mr. Bolton, who told me that if Mr. Bolton were confirmed, he'd be okay for a short time, but, within 6 months his poor interpersonal skills and lack of self-discipline would cause major problems.

Additionally, I wanted to note my concern that Colin Powell, the person to whom Mr. Bolton answered to over the last four years,

was conspicuously absent from a letter signed by former Secretaries of State recommending Mr. Bolton's confirmation. He's the one that had to deal with him on a day-to-day basis. He's the one that's more capable of commenting about whether or not he's got the ability to get the job done. And he—his name was not on that letter.

We are facing an era of foreign relations in which the choice for our Ambassador to the United Nations should be one of the most thoughtful decisions we make. The candidate needs to be both a diplomat and a manager. A manager is important. Interpersonal skills are important. The way you treat other people—Do you treat them with dignity and respect?—very important. You must have the ability to persuade and to inspire our friends, to communicate and convince, to listen, to absorb the ideas of others. Without such virtues, we will face more challenges in our efforts to win the war on terrorism, to spread democracy, and to foster stability globally.

The question is, Is John Bolton the best person for the job? The administration has said they believe he's the right man. They say that, despite his interpersonal shortcomings, he knows the U.N., and he can reform the organization and make it more powerful and relevant to the world.

Now, let me say, there's no doubt that John Bolton should be commended and thanked for his service and his particular achievements. He has accomplished an important objective, against great odds. As a sponsor of legislation that established an Office on Global Anti-Semitism in the State Department, legislation that I worked very hard to get passed, I am particularly impressed by his work to combat global anti-Semitism. I wholeheartedly agree with Mr. Bolton that we must get the U.N. to change its anti-Israeli bias. Further, I am impressed by Mr. Bolton's achievements in the areas of arms control; specifically, the Moscow Treaty, the G8 Global Partnership Fund, and the President's Proliferation Security Initiative.

Despite these successes, there is no doubt that Mr. Bolton has serious deficiencies in the areas that are critical to be a good ambassador. As Carl Ford said, "He is a kiss-up and kick-down leader, who will not tolerate those who disagree with him, and who goes out of his way to retaliate for their disagreement." As Ambassador Hubbard said, "He does not listen when an esteemed colleague offers or suggests changes to temper language in a speech." And, as I've already mentioned, former Secretary of State Powell's chief of staff, Lawrence Wilkerson, said, "He would be an abysmal ambassador."

As some others who have worked closely with Mr. Bolton stated, "He's an ideologue, and fosters an atmosphere of intimidation. He does not tolerate disagreement. He does not tolerate dissent." Another esteemed individual who has worked with Mr. Bolton told me that, "Even when he had success, he had the tendency to lord if over and say, 'Hey, boy, look what I did.'" Carl Ford testified that he had never seen anyone behave as badly in all his days at the State Department, and that he would not even have testified before this committee if John Bolton had simply followed protocol and simple rules of management. You know, just followed the procedure.

Mr. Chairman, I have to say that, after poring over the hundreds of pages of testimony—and, you know, I wasn't here for those hearings, but I did my penance; I read all of it——

[Laughter.]

Senator VOINOVICH [continuing]. I believe that John Bolton would have been fired—fired—if he had worked for a major corporation. This is not the behavior of a true leader, who upholds the kind of democracy that President Bush is seeking to promote, globally. This is not the behavior that should be endorsed as the face of the United States to the world community in the United Nations. Rather, Mr. Chairman, it is my opinion that John Bolton is the poster-child of what someone in the diplomatic corps should not be. I worry about the signal that we're sending to thousands of individuals, under the State Department, who are serving their country in Foreign Service and Civil Service, living at posts across the world, and, in some cases, risking their lives, all so they can represent our country, promote diplomacy, and contribute to the safety of Americans everywhere.

I just returned from a trip to the Balkans. I had a chance to spend four days with people from the State Department. He's not what they consider to be the ideal person, Mr. Chairman, to be our Ambassador to the United States—or to the United Nations. And I think it's important that we think about the signal that we send out there to those people that are all over this world, that are doing the very best job that they can to represent the United States of America. This is an important nomination by the President. What we're saying to these people, when we confirm such an individual to one of the highest positions—what are we saying?

I want to emphasize that I've weighed Mr. Bolton's strengths carefully. I have weighed the fact that this is the President's nominee. All things being equal, it is my proclivity to support the President's nominee. However, in this case, all things are not equal. It's a different world today than it was four years ago. Our enemies are Muslim extremists and religious fanatics who have hijacked the Koran and have convinced people that the way to get to heaven is through jihad against the world, particularly the United States. We must recognize that to be successful in this war, one of our most important tools is public diplomacy.

After hours of deliberations, telephone calls, personal conversations, reading hundreds of pages of transcripts, and asking for guidance from above, I have come to the determination that the United States can do better than John Bolton. The world needs an ambassador who's interested in encouraging other people's points of view and discouraging any atmosphere of intimidation. The world needs an American Ambassador to the U.N. who will show that the United States has respect for other countries and intermediary organizations, that we are team players and consensus builders, and promoters of symbiotic relationships.

In moving forward with the international community, we should remember the words of the great Scot poet, who said, "Oh, that some great power would give me the wisdom to see myself as other people see me."

That being said, Mr. Chairman, I am not so arrogant to think that I should impose my judgment and perspective of the U.S. posi-

tion in the world community on the rest of my colleagues. We owe it to the President to give Mr. Bolton and up or down vote on the floor of the U.S. Senate. My hope is that, on a bipartisan basis, we can sent Mr. Bolton's nomination to the floor without recommendation, and let the Senate work its will.

If that goes to the floor, I would plead to my colleagues in the Senate to consider the decision and its consequences carefully, to read all the pertinent material—so often we get nominees, and we don't spend the time to look into the background of the individuals—and to ask themselves several questions:

Will John Bolton do the best job possible representing a transatlantic face of America at the U.N.?

Will he be able to pursue the needed reforms at the U.N., despite his damaged credibility?

Will he share information with the right individuals, and will he solicit information from the right individuals, including his subordinates, so he can make the most informed decision?

Is he capable of advancing the President and Secretary of State's efforts to advance our public diplomacy?

Does he have the character, leadership, interpersonal skills, self-discipline, common decency, and understanding of the chain of command to lead his team to victory?

Will he recognize and seize opportunities to repair and strengthen relationships, promote peace, uphold democracy as a team with our fellow nations?

Lastly, Mr. Chairman, I would like to say this. I have met with Mr. Bolton on two occasions, spent almost two hours with him. I like Mr. Bolton. I think he's a decent man. Our conversations have been candid and cordial. But, Mr. Chairman, I really don't believe he's the best man that we can send to the United Nations.

The CHAIRMAN. Thank you very much, Senator Voinovich.

I now turn to the distinguished ranking member for his statement and disposition of an opening hour of debate.

STATEMENT OF HON. JOSEPH R. BIDEN, U.S. SENATOR FROM DELAWARE

Senator BIDEN. Thank you very much, Mr. Chairman.

And I don't know why I thought for a moment that maybe Senator Voinovich shouldn't go second. I should have reconsidered that position. [Laughter.]

So much for partisanship.

Look, I don't—quite frankly, much of what I was going to say would be redundant and not as eloquent as what we just heard.

And I have great respect for every one of my colleagues on this committee, on both sides of the aisle. And I do respect the fact that many of you may reach a conclusion different than I have reached and, based on what I just heard, Senator Voinovich has reached. I happened to reach the same conclusion—and I'm not being solicitous—for the same reason, the same basic, fundamental reason.

I cannot think of a time in my career here where I've heard someone so succinctly state in one sentence what really should have been the question: Why would you send someone to the United Nations that needed to be supervised? I did ask a similar question, that question, to the Secretary of State, when she had the

courtesy, which I appreciate, of calling me before—before—the nominee was announced. At that time, she asked me—and this is not violating any confidence, that—would I withhold stating anything publicly until I had a chance—she had a chance to talk with me more? And if you go back, you notice what you've read about what Senators said, my name does not appear there. I did withhold, until the day of the hearing, any comment—to the chagrin, I suspect, of some of my Democratic colleagues—my attitude and views and concerns about Mr. Bolton.

I realize there is a very strong—we all are elected officials in the most significant legislative body, I would say, in the history of the world. And we all know, though, that each of our parties have overwhelming requirements, sometimes, to meet the concerns of portions of our party. That was implied to me as one of the reasons why Mr. Bolton was being nominated.

The question I asked was, "Do you know, Madam Secretary, how much difficulty Mr. Bolton caused for Secretary Powell, your predecessor?" And the answer was, "Yes." But there had been a discussion, and there was a need to find an important post for Mr. Bolton, who's been an admirable and bright and patriotic servant of this country for a long time. And I asked a rhetorical question, "If you couldn't say no now to that nomination, how are you going to say no if, in fact, he breaches the control that you indicate to me that will be imposed upon him?" I don't know the answer to that, but I would suggest that if there is a need to appoint him for reasons, including and beyond his capacity, then it may be difficult if, in fact, he strays. But that is not for me to decide.

Mr. Chairman, you and I have worked together for a long time. I think it's fair to say we've never had a cross, harsh word. And we will not, as far as I'm concerned, have one over this. But your opening statement makes it sort of sound that it's self-evident that Mr. Bolton was going to be the guy to be nominated to the United Nations. I would ask a rhetorical question. Was anyone here in the Senate when Bolton's name was mentioned, unless you had been briefed ahead of time? Did anyone of you say, "Ah, that fits. That's just what I was thinking. That's just what I was thinking—U.N.—Bolton, U.N."? [Laughter.]

I'm not being facetious. I being deadly earnest. I think it goes to this whole question of whether or not everybody's out just on a witch hunt to go after Mr. Bolton. You must admit that this was an unusual, if not surprising, nomination. If someone had said Mr. Bolton was going to head up—he was going to be brought in—I would have been less surprised, myself, if he had been—if he was going to be—have the spot Mr. Hadley has, a more—in some senses, a much more critical spot. I would have been less surprised about that. But it's a little bit like if one of us announced we're going go back and run for the state legislature. It would kind of surprise me. It wouldn't fit.

I want to make a second point. We did not seek out any witnesses. I don't know whether you meant to imply, Mr. Chairman, but it sounded—it might sound to some like the Democrats are out there trying to dig up all they can on Bolton. I had nothing to do, nor did any of you, with what now is 102 former career ambassadors—Republican, Democratic; Republican appointees, Demo-

cratic appointees. To the best of my knowledge, my word as a—I know of no Democrat that had anything to do with getting those folks to write us a letter.

Tom Hubbard, the Ambassador to South Korea, he contacted us after hearing Mr. Bolton's testimony. We did not contact Mr. Hubbard.

Mr. Westermann—nobody contacted Mr. Westermann first. That came from Mr. Westermann in an inquiry by the Intelligence Committee as to whether or not anyone had been—felt intimidated. Mr. Westermann came forward to the Intelligence Committee. We found out from the Intelligence Committee. We did not go to Mr. Westermann.

Ms. Townsel—and, I agree, the evidence is not absolutely conclusive. I agree with you. I think you honestly stated it, as you always do. But we didn't go to Mrs. Townsel. She wrote an open letter to us. I never met the woman, had never even heard of her before.

So, I want to make the point that not only did we not seek out these witnesses, it would have been irresponsible, in terms of out constitutional responsibility, not to talk to them as they came forward, or seek our corroboration and/or contradictory statements relative to what they had to say.

And I might point out, the primary witnesses that we interviewed, who had the most incredibly damaging things to—let me rephrase that—who had some very damaging things to say about Mr. Bolton's actions, are all in a Republican administration. We did not go to a former administration. We did not go to the Clinton administration to find former assistant secretaries or heads of NIR—or INR. These are all Republicans; if not Republicans, appointees and/or serving under a Republican administration.

And, further, the argument that we need John Bolton for reform at the U.N., and comparing him to Pat Moynihan—I'm reminded of that famous phrase of our friend from Texas, Senator Bentsen, "I knew Pat Moynihan, and he's—and I know John Bolton—and he's no Pat Moynihan." I mean, I find that the biggest stretch—you know that old phrase we Irish say, "Pat's probably rolling over in his grave hearing that comparison."

And so, we're not saying—one last point before I get into the detail—we're not saying Mr. Bolton is not a patriotic American, has not done very good things in his career, has been a failure. We're not saying that. What we're saying is, he's done some very good things. One that comes to mind, referenced by our colleague from Ohio, the anti-Zionist resolution, getting it repealed. That's a big deal. That's a big deal, a notable accomplishment. But that does not a U.N. Ambassador make. A lot of people have done very good things who turn out not to be qualified or the right person for other assignments.

Mr. Chairman, my intention, obviously, is not to keep our committee vote beyond the 3 p.m. agreement we have decided on, but I feel obliged to lay out for the record one of my institutional concerns here.

I recognize that the State Department, the CIA, and AID have provided hundreds of pages of documents, and declassified many of them. I don't minimize that. State and CIA have made government

officials available for interviews, and more than once. But this cooperation has been grudging, to say the least.

Prior to the April 11th hearing, very little cooperation was provided to the Democratic requests, until you, Mr. Chairman, stepped in. After our first meeting, on April 19th, we made additional document requests to the Department. The chairman intervened again to help. But he also implicitly invited the Department to ignore part of our request, saying that some of our request were, quote, "extremely broad and may have marginal relevance to specific allegations." The letter then expressed hope that certain specific requests would be fulfilled, a list that omitted four parts of the Minority request. The Department took the hint, and it has failed to turn over some important materials related to preparation of speeches and testimony.

Even after—even after we narrowed our request, at the urging of the State Department, only a relatively small amount of material that we narrowed the request for was provided. In rejecting the request, the Department's offered an extraordinary rationale. I think it's important, as a committee, that we understand this. They said, in rejecting some of the information we sought, quote, The Department," quote, "does not believe the request to be specifically tied to the issues being deliberated by the committee," end of quote. As my mom would say, "Who died and left them boss?"

Think about it for a minute. First, the Department is responding only to the requests endorsed by the Majority, and, second, the executive branch is deciding, for itself, the issues which are relevant to this committee's review of a nomination.

I believe this is an very important issue before the committee. I believe it's very important whether or not Mr. Bolton sought to stretch intelligence, to say things in public statements that the intelligence would not support, and to keep going back to the intelligence community again and again to get answers he wants, not the answers the facts support. Put another way, Did he attempt to politicize the intelligence process for two former—as two former administration officials have testified? That's why we requested this information.

I'm also concerned that the nominee may have given the committee some misleading testimony. The material that was not provided would shed further light on both these concerns. And it relates to the preparation of congressional testimony on Syria, their weapons-of-mass-destruction program. The preparation of this testimony occurred in the summer of 2003. Remember, we already know from intelligence officials that there was an intense debate about what Mr. Bolton wanted to say and whether he should be able to say it. And this was a time when there was open discussion about, Is Syria next? Mr. Bolton told us he didn't—hadn't seen the draft, and the Department told us, in—later—in the letter yesterday, that he was not personally involved in drafting the testimony. But this committee has a right and a duty to look at the evidence.

The Department's letter, yesterday, saying that the material is highly classified and compartmentalized, and the Department is not prepared, quote, "to share these deliberations that cut across the intelligence community," as their rational. This answer is unsatisfactory, as a matter of principle, for future inquiries by this

committee. We've already received deliberative-process materials, some of which are highly classified. Why won't the administration give us this other material? Are they holding back relevant information? Could it be that Mr. Bolton was, in fact, involved in drafting the testimony? I don't know. But there's no cogent rationale why they give us some of this, and not others.

The Department's attitude during the course of this nomination is a significant departure—significant departure—from past practice, including the past four years. It's been the kind of—if this is the kind of cooperation we can expect in the future, we may have a long three and a half years.

I'm even more concerned about the failure of the committee to receive information relating to Mr. Bolton's request for NSA information, and to identify U.S. persons that he wanted to know in those intercepts. On April 13th, Senator Dodd made the first request for this information. By a letter dated April 28, Senator Lugar made a request for the information through the Intelligence Committee. Specifically, Senator Lugar asked Senators Roberts and Rockefeller, to seek, quote, "all information related to Mr. Bolton's request and the responses thereto, including the unredacted contents of the documents in question." Unredacted. And the letter said that the chairman was, quote, "prepared to follow the guidance of the Select Committee with respect to," quote, "access and storage of such materials, as well as the provisions under which such materials will be shared with members of the Committee on Foreign Relations."

Clearly, the chairman was pointing out that the past practices mean that we have access to that information, and we expected that access. That's why the reference to "storage material and the nature of the access"—not "if" we could have access. In other words, Mr. Chairman, you made clear our expectations that NSA would provide, quote, "all the information" to the Intelligence Committee, which, in turn, would share it with us.

And I understand that the chairman and vice chairman of the Intelligence Committee were briefed Tuesday by General Hayden. I understand that they were not given the identities of U.S. persons that Mr. Bolton requested and received. And I have no information on when, or whether, this committee or Senator Lugar or I will be given access to the same information given to the Intelligence Committee. So far as I can tell, Mr. Chairman, your request has not been fulfilled. And I don't know why. I think it's unacceptable. We have a right to this information, not only as members of this committee, but in our specific responsibility of exercising our advice-and-consent responsibility.

Mr. Bolton has seen this information, but we cannot? Mr. Bolton could see this information, but a 32-year Senator, who never had once in his entire career had anybody raise a question about his treatment of secret or classified data—I'm not entitled to see it?

I would like someone to explain that to me. Can Ambassador Negroponte explain it? Can General Hayden explain it? Can someone at least do us the courtesy of telling us why this information has not been provided?

After all the work we've done in the past decade to strengthen the role of this committee, it is a serious mistake, in my view, for

all of us to acquiesce when the administration is withholding the relevant information, whether they think it is relevant or not. The integrity of the nominating process and our constitutional role is being challenged, in my view. Article 2, Section 2 of the Constitution provides that the President "shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and counsels, judges of the Supreme Court, and all other officers of the United States," end of quote.

The failure of this administration to cooperate with this committee, and the rationale offered for this failure, that the Department does not believe these requests to be specifically tied to issues being deliberated by the committee, it has no constitutional justification, and it does damage to the standing and the ability of this committee and other committees to perform its function of oversight and advice and consent.

What makes this administration think that it has the right to determine what the U.S. Senate needs in order to perform its constitutional responsibility? It has asserted neither executive privilege, nor any constitutionally based rationale for not cooperating with this committee. It has no right under past practices, no right under the Constitution, to offer as a rationale that, quote—they "do not believe the request to be specifically tied to the issues being deliberated by the committee." I repeat what my mother says, "Who died and left them boss?"

I do not work for the President of the United States of America. None of you work for the President of the United States of America. We are a coequal branch, equally powerful and important, with a specifically assigned constitutional responsibility that only we have a right to determine whether information is relevant or not. Period.

The doctrine of separation of powers. It's within our power, and ours alone, to decide what we think is relevant to our deliberations in the exercise of our responsibility.

With due respect, Mr. Chairman, I think we're making a big mistaken by not insisting that this information come forward. And I might say, for the record, I don't think the information requested is going to shed much light on anything. My guess is—I've gone out and asked former Republican—present Republicans—former Democrat administration officials, "Is this unusual to ask for this information?" The answer I got was, no, it's not that unusual. But I think this is a matter of principle.

Mr. Chairman, I realize you're in a difficult position. I've been there. Seventeen years, I was the chairman or ranking member of the Judiciary Committee. I remember a President named Clinton contacting me, through his staff and directly. He wanted to have a woman named Zoe Baird to be Attorney General. It was his first appointment. He needed it badly. Politically, it was devastating to lose. I knew what my party would think about me, but I insisted that all relevant information be made available, even though they argued that it is not relevant to the inquiry. I made it clear to the President, "We will not go forward." And we defeated—not an act I loved doing—the first major appointee after Secretary of State?—we defeated, in the Committee, Judiciary, the Attorney General of

the United States of America, headed by a Democrat and the Majority Democrats.

Then along came a woman named Zoe Baird. And I asked for other—I mean, excuse me, Kimba Wood—and we jointly, Republicans and Democrats, said, "We insist on information relating to not only her, but her husband, as related to an accusation." The administration plead, "Do not do this." And, adding insult to injury, a senior Democrat was the guy who defeated the second nominee of a first-term President. That's our constitutional responsibility.

Whether or not it causes defeat or not is not relevant. The relevant point is, no administration, Democrat or Republican, has the right to tell me or this committee or any other committee, what is relevant. If they think it violates the separation-of-powers doctrine, state it, exert executive privilege, state a constitutional basis, but don't tell me, don't tell this Senate, "We, the administration, do not think it is relevant."

As I said, we don't work for the President. And no President is entitled to the appointment of anyone he nominates—no President is entitled—by the mere fact he has nominated someone. That's why they wrote the Constitution the way they did. It says "advice and consent." And I think we have undermined our authority, and we have shirked our constitutional responsibility. And I intend, even if, tomorrow, there is a vote in the Senate and they defeat it—John Bolton—I would continue to insist we're entitled to that information. It's just a matter of principle.

Let me now turn to the nomination. [Laughter.]

By the way, this is a big deal to me. I think it's a big deal to this committee. We've fought so long and so hard to regain—and you've established the stature of this committee, Mr. Chairman, under your leadership. It feel in some, what you might call, disrepair in the '70s and '80s. We weren't taken seriously by Armed Services, by the Intelligence Committee, by the Appropriations Committee. And, because of your statute, Mr. Chairman, and, I hope, with a little bit of help from me, we've reasserted the role, responsibility, and place of this committee. And the idea that two guys in the Intelligence Committee are going to tell me I can't see this information? Give me a break. Give me a break.

My concern is not about the United Nations. My concern is about the U.S. interests at the United Nations. And I believe it will be damaged if John Bolton is sent to the United Nations.

Based on the hearings we've held and the interviews we've conducted and the documents we've examined, it is clear to me that John Bolton is engaged in four distinct patterns of conduct that should disqualify him from this job.

First, Mr. Bolton repeatedly sought the removal of intelligence analysts who disagreed with him. The removal of them. Taking away their portfolios.

Second, in speeches and in testimony Mr. Bolton repeatedly tried to stretch the intelligence to fit his views, and repeatedly went back to the Intelligence community to get the facts he wanted, or, as one witness said, "politicizing the process."

And, lest you think that's an exaggeration, let me ask all you—a rhetorical question of all you reporters out there. You write a report about this hearing, and you go back, and it's for a major Sun-

day piece, and your editor says, "Do you really have to mention Lugar or Biden or Jones or whoever in that?" And you say, "Yeah, I think it's relevant to the story." And then this afternoon he says to you, "Now, are you sure you really have to mention those two guys?" And tomorrow morning you come in, and he says, "Look, I read it again. Are you sure—are you sure, you reporter, you have to mention this?" And you say, "Yeah, I think so." And then he comes to you in the afternoon, before you leave—or evening—and says, "Look, I'm going to ask you one more time, are you sure?"

Now, I know many of you want to appear in the second edition of Profiles in Courage at your newspaper, but I suspect it would have a chilling effect on you, especially if you were not a nationally known, highly valued at-the-moment reporter at your newspaper. That's what I mean by "politicizing."

Third, in his relations with colleagues and subordinates in and out of government, Mr. Bolton repeatedly exhibited abusive behavior and an intolerance of different views, as my friend from Ohio has said.

And, fourth, Mr. Bolton repeatedly made misleading, disingenuous, or nonresponsive statements to this committee.

But don't take my word for any of this. Look closely at the senior Republican—senior officials in this Republican administration who have testified before this committee and its joint staff. Carl Ford, a respected intelligence professional with three decades of government service, who described himself as a huge fan—quote, "huge fan of Vice President Cheney." He described for us not only the attempt by Mr. Bolton to remove Mr. Westermann, one of his analysts, who worked for Mr. Ford, but the unprofessional manner in which he treated his analysts. Quote, "Secretary Bolton chose to reach five or six levels below him in the bureaucracy, bringing an analyst into his office and giving him a tongue-lashing. He was so far over the line that he's one—that he's one of the sort of memorable moments in my career." Continuing the quote, "I've never seen anybody quite like Mr. Bolton—doesn't even come close; I don't have a second, third, or fourth, in terms of the way he abuses his power, authority—and authority with little people," end of quote.

Afterwards, Mr. Ford said the news of Mr. Westermann's incident, quote, "spread like wildfire," end of quote, in the bureau; so much so that Secretary Powell made a special point of coming down to an assembled group of people at NIR—or INR, and pointing out the analyst by name, and saying to the other analysts that he wanted them to continue, in essence, to speak truth to power.

Let me go right to the testimony here that was before us, Mr. Wilkerson's characterization of this, which is that Powell always went down. This was nothing unusual.

Powell's chief of staff, what did he say before our joint staff? He said, "That is to say, one of his leadership"—referring to Powell—"one of his leadership techniques was to walk around the building. He went to the basement and talked to the men who clean up in the basement to find out how they felt, how his morale was, and so forth. And he'd do it periodically throughout the building. This was not that sort of unprompted trip. This was a trip because several of his subordinate leaders—in this case, I think, Carl Ford, in

particular—had indicated to him that he thought it might be necessary."

So much for the fact that he was just wandering down there and did this all the time. He may have, in the context that his chief of staff—Powell's chief of staff said he went down.

Listen to John McLaughlin, a career CIA professional, who served as Deputy Director of Central Intelligence and, for a time, as Acting Director—both positions under President Bush. When Mr. McLaughlin was told that Mr. Bolton was seeking to have a national intelligence officer for Latin America transferred, Mr. McLaughlin recalls that he firmly rejected, and I quote, "the request by saying, 'Well, we're not going to do that. Absolutely not. No way. End of story.'" Mr. McLaughlin explains why he's so adamantly opposed the request, and it's important to his rationale why he opposed this request. He said, "It's perfectly all right for a policymaker to express disagreement with NIO or an analyst, and it's perfectly all right for them to challenge their work vigorously, but I think it's different to then request, because of a disagreement, that the person be transferred. And unless there is a malfeasance involved here—and in this case, I had a high regard for the individual's work; therefore, I had a strong negative reaction to the suggestion of moving him." Hear what he said, "it's different to then request transfer because of disagreement."

Listen to Robert Hutchings, chairman of the National Intelligence Council, from 2003 to 2005. These are high-level intelligence analysts who do the national intelligence estimates that administration people get, and we get. He said, in the summer of 2003, Mr. Bolton and his team prepared a speech on Syria and weapons of mass destruction that, quote, "struck me as going well beyond where the evidence would ultimately take us. And that was the judgment of the experts on my staff, as well. So I said that—under these circumstances, that we should not clear this kind of testimony."

Hutchings said—went on to say Mr. Bolton took, quote, "isolated facts and made much more of them to build a case than I thought the intelligence warranted. It was, sort of, cherry-picking of little factoids, and little isolated bits were drawn out to present the starkest possible case," end of quote.

Let me make it clear. No one is saying Mr. Bolton could not have his own views on intelligence. All this is about is Mr. Bolton, when he—when he made an intelligence analyst—analysis in public, had to say, "I believe this to be case, notwithstanding the intelligence community doesn't." No one ever said a policymaker should be muzzled by the intelligence community.

Let's get this straight, what we're talking about here. This is all about whether Mr. Bolton can say the "intelligence community thinks." That's the only reason the intelligence community's in this.

I can stand up, as my friend from—my chairman indicated, and say, "We vigorously disagree." We can vigorously disagree, but I would never walk out of a hearing, nor would any member of this committee, after being briefed by the intelligence community, saying that there were no weapons of mass destruction in Xanadu, the nonexistent country, and walk out and say, "You know, I just got briefed. There are weapons of mass destruction in Xanadu." I'm al-

lowed to walk out and say, "Speaking for myself, notwithstanding the fact that the intelligence community doesn't believe Xanadu has weapons of mass destruction, I think they do, and here's why." That's what this is about.

I used to have a friend named Sid Bailick, who was a great trial lawyer, and I went to work with him early on, as a young man, and he'd say to a jury all the time, back in the days where—you know, Mitch Miller's long gone, and Lawrence Welk—he'd say, "Follow the bouncing ball. Don't take your eye off the ball here." The ball is not, Are we attempting—or anyone attempting to muzzle Mr. Bolton as to what his opinion is? That's not what the intelligence community was doing. It was attempting to say, "Don't say we believe that."

Listen to Larry Wilkerson, the chief of staff of the Secretary of State, a retired marine colonel. He said that Mr. Bolton, quote—and I'm quoting—not my quote; his quote—"is a lousy leader," end of quote, and had objected to him being U.N. Ambassador because, quote, "there are," quote, "100 to 150 people in New York that have to be led, and led well," end of quote. He described Mr. Bolton as a man who, quote, "counts beans," continue to quote, "with no willingness, and, in many cases, no capacity, to understand that other things that were happening around those beans. And that is just a recipe for problems at the United Nations," end of quote. A Republican, colonel, chief of staff for the Secretary of State, with indirect responsibility of supervising Mr. Bolton. Mr. Wilkerson knows of what he speaks, as chief of staff. He kept, as everyone said, and he said, an open door, literally an open door, and he describes a regular flow of officials walking through it to complain about Mr. Bolton's behavior.

These aren't anecdotal incidences. Mr. Wilkerson told us that because of the problems with Mr. Bolton's speeches not always being properly cleared, that Deputy Secretary Armitage, quote, "made a decision that John Bolton would not give any testimony, nor give any speech, that wasn't cleared first by Rich," referring to the Deputy Secretary of State, Rich Armitage. And he later told—that is, Mr. Wilkerson told the New York Times, and I quote, " that, if anything, the restrictions on Mr. Bolton got more stringent as time went on." Quoting, "No one else was subjected to these type restrictions," end of quote.

Listen to John Wolf, a career Foreign Service Officer for 35 years, who worked closely with Mr. Bolton during two different tours. His most recent tour was from 2001 to 2004, when he was Assistant Secretary of State for Nonproliferation. Mr. Wolf told the committee staff, Republicans and Democrats, that Mr. Bolton blocked an assignment of a man he described as a truly outstanding civil servant some nine months after an inadvertent mistake by that officer. Mr. Wolf says that Mr. Bolton asked him to remove two other officials because of disagreements over policy. And then Mr. Bolton, quote, "tended not to be enthusiastic about alternative views," end of quote. Talk about State-Department-speak.

Listen to Mr. Wil Taft, who served as the State Department's legal advisor under Secretary Powell, and, before that, as general counsel in two other government departments, as well as Deputy

Secretary of Defense and as former Ambassador to NATO. He told the committee that he had to take the extraordinary step—the extraordinary step—of going to Deputy Secretary Armitage to have Armitage remind Mr. Bolton that Mr. Bolton was required to work with Mr. Taft on lawsuits in which the State Department was the defendant. Why? Because Mr. Bolton decided he could deal with the Justice Department himself on the case and unilaterally decided to tell one of Mr. Taft's attorneys, working for Mr. Taft, that his attorney was, quote, "off the case."

Mr. Bolton is an attorney, and a very good attorney. He was once an attorney—he was one general counsel to AID, an assistant attorney general in the civil division. He should have understood the simple concept that the lawyers for Colin Powell would need to work on the lawsuit that was filed against Colin Powell. Yet, he had the arrogance to think that he knew better, and dismissed the State Department's own lawyer, and, consequently, had to be reminded, by Mr. Armitage, who was boss.

Read the memo from Mr. Rich Armitage to Mr. Bolton in the package of documents the State Department gave us last Friday. Then ask yourself whether this is a guy who's likely to follow directions from Washington.

Listen to Tom Hubbard, another career Foreign Service Officer of long service, whose last post was as Ambassador to South Korea. And I have never heard—nary a negative word, that I've heard, has been said about him.

During the hearing on April 11, Senator Chafee asked Mr. Bolton about a speech in Seoul on the eve of the Six-Party talks. Mr. Bolton replied, quote, "And I can tell you what our Ambassador to South Korea Tom Hubbard said after the speech. He said, 'Thanks a lot for the speech, John. It's helps us a lot out here.'"

What did that trigger? Mr. Hubbard contacting the committee. He either read it or heard the answer to your question, Senator Chafee, and felt obliged to contact the committee. Nobody contacted Ambassador Hubbard, to the best of my knowledge.

He comes to us, Democrat and Republican, and he says, basically, "Let's get the facts straight. I remember it quite differently." And he volunteered—and when he volunteered, he made it clear that he disagreed wholesomely with the tone of Mr. Bolton's speech, thought Mr. Bolton's speech was unhelpful to the negotiation process, and felt that Mr. Bolton surely knew that.

According to a memorandum for the record prepared by the Republican staff of the committee who first interviewed Mr. Hubbard, on April 26th, without a Democratic staff present, Hubbard said that he felt compelled to contact the committee, felt compelled to contact the Republican staff. So much for Democratic, you know, digging things up here. He felt compelled to go to the Republican staff. And he said that he's—because, quote, "It's misleading, to say the least, to have me praising him for the speech." Let me read that again. Mr. Hubbard said, on his own initiative contacting the Republican staff, quote, "It's misleading, to say the least, to have me praising him for the speech," end of quote.

If you're keeping track, now, that's seven senior officials who have served at the Department of State or the CIA in this administration, who have testified to the committee about Mr. Bolton's ac-

tions. They told us that Mr. Bolton, one, seeks retribution against intelligence analysts or policy officials who disagree with him. They told us he pushes the envelope on intelligence information.

I don't recall—I've been here for seven Presidents. I'm not going to embarrass any of my colleagues what they recall; I'll tell you what I don't recall. I don't recall, ever, a senior official in a State Department, or Defense Department, for that matter, being told by the Secretary of State and/or the Deputy Secretary of State or Defense, that you cannot say a single thing before a—before the Senate

Committees or House committees, or make a single public speech without clearing it first. Maybe that's happened. If it is, it's the best-kept secret in 32 years, since I've been here.

Thirdly, what did they say, these seven senior officials? He doesn't like to hear dissent. He doesn't like to follow rules. He's a bad manager of people. He can't see the forest for the trees. And he mischaracterizes the views of his colleagues.

This is neither hearsay nor innuendo; as suggested in our prior meeting, that it was hearsay or innuendo. This is what a judge would call direct evidence and testimony and documentary evidence—direct evidence. And it's all there for every Senator to see.

Some people might ask, as Senator Lugar did, and may assert, that none of this matters. Nobody lost a job. Mr. Bolton gave these speeches he was authorized to give—after yelling at the State Department lawyer, the lawyer is put back in the case. And the young career officer that Mr. Bolton blackballed from a career-advancing assignment ultimately landed on his feet. No harm, no foul.

If you think his actions don't matter, then why would so many serious people, not working in the government, come forward, with little to gain and a lot to lose, to tell their stories? We didn't subpoena a single person. We didn't pursue anyone to come. We asked, they came. And they came forward either without being asked or being asked because their name came up. They came forward because they think Mr. Bolton actions matter a lot.

If you think his actions don't matter, why was it necessary for Rich Armitage to issue a special decree applied to Mr. Bolton's speeches? Because words matter, especially when spoken by a high-government official.

If you think his actions don't matter, why did Armitage, according to Larry Wilkerson, chief of staff of the Secretary of State, get mad at his Asian expert, Jim Kelly, for clearing the Seoul speech? Because it almost impeded the Six-Party talks, led Secretary Powell having to send an envoy to New York after that speech to encourage the North Koreans to come to the talks.

If you think his actions don't matter, why did Mr. Armitage postpone Mr. Bolton's testimony on Syria? By the way, Mr. Bolton told us that he canceled his own testimony. But Larry Wilkerson said that Secretary Armitage is the one who canceled it, because there was, quote, "some diplomacy at the time that might not have served us well, and, also, the testimony was a bit off the policy line, and so, needed to be corrected somewhat." In other words, we didn't let him make the—give the testimony.

Remember, this is summer of 2003, when Iraq—when we're in Iraq. Some people are talking about who's next. Syria's high on the

list. Mr. Bolton wants to give a statement about Syria's alleged weapons-of-mass-destruction programs that Mr. Hutchings says was not supported by the intelligence. This is just a few months after faulty intelligence helped make the case for the war in Iraq, and Mr. Bolton is trying to push the intelligence envelope on Syria; and Armitage intervenes to stop it, thank goodness.

Connect the dots, folks. Of course it matters. We don't know exactly what Mr. Bolton wanted to say, because these are among the documents the State Department's refused to turn over. But we do know the—what the intelligence community said. They said, "No way. Don't characterize us that way." Why are they hiding, not providing those documents?

If you think these actions didn't matter, then why did Colin Powell make a special point, to use Carl Ford's words, to go down to the Intelligence Bureau to tell—INR—to tell them do their jobs? Carl Ford said that he made visits to INR before, but both Ford and Larry Wilkerson, who was chief of staff, said this instance was a special trip.

If you think these actions don't matter, why did John Wolf have to assign a brilliant mid-level officer to another bureau? Because he said, quote—he, Wolf, said—"He didn't want this brilliant young analyst manning an empty desk." He stayed on a good career tack only because Mr. Wolf worked to secure him an assignment away from Mr. Bolton's reach, according to Mr. Wolf.

If you think actions don't matter, then listen to Mr. Hutchings on the dangerous policymakers—on the dangers of policymakers pushing to stretch the intelligence, even if they fail. Here's what he said, "When policy officials come back repeatedly to push the same kind of judgments and push the intelligence community to confirm a particular set of judgments, it does have an affect of politicizing intelligence, because the so-called correct answer becomes all too clear. And even when it's successfully resisted, it has an effect." Continuing to quote, "It creates a climate of intimidation and a culture of conformity that is damaging," end of quote.

It matters, even if they didn't get fired.

Is Mr. Bolton really worthy of this trouble? Is this really the best we can do? Are there no other tough-minded professionals in the Republican party?

It's been said, usually in the same breath about Mr. Bolton's reputation of straight talk, that if you oppose Mr. Bolton, you oppose U.N. reform. Let me remind you all, it was Joe Biden and Jesse Helms—Joe Biden and Jesse Helms—over the objection of the chairman and my colleague, Mr. Sarbanes, their objection, that got tough on the U.N., wrote the reform legislation that the chairman and my senior member opposed. I don't need a lesson, from Mr. Bolton or anybody else, how to get tough with the U.N., nor does Senator Helms.

Mr. Bolton isn't the only guy who can push the U.N. reform. Matter of fact, he's the worst guy. In fact, the Secretary of State has said as much, because—no one talks about this—I wanted to get that—I know the vote's almost over—four days after Mr. Bolton's nomination was announced, the Secretary of State appointed someone else to handle the issue of U.N. reform. On March 11th, the Secretary appointed Dr. Tahir Kheli to, quote, "serve as

the Secretary's senior advisor and chief interlocutor on U.N. reform in collaboration with the Assistant Secretary for International Organizations." Dr. Tahir Khalid reports directly to the Secretary of State. Continuing, the Secretary said, "She will engage the U.N. Secretary General and the Secretary on U.N. reform efforts, including the high-level panel report and the report of the Secretary General on Reform. She will coordinate within the State Department and the interagency community the U.S. Government's position on reform."

So much for that being the rationale for why Bolton was appointed. I understand why people would say that. It's the last straw I think you can grasp at.

The press release makes no mention—the Secretary's press release makes no mention of Mr. Bolton or the U.N. Ambassador. So let's not kid each other. It's not about U.N. reform; it's about whether the appointment of Mr. Bolton is in the national interest. Is it in the national interest to have, as some Republican administration officials have characterized, have a bully—their words—and a lousy leader—their words—running our mission in New York, with 150 people who need strong leadership?

Concluding, Mr. President—Mr. Chairman, I don't believe it's in the interest, the national interest, to have an ideologue who appears to have no governor on his internal engine representing the United States at the U.N.

Is it in the national interest to have someone who has a reputation for exaggerating intelligence, seeking and speaking for the U.N. when the next crisis arises, whether it's Iran or Syria? And it will arise. We have already lost a lot of credibility at home and abroad after the fiasco over the intelligence on Iraq, and Mr. Bolton is not the man to help us to rebuild it. He's the wrong choice. We can do a lot better. And I think an awful lot of our colleagues know that, notwithstanding the administration wanting him.

I thank you, Mr. Chairman. I don't know how much time is left of the hour we had.

The CHAIRMAN. The Senator has at least 13 minutes, but we just said "more or less," and——

Senator BIDEN. Well, I would yield to my friend, Senator Specter—not Senator Specter—Senator Sarbanes—he's my friend, too——

[Laughter.]

Senator BIDEN [continuing]. To Senator Sarbanes, as much time as he needs.

I'm going to vote.

Senator SARBANES. Mr. Chairman.

The CHAIRMAN. Senator Sarbanes.

STATEMENT OF HON. PAUL S. SARBANES, U.S. SENATOR FROM MARYLAND

Senator SARBANES. Mr. Chairman, I want to take just a moment or two of the committee's time, at the outset, to read the names of those who have served as the U.S. Ambassador to the United Nations, in order to set some context in thinking about this nomination: Warren Austin, Henry Cabot Lodge, Jr., James Wadsworth, Adlai Stevenson, Arthur Goldberg, George W. Ball, James Russell

Wiggins, Charles Yost, George Bush, John Scali, Daniel P. Moynihan, William W. Scranton, Andrew J. Young, Donald F. McHenry, Jeane Kirkpatrick, Vernon Walters, Thomas Pickering, Edward Joseph Perkins, Madeleine Albright, Bill Richardson, Richard Holbrooke, John Negroponte, and John Danforth.

Now, I do this to underscore the importance of the U.N. ambassadorship, and it's an importance that I think has been recognized in prior administrations. In fact, in some administrations the U.N. Ambassador has been given Cabinet status—not in all, but in some, the position has been elevated to Cabinet status. It's a very highly-visible position. In the U.N., our Ambassador to the U.N. is, in effect, our spokesman, in so many ways, to the world.

Now, this has been underscored, the importance of the U.N., by these selections. The U.N. makes decisions that affect war and peace. It has a vital role in advancing U.S. foreign-policy objectives, if we are skillful in exercising our leadership at the U.N. It helps to determine whether the United States will have international support and allies, or will be forced to undertake difficult missions on its own, in the face of broad opposition across the globe. The United Nations is a forum for making our case to the world, for demonstrating international leadership and building multilateral cooperation.

Our representatives at the United Nations must be men and women of exceptional integrity and credibility who can listen and persuade, whose counsel and leadership other nations will seek and rely on. This is a very important position. And the quality of the previous ambassadors demonstrates that that is how it's been so regarded in administration after administration, whether Democratic or Republican.

Now, over a number of years, Mr. Bolton has demonstrated outright hostility for the United Nations as an institution and for the legitimacy of international law. He has argued repeatedly that the United States has no legal obligation to pay its dues to the United Nations, that treaties are nothing more than political commitments. He called the Law of the Sea Treaty, which has been endorsed by our military and submitted by President Bush as an urgent priority for Senate advice and consent, an illegitimate method of forcing fundamental policy changes on the United States outside the customary political process. He is quoted as saying that, "It is a big mistake for us to grant any validity to international law, even when it may seem in our short-term interest to do so, because, over the long term, the goal of those who think that international law really means anything are those who want to constrict the United States."

To send someone as our Ambassador to the United Nations who does not demonstrate a basic respect for the institution and its legal foundations is a disservice to our national interests. This has nothing to do with whether you're going to carry out reforms at the U.N. or more closely monitor its activities. This represents very basic questions about one's mindset about the United States, about the United Nations, and about international law.

Secondly, I think it's very clear that Mr. Bolton does not have the diplomatic skills or, indeed, the demeanor to represent our country effectively. There are certainly moments when the situa-

tion may call for bluntness, when abandoning diplomatic niceties can convey the urgency of a particular issue or position; however, Mr. Bolton has shown a propensity for making extreme and provocative statements that have caused unnecessary conflict and confrontation.

Does it help us in trying to shape the direction in which the U.N. is to move when Mr. Bolton says that the Security Council should have one permanent member—the United States—because that's real reflection of the distribution of power in the world?

Does anyone think that Mr. Bolton's assertion that if the U.N. Secretariat building in New York lost 10 stories, it wouldn't make a bit of difference? Does that help us in persuading other countries to support U.N. reform efforts?

These are not isolated misstatements or slips of the tongue, but, rather, his customary and consistent approach to dealing with others who disagree with him. Even given the opportunity to demonstrate a less confrontational approach, he has repeatedly declined to do so. Mr. Bolton, time and time again, has shown himself singularly lacking in the willingness to hear, to consider, and to respect opposing points of view.

Contrast that attitude with these comments to the committee, in their confirmations hearings, by Ambassador Moynihan and by Ambassador Kirkpatrick.

Now, I might note, Mr. Chairman, that all of these previous nominees to be U.N. Ambassadors were approved by overwhelming votes in the committee and on the floor of the U.S. Senate. Not a one of them had a close vote; many of them, unanimous; and in the instances where it wasn't, only a handful of votes.

Pat Moynihan, in his confirmation hearing before the Senate Foreign Relations Committee—and I set out these quotes to contrast them with all the testimony we received about how Mr. Bolton carries on his activities—said, and I quote, "A certain principal statement of views on both sides can be useful. It requires that we respect what others think, and try to understand what they think, and ask that they do the same in return. Things where we disagree are marginal compared with where we do agree, and yet it is so easy to grow estranged at the first problem. The first question is how to get away from the confrontation system, back to the quest for understanding in a situation where this is wholly possible and entirely necessary."

And Ambassador Kirkpatrick, in her confirmation hearing before this committee, said, and I quote, "I do not think that one should ever seek confrontation. What I have every intention and hope of doing is to operate in a low-key, quiet, persuasive, and consensus-building way."

Now, thirdly—and I want to speak to the prospects of Mr. Bolton's credibility as our spokesperson at the United Nations—the material has been quite extensively developed—and I'll not go into it in detail here—but it's clear that he's attempted to politicize intelligence in a way that I think has harmed our nation's diplomacy.

He sought to transfer two intelligence analysts who disagreed with him on substantive matters. There was such a feeling of fear and intimidation in the Department that the Secretary of State actually visited with the analysts to give them reassurance. He's re-

peatedly attempted to stretch the facts to back his own ideological predispositions.

You know, in testimony here, when he had the hearing, he denied that he tried to have analysts punished, or to discipline a CIA employee, or that he thought—or sought retribution against employees with dissenting views. He told us, and I quote, "I shrugged my shoulders, and I moved on," when his attempts to have them reassigned were rebuffed. And yet we have learned, from extensive interviews with numerous administration officials, he did try to have the analysts removed from their positions, he did seek to punish people for disagreeing with him, and he did persist in his efforts for many months after he supposedly made his point and moved on.

That he was ultimately unsuccessful does not speak for Mr. Bolton. The question is not solely whether the truth is in the results. What it speaks to is the steadiness and determination of those professionals who withstood his demands and refused to bend to this inordinate pressure that he was applying.

Given this conduct, when he goes before the U.N. to make a statement about evidence of nuclear weapons production or a terrorist plot, or whatever it may be, who's going to believe him, knowing that he repeatedly punished intelligence analysts who delivered contradictory information, knowing that he is the kind of person who, as Robert Hutchings, the former chairman of the National Intelligence Council, put it, "took isolated facts and made much more of them to build a case than I thought the intelligence warranted. It was a cherry-picking of little factoids and little isolated bits that were drawn out to present the starkest possible case."

We need a credible spokesman at the United Nations, and this past conduct on his part casts serious doubt.

Finally, Mr. Bolton's poor administrative and management skills, in my view, make him unfit to exercise a senior leadership role. The testimony from Carl Ford, Assistant Secretary of State for Intelligence and Research, has previously been referred to. He said that, "In my experience throughout my time in the executive branch, I have really never seen someone so abusive to such a subordinate person." He said he didn't have anyone else in mind who even comes close to John Bolton, in terms of the way that he abuses his power and his authority with little people.

Larry Wilkerson, who was Secretary Powell's chief of staff, described to the committee staff the kind of problems he had on a daily basis in dealing with Bolton, "Assistant secretaries, principal deputy assistant secretaries, acting assistant secretaries coming into my office and telling me, 'Can I sit down?' And I would say to them, 'Sure. Sit down. What's the problem?' 'I've got to leave.' 'What's the problem?' 'Bolton.'" When asked if he got similar complaints about other under secretaries, he replied, "On one occasion, on one particular individual. The rest were all about Under Secretary Bolton." In summarizing his experience with Bolton, Wilkerson stated, "I think he's a lousy leader. And there are 100 to 150 people up there that have to be led. They have to be led well, and they have to be led properly."

Being Ambassador to the United Nations is not just a representational job, it's also a managerial job. There are 125 full-time permanent State Department employees working there at our mission, alongside of numerous detailees from other agencies and departments. The Ambassador has supervisory responsibility over all these people. Most are career civil servants, and they are there to represent the policies of our President and to serve the interests of our nation. What are they going to do up there in New York if John Bolton repeats the kind of abusive behavior that led people in the State Department, under incredible duress, to seek the support and counsel of their assistant secretaries and the Deputy Secretary and the Secretary's chief of staff? There will no one in New York to shield them from the wrath and vindictiveness of John Bolton.

Mr. Chairman, let me just say, because, to some now, it's a favorite pastime to assault the United Nations, but the United Nations has a very important role to play.

Skillful U.S. leadership can enhance our national interests in very significant ways. And part of that skillful leadership is to send an ambassador who has the skill and the wisdom and all of the other talents that are essential to carrying out his responsibilities in an effective manner. I think this nominee falls far short of that standard, and that is why I oppose his confirmation.

And let me just add a word on my respect for those witnesses who came forward. Now, Senator Biden is absolutely right, these people, in effect, volunteered themselves to give what they felt would be an accurate view of Mr. Bolton's behavior, particularly the interpersonal behavior. It took a lot of courage, in my view, for people like Carl Ford and Mr. Wilkerson, Mr. Hutchings, Ambassador Hubbard, and others to come forward. I'm concerned that they're going to pay a price for that, for a very brave action. I deeply regret if that should turn out to be the case. I think they—their motive in coming was the national interest of their country. In that sense, I think they were true patriots. They had nothing to gain by opposing the nomination; in fact, they may have much to lose. They clearly were not ideologues with an ax to grind. In fact, they were very supportive of the policies of the President. But they felt that it was their duty, as loyal Americans and as public servants, to tell the truth and to take the—and to follow their consciences. And I respect that. And I want to place that on the record and to thank them for this service to their country.

Thank you very much.

The CHAIRMAN. Well, thank you very much, Senator Sarbanes.

Let me ask the Clerk how much time now remains on both sides? An hour and 32 minutes remains on both sides. Each? Okay. Very well.

I'd recognize Senator Allen, the distinguished Senator from Virginia.

STATEMENT OF HON. GEORGE ALLEN, U.S. SENATOR FROM VIRGINIA

Senator ALLEN. Thank you, Mr. Chairman. And thank you for your patience and the professional manner in which you have handled this nomination. You've maintained, I believe, a great sense

of fairness and full disclosure, which I think is in the interest of this committee, the American people, and also this nominee.

The situation here is one where I know some of the other side of the aisle will be quoting Senator Voinovich, and some seem to worry about these interpersonal skills. You hear worries and concerns about John Bolton's speech characterizing living in North Korea as "a hellish nightmare." I will remind folks that then the North Koreans said that he was "human scum."

The reality is, as I—I would think that it is a hellish nightmare to have to live in North Korea. And this committee has had hearings about how awful it is for those who actually do get to escape. They go to China, then China sends them back to be tortured, or worse.

I also will note, just for the history, in some of the cases, from some of the colleagues on this committee, in 2001, when John Bolton was nominated for Under Secretary of State for Arms Control and International Security, before all these concerns about speech-writing and—"interpersonal skills" was the phrase used—arose, many of them voted against him then. And I would take note of that.

I appreciate the opportunity to discuss John Bolton and his qualifications actually to serve as Ambassador to the United Nations. What has been lost, Mr. Chairman, though, in this debate, virtually from the very beginning, is the desperate need for reform in the United Nations. The testimony before the committee, and subsequent interviews conducted by staff, in all of this there's virtually no mention or discussion of what needs to be done to reform the United Nations.

I do believe, contrary to my colleague from Maryland, Senator Sarbanes, that John Bolton does have the skills. He has the wisdom to effectuate these changes. More importantly, he also has the principles. I think he's the right person to unflinchingly lead those changes as our representative.

Rather than focusing on all these innuendos and assertions against John Bolton and worrying about, gosh, people whose sensibilities are easily offended and this fascination with how speeches are crafted and noting that he said the same thing about Cuban biological weapons capabilities as did Mr. Ford, we ought to focus—the one who really ought to be getting the scrutiny is the United Nations. The United Nations is the one that we need to be worrying about them straying. And, rather than worrying about controlling John Bolton, I'd prefer to pursue the U.N. abuse and their anti-Americanism. And I'm much more concerned about the United Nations being used as a front for dictatorships and terrorism.

The United Nations—you know, we've just witnessed scandal after scandal being uncovered. Unfortunately, these are not things that can be addressed very easily by internal changes. They are issues that have shaken the credibility of the United Nations body and caused many of our citizens here in the United States, and, indeed, people around the world, to wonder whether the United Nations has any real relevance or redeeming role in world affairs.

The United Nations was founded on many principles, one of which was to promote universal human rights and freedoms for all people. And while the United Nations does a number of admirable

things, it's also beholden to tyrants and dictators and repressive regimes in certain circumstances.

Not considering even the scandals, this is an organization that has allowed the world's worst violators of human rights to chair the Commission on Human Rights. When the United States has made a commitment to the spread of freedom and justice throughout the world, it's difficult for our citizens to see the United Nations as anything but a waste of their tax dollars when countries like Libya and Sudan chair the Human Rights Commission. And, just recently, just last week, Zimbabwe selected as a member of the Human Rights Commission. Surely, not an indication that Secretary General Kofi Annan's call for reform on the Commission of Human Rights is being heeded.

We're public servants. Obviously, we have to make decisions here. We're also stewards of the taxpayers' money. The United States is the largest contributor. And it was something that Senator Helms and Senator Biden worked out in the funding of the United Nations. Over $2 billion a year. Just for their regular budget, it's $439 million; but over $2 billion a year go to the United Nations. Twenty-two percent of their funding comes from American taxpayers.

As the largest contributor to the United Nations, we ought to hold them accountable to certain principles and certain policies. One principle surely should be the Commission on Human Rights, and to have reasonable requirements that human rights are actually honored in the countries who serve on that commission.

I think all Americans want reforms enacted that would prevent future abuse programs, such as the Oil-for-Food scandal that plowed in—allowed Saddam and his thugs to skim off $20 billion. We ought to hold the U.N. peacekeepers who commit crimes against children accountable. The American people, I think, demand swift and severe action against this. And, indeed, if our U.S. Government had ever done anything like this, our citizens would certainly hold our government accountable for it, and we certainly ought to do the same with the United Nations.

We have to look—to work with like-minded reformers at the U.N. to make sure policies are implemented to prevent similar abuses in the future. And reform is what is necessary. The United Nations is in a crisis, and our country and our taxpayers have a strong interest in seeing that it emerge as a credible and relevant institution once again.

The U.N. Security Council and International Atomic Energy Agency, IAEA, they need—they're very needed in—for discussing the proliferation of nuclear weapons and the actions that are needed to be taken to ensure that rogue nations do not acquire those weapons.

We have seen, in recent years, that the United Nations can provide an important role in helping spread democracy and build societies that have been ruined by decades of repression and tyranny. The United Nations has an important role to play in the future of global affairs and security. But it only can do so if it takes serious steps to reform from the extraordinary corruption and ineptitude that has plagued it in recent years.

Now, John Bolton's qualifications. He comes to this nomination with a broad and deep knowledge of international affairs, from his early days as general counsel to the U.S. Agency for International Development under the Reagan administration, to his most recent post, of course, as Under Secretary of State for Arms Control and International Affairs. In all these situations, Mr. Bolton has spent a great deal of time and his professional life working on U.S. foreign policy and devising strategies to carry out effectively that policy.

Some have criticized John Bolton as being a rigid unilateral—unilateralist who's incapable of building consensus with allies. However, his service in this administration shows otherwise.

Mr. Bolton led the U.S. negotiations to develop President Bush's Proliferation Security Initiative. That brought in 60 countries to work with us to help stop, or interdict, the proliferation of weapons of mass destruction and related materials worldwide, and also delivery systems.

To further combat nuclear proliferation, Mr. Bolton helped create the Global Partnership at the G8 Summit in Canada. This partnership doubled the size of the nonproliferation effort in the former Soviet Union by committing our G8 partners to match the United States $1 billion per year Cooperative Threat Reduction, or Nunn-Lugar, Program.

He also played a central role in negotiating the treaty of Moscow, which will reduce operationally deployed nuclear weapons by two-thirds.

As Assistant Secretary of State for International Organizations, John Bolton led an effort to have the United Nations change its odious resolution which likened Zionism to racism. And it is hard to get the United Nations, or any group, to rescind a resolution, but he was able to do that.

So, he does have the knowledge, he does have the experience to effectively represent the United States in the United Nations, and also negotiate the changes that need to be made to ensure its relevancy in the future.

Now, a few of us—a few here may not agree with his forthright critique of the United Nations and its failings, but it's clear to me that Mr. Bolton has placed a great deal of thought into his views. And, in fact, I think his views are borne out by the actions, or lack of actions, by the United Nations. I think the American people want someone at the United Nations who pushes strongly for reform and is not going to be seduced by flowery, evasive pontifications from those bureaucrats.

Senator Biden said, "Well, who was he thinking of? And maybe Mr. Bolton should have had another position." Well, President Bush was elected, and that's who he thought should be in this position. And I think that—I'll say for myself—I think John Bolton is the type of person, or someone like him, should be in this position.

We are not electing Mr. Congeniality. We do not need Mr. Milktoast in the United Nations. We're not electing Mr. Peepers to go there and just be really happy and drinking tea with their pinkies up and just saying all these meaningless things, when we do need a straight-talker and someone who's going to go there and shake it up. And it needs shaking up. It needs reform.

We can't just keep spending $2 billion a year of the taxpayers' money and have the sort of fraud, abuse, lack of accountability, propping up dictators, funneling money to corrupt regimes, whether it's Saddam's or others.

And so, I know that this has been a confirmation process that we haven't seen—at least I haven't. I haven't been here as long as many in the Senate. And we've pursued all these wild claims. They've been exaggerations. The concerns of Mr. Westermann or any of these folks, and the speech-crafting—the point of the matter, they're all in their jobs. I think they're more secure and safe now. But if any of them ever had anyone reduce their position, it would be looked upon as retribution, so I think, in the grievance procedures, they're safer than ever. I thought Mr. Ford was a very engaging, likeable individual, but the bottom line was, he wasn't in the meeting when the supposed finger-wagging was going on. He couldn't remember whether or not the word "fire" was used. The bottom line is, all these people are still in their positions.

The exaggerated innuendo that came up in the last hearing from Ms. Townsel, I'm not going to repeat all the adequately rebutted arguments of our chairman, but Ms. Townsel certainly had—did not have much credibility, and the facts simply were not as she represented—in fact, clearly were not true.

So, while we've gone through these overly hyped charges, I think they have been refuted, and, really, they don't have much bearing, at least in my view, to say there's any compelling reason that John Bolton is not the right person to actually represent the interests, the principles, and desires of the American people in the United Nations. I do think the President has selected wisely in John Bolton.

Now, the way that this is going to proceed—after the last hearing we had, where we played for second down—as I understand it, the goal here, Mr. Chairman, is to somehow vote on John Bolton's nomination and to get him to proceed to the Senate floor, where this debate will continue for all of our colleagues. And so, I'm encouraged that, notwithstanding some of the concerns the Senator from Ohio has about Secretary Bolton, I thank him for allowing this nomination to proceed to the Senate floor. And we have moved the ball downfield.

And I thank you, again, Mr. Chairman, for your courtesy and your steady, fair leadership on this issue, as well as others.

Senator BIDEN. We're looking for an on-sides kick. [Laughter.]

Senator ALLEN. Say, what?

Senator BIDEN. We're looking for an on-sides kick.

Senator ALLEN. No, we just got a first down. [Laughter.]

Haven't scored yet.

The CHAIRMAN. Thank you, Senator Allen.

Senator Biden, would you designate——

Senator BIDEN. Yes. Senator—we have——

The CHAIRMAN. Senator Dodd?

Senator BIDEN [continuing]. As I say to my colleagues, we have, as I understand it, roughly 15 minutes for all the remaining members, each. And if others don't show, then the time can be—we can move back. So, if we can try to stay at 15.

Senator DODD. Thank you. In fact, if you would put the clock on here, and we may try to make it even briefer than that.

Senator BIDEN. Is that possible, to stick the clock on——

Senator DODD. Clock on, so we can keep an eye on our—why don't you put it on for 10.

Senator BIDEN. Put it on for 10, and we'll see.

Senator DODD. And then—try and wrap it up there.

STATEMENT OF HON. CHRISTOPHER J. DODD, U.S. SENATOR FROM CONNECTICUT

Senator DODD. First of all, Mr. Chairman, let me begin by thanking you, Senator Biden, and your respective staffs. It's been over a month—a month ago, yesterday—that we had the public hearing, and then, of course, this month-long period in which a tremendous amount of work has been done by the committee staff. And I would not want the moment here to pass without expressing our gratitude to the people who sit behind us here, who spent a lot of long hours over the last month in gathering the information they have. So, I want them to know how much I appreciate the efforts that you've made on behalf of us, who sit here in the front seats.

I appreciate, as well, the chairman's comments during his opening remarks about some of my views regarding presidential appointees and the process of confirmation.

I went back and tried to calculate, because of some accusations that I was a serial abuser when it came to presidential nominees, and, over the 24 years serving under—eight years under Republican administrations, and eight years under a Democratic administration—in senior-level people I've voted on one way or another, close to 7,000 presidential appointees. And of those 7,000, there were 52 that I voted against. Three or four of those, I've written letters and apologized to them because I voted against them, and I shouldn't have. And I wrote them letters. Everett Koop is one that comes to mind immediately. I voted against Everett Koop, and regretted, afterwards, having done so, and expressed to him in the letter some months later.

So, I am of a mind, not unlike my friend and colleague from Ohio and, I think, most of us here—I think we generally like to be supportive of presidential choices. I think that's—doesn't mean you shouldn't object where you think it's appropriate to do so, but, as a general matter, I think we like to defer, particularly when it comes to a Cabinet or people who are going to be part of the official family, if you will, of an administration. And so, I want to be on record as still subscribing to the views that the chairman ascribed to me in talking about how we ought to handle these matters.

This is uncomfortable. None of us enjoy this. I think we'd much rather be debating policy issues than the fate of one individual here to hold a high-level position. We have an awful lot of work to do. There are important issues that I think the general public would like to see us address. And so, it's somewhat disappointing that we find ourselves in this situation.

As I mentioned, Mr. Chairman, I've been here for 24 years. And tonight—I keep a, as I think most of us do, a little journal. It's not every day. But with my two young children, two young daughters, I try to record moments that I think are of significance during my

tenure here. And I'm going to go home tonight and write in my journal about a senatorial moment. We don't have them every single day around here, but we had one this morning. We had a senatorial moment. And I want to tell my colleague from Ohio what a privilege it is to serve with him. I've been where you've been on nominations on these matters. It's not comfortable. But I look back on those moments, and they're some of the proudest moments I've had as a Senator, when you stand up against the flow of events and your own party—and Senator Biden mentioned moments that he's had as—on similar cases. So, I thank him for what he did.

I want to point out, as well, here that—and Senator Sarbanes did this, but I think it's worth noting here—this will be resolved in this committee and on the floor of the Senate, I presume, in the next number of days. And another issue will come along. And those of us who have disagreed on this will find matters which we agree on with each other, and we'll go about our business. But for an awful lot of people, roughly—almost 20 individuals, either presently serving or recent appointees of the Bush administration, have either sat at this table or sat with our staffs and have done something you rarely see. It wasn't just one or two. It's—in my experience, I can't think of another example, in my 24 hours on this committee, to see as many people of like political stripe, of common ideological and philosophical viewpoints, willing to come forward and say to us, as a committee, "Please be careful about what you're doing." This is a rare moment. And our colleagues here need to take note of this.

And I think it's worth just describing who these people are, and quickly going down the list: Stuart Cohen, Acting Chairman of the National Intelligence Council at the CIA; Alan Foley, former Head of WINPAC at the CIA; John McLaughlin, Director of Central Intelligence—Deputy Director and Acting Director; Jamie Miscik, former Deputy Director of Intelligence; Thomas Hubbard, former U.S. Ambassador to South Korea; John Wolf, former Assistant Secretary of State for Nonproliferation; Christian Westermann, whom we've talked about, the INR analyst; Tom Finger, Assistant Secretary of State for Intelligence and Research; Beth Friesa, immediate supervisor to Mr. Westermann; a man who's asked that his name not be made public here, but an attorney at the State Department who was involved in the issue involving Mr. Bolton's efforts to move one of the employees there; William Taft, a legal advisor at the State Department; Fred Fleitz, the Acting Chief of Staff for Mr. Bolton; Neil Silver, the INR Office Director supervising Mr. Westermann; Larry Wilkerson, former Chief of Staff to Secretary Powell; Robert Hutchings, former Chairman of the National Intelligence Council.

These are all significant people, who have all said to us, in their own words, one way or the other, "This is a bad choice." And I just think it's important that these people—whether you agree with them or not, that it's important that we encourage people who feel like this to express themselves to a committee like us here. And so, I hope that—regardless of the outcome of this, that there will be an appreciation of the work that they've done.

And, Mr. Chairman, my—as you know, the very first question I asked on the April 11th hearing—in fact, it was the very first ques-

tion the chairman asked at that hearing—had to do with what has been my principal concern from the very beginning. It's been said by others here today, but let me just repeat it. I have—if this were a question of a person's style—I think Senator Voinovich made as strong a case that could be made about whether or not this kind of a style is what you want for someone serving as an Ambassador to the United Nations.

But that's not my objection. I'm—I think if we get into the business here of deciding to be for or against people because of their styles, this is not going to be terribly successful, in terms of how we relate to them, depending upon the position, although I don't disagree with his concerns about public diplomacy, as my colleague has expressed.

My concern is that we've just come through an incredible period in American history where major decisions were made about this nation's foreign policy based on the intelligence we are receiving. People are losing their lives every single day in a far-off land here, because there was a firm belief, based on the intelligence we had, that weapons of mass destruction existed. Now, put aside whether or not you think it's right or wrong for us to be there today. The reason—the reason—that we voted the way we did on that issue was because it was the collective wisdom of the intelligence community that weapons of mass destruction existed. We now know that not to be the case.

In the case of Mr. Bolton—putting aside his personality, putting aside his style—the fact that he tried to fire—and there is just—I don't know how many witnesses you need to have stand up here to tell that that's exactly what he did, despite what he claimed to do. He tried to fire—fire—intelligence analysts because they would not conform to what he wanted to say that represented the position of the United States in a public speech. We now have further evidence—my colleagues and some of them said, "I need further information." During the 30 interviews that occurred over the last 30 days, we discovered e-mails and additional information that, in fact, contradict rather significantly what Mr. Bolton said before this committee on April 11th, that it wasn't just a casual trip to the CIA, it wasn't just ended there. In fact, there were significant efforts to penalize, in fact, some of these people including taking away their building privileges or their identification to go into the State Department. It was—got so petty that it went beyond just a casual conversation at the CIA.

That's my major concern here. If we can't make a statement to all future nominees who may be serving in critical positions today, "If you do this, you disqualify yourself, in my view. Whatever other issues may arise, if you do this, if you try to fire people because you didn't like what they had to say, in a supervisory position, that disqualifies you, in my view. I don't care whether you're a Democrat in the White House, a Republican in the White House. Anyone who does that."

And my concern is not just that they may be rewarded with a position, but what it does down in the positions. Mr. Bolton said, "I lost confidence in Mr. Westermann." To lose confidence in someone presupposes you had confidence in them previously. There's no evidence at all that Mr. Bolton had any idea who Mr. Westermann

was. In fact, on the chart back here, as I pointed out to the committee back on the day we had the markup on this nomination, Mr. Bolton's position is a senior policy position. Mr. Westermann was down as a GS–14 in the analyst office. He didn't know Mr. Westermann. How do you lose confidence in someone you have no idea even exists, until you've discovered they told you you can't say what you want to say?

Losing confidence in someone. That wasn't the reason that he decided he wanted to fire him. He didn't want some GS–14 telling a presidential appointee that he couldn't say what he wanted to say. And he said, "I'm going to fire you, or try to fire you, for doing it." That's what Carl Ford said he did. That's what the chief of staff of Mr. Bolton said. That's what every single person who had any knowledge of this case told this committee, either in testimony provided to the staff or in front of this committee, itself. That's why, more than any other reasons I can think of, this nominee does not deserve the support of this committee.

Now, let me just make one further point here, and I won't go into all the details. The information is there. The interviews are public.

I gather, based on what my colleague from Ohio has said here—and I know he's—notice he's left the room here, so I—I'm going to talk about something he said. But, Mr. Chairman, there's a reason why committees exist in the Senate. And that is—and I'd ask to be able to go on here a couple of minutes yet. There's a reason why committees exist in the Senate. Our colleagues—we defer to each other, because there's no way a hundred people can sit and be busy on every single issue. And so, we are asked to draw judgments. I only know of one case—and I'm sure the staff will contradict me if I'm wrong here—but only one case in my 24 years where the committee has sent, without recommendation, a nominee to the floor of the Senate. I think it was the case of Kenneth Adelman, I believe. Now, maybe there are—I'm told that's not the case, but—maybe someone has a different example.

The point is, it's, then, very, very rare, in my experience, because we're the ones who have to do the work here. And our colleagues, I think, would like to rely on us, to some degree. Now, I know it's done from time to time; it's not without precedent.

But I think it's deluding ourselves to think that our colleagues are going to spend as much time as we have on this issue. They may listen to us on the floor. But, in some ways, these matters are painful and difficult to deal with.

But we bear responsibility to our colleagues, and, I think, to the public, to move on here. I don't think we're serving the President well. I don't think we're serving our role at the United Nations well. This is going to drag on. This nominee may go to the floor. We're going to be on the floor with this. And it's not going to be a short debate on the floor. It's going to go on. And I don't think our interests are being well served by doing that. This is a painful choice to have to make of someone, painful for their families. I understand that.

But I would hope the committee might reconsider. If the decision is not to support this nominee, then it ought to end here. End here. And invite the President to send us someone.

And let me say to my friend from Virginia, who's also left the room—I don't—shouldn't take this as an insult—there are plenty of good people to fill this job. The idea that there's only one individual who can do the job that needs to be done at the United Nations is—to quote my friend from Ohio, is nonsense. I can think of five or six names, off the top of my head, that are bona fide, conservative, blunt Republicans, who would serve well in the United Nations and help do the things that need to be done there. The idea that John Bolton's the only person is an insult, in a way, to the leadership of the Republican party that no one else could possibly fulfill this role at all.

And we owe it to the American public, we owe it to ourselves, let's end this matter, and let's move on to the more serious business we must deal with, major policy issues and filling these jobs that need to be filled to get the job done.

I thank the Chairman.

The CHAIRMAN. Thank you very much, Senator Dodd.

The Chair recognizes, now, Senator Chafee.

STATEMENT OF HON. LINCOLN D. CHAFEE, U.S. SENATOR FROM RHODE ISLAND

Senator CHAFEE. Thank you, Mr. Chairman, very much.

This has been a difficult few weeks as we have exercised our duty of advice and consent on President Bush's nominee to be the U.S. Ambassador to the United Nations, John Bolton. There have been many charges and accusations, and I do agree with Senator Dodd that any intimidation of intelligence analysts is wrong. And I'm apprehensive that by promoting John Bolton, we're signaling an endorsement of that intimidation.

And I am particularly concerned with the speech that Mr. Bolton gave in Seoul, South Korea, in the midst of those six-nation talks. That speech was cleared—Mr. Bolton says that speech was cleared by the highest level of our government. True though that may be, it does not diminish the questionable wisdom of his having delivered it at such a sensitive time. There have been other instances where I've had reservations about Mr. Bolton's decision-making.

I also recognize the diplomatic successes Mr. Bolton has had. The Proliferation Security Initiative is one. And, as Senator Allen said, this is a global effort that aims to stop shipments of weapons of mass destruction, their delivery systems, and related materials worldwide. The PSI uses existing authorities, national and international, to defeat proliferation. Mr. Bolton worked in a multilateral fashion on this proposal. Ten other countries—Australia, France, Germany, Italy, Japan, The Netherlands, Poland, Portugal, Spain, United Kingdom—initially agreed to PSI, and 60 more have agreed since.

I do want to take, Mr. Chairman, Mr. Bolton at his word as to how he will perform as our Ambassador to the United Nations. He testified, under oath, that, "If confirmed, I pledge to fulfill the President's vision of working in close partnership with the United Nations." And that vision is that the United States is committed to the success of the United Nations. And we view the U.N. as an important component of our diplomacy.

Mr. Bolton said that he will work for a stronger, better, more effective United Nations, one which requires sustained and decisive American leadership, broad bipartisan support, and support of the American public. He said walking away from the United Nations is not an option.

He also said that he assures the committee, the American people, and potential future colleagues at the United Nations that, if confirmed, he will work to—with all interested parties to build a stronger and more effective United Nations. He said, "Doing so will promote not only American interests, but will inevitably improve and enhance the U.N.'s ability to serve all of its members, as well." He went on to say, "I pledge to bring my strong record of experience in working cooperatively within the United Nations to fulfill the intentions and aspirations of its original promise. In particular, I will work closely with the Congress and this committee to achieve that goal." I will repeat that, "In particular, I will work closely with the Congress and this committee to achieve that goal."

So, I want to take him at his word, and I will support Chairman Lugar and Senator Voinovich's motion.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Chafee.

Senator Biden, would you designate——

[Pause.]

Senator BIDEN. Senator Kerry.

The CHAIRMAN. Senator Kerry is recognized.

STATEMENT OF HON. JOHN F. KERRY, U.S. SENATOR FROM MASSACHUSETTS

Senator KERRY. Mr. Chairman, thank you very much. Let me begin, first of all, by echoing the comments of other colleagues. And I thank you, personally, for the way in which you've defended this process. And I think you've handled that with great grace, and I think you've been terrific at helping the committee to fill out the record here, though I certainly concur with Senator Biden, I wish we were able to have that full record. I think that remains something that we hope we can work out with you.

Secondly, I also want to say to those people who came forward, I think this is a very serious moment for the committee. And it's hard sometimes to convey that to people, because a lot of what happens around here gets politicized, as well as trivialized. But this should not be. I regret that some have, sort of, circled political wagons in this effort, and I think this is one of the most conscientious, legitimate processes of the committee that I've been engaged in, in the time that I've been here. And it's not party interest; it's America's interest. And I think Senator Voinovich articulated that. And others, I think, in their statements have tried to articulate that, or have articulated it.

And those people who have come forward, I mean, you just can't dismiss that. You can't reduce this, somehow, to politics, when people have spontaneously come forward, particularly people from the same workplace, people from the same ideology, people from the same background, people who are invested in the same goals as John Bolton, but who have spontaneously come forward to, from their gut, and at great risk, put their views on line here. And I

think that does raise the level of scrutiny that each of us, as Senators, ought to be giving this.

Thirdly, there's this assumption that is thrown out so easily by a lot of people that we ought to give a President the person the President puts forward. Well, generally speaking, we do. But the whole concept of advice and consent embodies in its—in the term, not just that we give advice and walk away, but that we have to consent, that we do consent. And, as Senator Biden, I thought, very forcefully stated, this is within the constitutional requirement of us, as Senators, of the Senate, and the Congress as a separate and equal branch of government. And that consent should not be automatic. It is not automatic. It has never been automatic when we conduct ourselves properly and do our duty to its fullest.

Now, I wanted to comment—I'm glad Senator Voinovich is back here, because, you know, this puts him in a difficult situation, and probably our saying something nice about it puts him in a difficult situation. [Laughter.]

But what I want to say, I think, is not directed only at him; it's directed at all of us, as Senators. I was really struck, at the meeting we had before, when Senator Voinovich stopped the proceedings, rewrote the script, based on his conscience. I mean, he just sat up and said, "I'm uncomfortable with this." And, lo and behold, people were amazed, Washington was amazed, the country was amazed. And I was amazed that everybody was amazed, because what is going on that a Senator doesn't act according to script, acts according to conscience, and everybody is taken aback? I think Senator Chafee said this is the first time this has happened in the four years that I've been here. Well, then something is wrong with "here," not with Senator Voinovich.

And I was struck that he was, you know, set upon by certain automatic forces in the country that are then unleashed to vilify him for acting as a Senator ought to act. When I first came here, that's the way almost everybody did. That's the way it worked. And we shouldn't be so amazed that somebody, in fact, stops and thinks about something, and responds according to their conscience.

Now, what is at stake here is not party, not Democrat, not Republican. What is at stake here is our national interest, our security interest, our ability to advance our interests within the United Nations.

And I take exception with Senator Allen. You know, long before he was on this committee, a lot of us were working with Senator Kassenbaum, with Senator Helms, Senator Biden, and others to reform the United Nations. We were among the first to withhold the dues. We were among the first to withhold the peacekeeping money. We worked hard to try to advance the cause of reform, and we got some distance in that. But there's, of course, an enormous amount more to be done.

This is not about reform at the United Nations. This is about who is the best person to advance the serious interests of our country in one of the most important fori in the world. And a lot of us approached this, indeed, I may comment, skeptical, because I think everybody was taken aback, as Senator Biden said. I mean, this appointment, on its face, struck a lot of people as odd. I respectfully

submit that it struck a lot of Republican Senators as odd. But then the political wagons, kind of, circled.

I think this is bigger than that now. And the question is whether between now and a vote on the floor of the Senate, people on the floor of the Senate—people are really going to take stock of the full measure of what is at stake here.

Mr. Chairman, you made the right decision, in the last weeks, to keep this process open and to make judgments. And I think the record that has been compiled, the additional witnesses and testimony that has been compiled, underscores the difficulties that this nomination presents on the merits, on an apolitical, meritorious judgment of whether or not this is the best person to carry out this job, and whether or not this person can now, under the circumstances of what we've learned, actually advance the cause and our interests at the United Nations.

I mean, imagine when he walks into the—one of the first meetings, if he's confirmed. People will sit there and say, "Well, here's Ambassador Bolton. Is he sitting on one of the floors that he wanted to eliminate?" "Here's Ambassador Bolton. Is he, today, telling us intelligence that's his view or someone else's view?" And when he makes his view known, almost to a certainty, it's going to be second-guessed, and people are going to back and say, "Well, is this—you know, are we getting the full speech? Is this what the intelligence community says?" It's going to have to be rechecked. It's going to have to be double-efforted in every case, because that question is there.

In fact, Ambassador Bolton, himself, to my astonishment—I mean, here he is seeking to represent the country at the United Nations, where the views you express have to be those of the administration and the others, and he's reserving—he's busy reserving the right—in answer of the question I submitted he said, "I understand that, as a policy, official statements identifying the views of the Intelligence Committee have to be fully vetted. I've submitted to this process throughout my tenure. Your question, however, fails to recognize a second principle; namely, that a policy official may state his own reading of the intelligence as long as he doesn't purport to speak for the intelligence community." So every time he speaks up there, he's going to have to clarify, "I'm not speaking for the intelligence community," or, "I am speaking for the intelligence community."

But, even more disturbing, he also said, quote, "The intelligence community needs to be pushed. It will not do its best unless it is pressed by policymakers, sometimes to the point of discomfort."

Now, his version of doing that, we have seen, puts people at risk, changes the consensus of the intelligence community itself, and will, in every instance in which he speaks, my colleagues, leave people asking the question of who he is speaking for. He has, himself, reiterated that and underscored that in this statement.

Now, I think—you know, let—you know, let me just share with colleagues what a prior ambassador to the United Nations said about this job. I quote, "I do not think that one should ever seek confrontation. What I have every intention or hope of doing is to operate in a low-key, quiet, persuasive, and consensus-building way. I think a principal objective should be to try to communicate

effectively with the representatives of as many nations as possible to broaden a bit the areas of mutual understanding. We should try to extend a bit the frontiers of reason and cooperation. And I think we should work to that end, and we should work to establish the patterns of consultation and trust." These are the words of Jeane Kirkpatrick during her January 1981 confirmation.

Can I continue?

Senator BIDEN. Please.

Senator KERRY. I don't know, how much time have I taken?

Senator BIDEN. You've got another 5 minutes.

Senator KERRY. So, no one's every going to accuse Jeane Kirkpatrick of shying away from her views. And, like John Bolton, she's a staunch conservative who speaks her mind. But she understood and respected the value of diplomacy, negotiation, listening to—listening to—and respecting other views, seeking a broad point of view.

And the question is, clearly, on the basis of this record, whether you can say that about John Bolton, whether he sees the big picture, whether he seeks those views. Could he handle opposing points of views? Does he have the leadership skill? And, interestingly enough, it was Jeane Kirkpatrick, herself, who said of John Bolton that he is not a diplomat.

Now, the larger issue, I'm not going to go in, because I don't have the time, but, you know, you can take Lawrence Wilkerson, who was quoted in the New York Times as saying that John Bolton—he is the former chief of staff to the Secretary of State—who said he thought he would be—John Bolton would be an abysmal ambassador to the United Nations. Jeane Kirkpatrick, who said, "He loves to tussle. He may do diplomatic jobs for the U.S. Government, but John is not a diplomat."

Now, more disturbingly, there are a pattern of things that have been laid out here, and I don't have time to go into all of them. One is this berating of analysts and what it does to intelligence at a time where intelligence needs to be trusted. That's one very serious question. The other is the question of how he treated people and what that does, in terms of leadership. But most importantly, I think, is the question of credibility, itself.

Credibility. When United States speaks to the world, we've got to be believable. We have an extraordinary message about democracy, about transformation of the world, about our leadership. And we need somebody there who is not going to be questioned in that. We may have to make the case about Iran or North Korea or Syria. But, in each of those cases, North Korea and Iran, Mr. Bolton has already made statements that have been questioned by the highest officials in our government. And, more importantly, he tried to stretch the intelligence to fit his own views in each of those cases. Again and again. He tried to inflate language about Syria's nuclear activities, beyond what intelligence analysts saw. The chairman of the National Intelligence Council ordered his staff to resist Mr. Bolton's efforts. This is a man who's going to speak for America with credibility about Syria?

Former National Intelligence Council Chair Robert Hutchings said, quote, "Let's say that he took isolated facts and made much more of them to build a case than I thought the intelligence war-

ranted. It was, sort of, cherry-picking of little factoids and little isolated bits that were drawn out to present the starkest possible case."

I could go on about that, Mr. Chairman. I don't have time to do it, because I want to get to one of the most important things of all for each of us to think about.

Not only have you questions about Mr. Bolton's credibility on the subject of intelligence and his voice at the U.N., but, frankly, we've got serious questions about his credibility before this committee, itself.

In the case of Christian Westermann, he denied trying to have him disciplined. He denied, before this committee, under oath, trying to have him disciplined. He said, "I mentioned it to Mr. Finger. I may have mentioned it to one or two other people." "I may have mentioned it to one or two other people." This is an intelligent man. This is a man who's been cited by everybody as having a steel-trap mind, one of the best minds of all. "But then I shrugged my shoulders and moved on," he said. That is not true, folks. That's not what he did. The testimony of Mr. Westermann and all of his superiors, all of his superiors at INR—Ford, Finger, Silver, as well as the recollection of his own chief of staff, Mr. Fleitz—make it clear that removing Westermann is exactly what he sought. There was no if, ands, and buts, no "may have," no "might have talked to somebody." He wanted him removed, and that was clear, and he wasn't candid with this committee.

The dispute went on for months. There was no shrugging of his shoulders and moving on. It went on for months. And it had a lasting impact on Mr. Bolton's relationship with INR.

Bolton said to this committee, quote, "I basically thought the matter was closed when I got Mr. Finger's e-mail saying, 'It won't happen again.'" But a few days later, Bolton took up the issue with Carl Ford, and then he took it up with Neil Silver. And, despite his characterization to this committee, he hardly considered it closed.

This was not the only time he was not candid with the committee, Mr. Chairman. Regarding his efforts to have the NIO for Latin America removed, he told the committee, "I had one part of one conversation with one person, one time on Mr. Smith, and that was it, I let it go." Not true. That wasn't it. He didn't let it go. Documentary evidence shows that he took steps to remove the NIO, and it was under active discussion for four months.

Letters were drafted that would be signed by Mr. Bolton and Otto Reich, the Assistant Secretary for Western Hemisphere, demanding the NIO's removal. On one subsequent occasion, he was reported to have told his staff, quote, he didn't "want the matter to slip any further," end quote.

So, Bolton's distortions before the committee weren't limited even to these two cases. He told the committee he didn't threaten or try to have anyone punished because of their policy views, but several witnesses have personally said, directly, that he did.

So, Mr. Chairman, again, you know, he told the committee that U.S. Ambassador Hubbard approved and supported his speech, but you now know directly from Hubbard, that was not true.

Does it matter whether you tell the truth or don't tell the truth in your confirmation hearings to a committee of the U.S. Senate, or doesn't it matter? And if you can't tell the truth to this committee, are you going to tell the truth to the other people? And will they believe him when he goes to the United Nations?

Senator, you weren't here. This is not about whether or not we're all for reform of the United Nations as it is; it's about whether or not this is the best person to effect that reform. And I don't think that you begin by not being candid to a committee of the U.S. Senate, under oath.

So, there are these serious issues, and more, many more. And I hope—I don't think we ought to send it out of this committee, personally. I think it ought to end here, because this isn't the right person. Now, if it doesn't end here, we are going to have a serious debate on the floor of the Senate, and that debate will not improve Mr. Bolton's standing at the United Nations. So, I think we would be better off doing what is appropriate to the record. The record speaks for itself. And now this committee ought to speak for itself.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Kerry.

Senator Coleman, you are recognized.

STATEMENT OF HON. NORM COLEMAN, U.S. SENATOR FROM MINNESOTA

Senator COLEMAN. Thank you, Mr. Chairman.

Mr. Chairman, I do think it's appropriate to acknowledge the extraordinary steps that you have taken to work with Majority and Minority members in building an incredible record to bring us to the point we're at today.

I also want to compliment you on your statement. I hope that all our colleagues on both sides of the aisle read the chairman's opening statement.

I also appreciate your strong statement about U.N. reform. I'll talk about that later. I think we all agree on that.

And I guess the question, in the end is, Is this the right guy? And who makes that decision? Who makes that judgment? I think we had an election that said who makes that judgment, who is weighing, I'm sure, all the stuff that we're weighing here, and has come to a conclusion about John Bolton's, and it's a conclusion, Mr. Chairman, that I support.

We've had, over the course of the last 3 weeks, 35 separate interviews, 29 different people testifying, 1,000 pages of transcripts, I think 7 to 800 pages of documents. And when you get through the whole process, where are at? I think we're probably right back where we started in this process. I don't know if there's anything new that any of us have seen that would say that—certainly from my perspective, that John Bolton is not qualified to serve in this position. He continues to have the support of the President. He continues to have the support of the Secretary of State.

My concern is a little bit about the process. And I'm—I think some of the allegations, clearly, are patently false; some have been blown wildly out of proportion. My concern is about the—as we look to the future, the chilling effect of what's going on here and the impact it will have on good people. Senator Dodd, in the past,

has talked about the—how it's getting harder and harder to get good nominees who want to serve.

At the last hearing we had, my colleagues on the other side of the aisle raised a concern about an incident that apparently took place a number of years ago, when Bolton was in private practice. It had to do with an incident that—regarding a contractor and then—that he worked for and—doing some work in Kyrgyzstan. And, you know, what we heard were all the allegations about chasing somebody down in a hotel in Moscow, and harassment. I didn't have it at that time, but I think I had read a newspaper article that, in fact, the person who owned the company, the subcontractor who was, in effect, Bolton's boss, had submitted a letter to the committee. I know my colleagues on the other side had a copy of that letter. What we heard and what the public heard, without refutation, are instances about outrageous conduct on the part of John Bolton without any retort, without folks saying, "Hey, this"—you know, not only, maybe this isn't the case, but the folks who knew the principals and said it wasn't the case, and said it in some very, very strong terms.

And so, I do worry about the chilling effect that we're having here. This is certainly not a court of law, and it certainly doesn't have the same standards. And, certainly, it's a world we have to live with. But I am concerned about what Mr. Bolton has gone through, and the nature of these allegations. And, as I said, I think, Mr. Chairman, in your opening statement, you did a good job of responding and rebutting.

I do want to talk a little bit about the Cuba speech and the conversation between Mr. Bolton and Mr. Westermann.

Bolton, himself, told Christian Westermann, I quote, "You are welcome to disagree with me, just not behind my back." And during Westermann's staff interview, when asked about whether Bolton made such a statement, he replied, "That does ring a bell."

And what happened there—and, again, this one of the cases where you get kind of two sides of the story—from Bolton's perspective, he was going to give a speech, it was supposed to be circulated, it was supposed to be circulated to other agencies, and they would make a judgment—intelligence agencies—about whether what he's saying was accurate. He didn't know that Westermann had put a—had torpedoed it as it went out. He didn't know that.

My colleague from Connecticut has asked, you know, "On what basis does he have to lose confidence in Westermann? He didn't have it to begin with." The basis is pretty clear, and it's in the record, it's in the e-mail that Bolton got from Finger when he raised the issue of what happened. And what did Mr. Finger—Mr. Westermann's sup-—what did he say? He went on to say that, "INR has no position on what a principal—in other words, we shouldn't have made the judgment about whether this was good or bad information, the right thing, and not to say—choice of phrase, "does not concur, was entirely inappropriate." And these are Mr. Finger's words, not mine, "We screwed up." "We screwed up."

So, if you're John Bolton, do you have a reason to lose confidence? I guess so. The record would demonstrate that.

And, again, we can each bring our own take to this, but the record clearly shows that, from Mr. Bolton's perspective, somebody

did something they shouldn't have done. That was reaffirmed to him. And then the question becomes—raised is whether there was—somehow he was not being candid with us. Mr. Bolton says, "I didn't pursue it."

And I would ask the question, Where is the record that the dispute went on for months, as some of my colleagues on the other side of the aisle have talked about? There isn't any. The reality is, is—what you have is, you have Bolton having a conversation with Ford that took place over a water fountain, that lasted about two minutes, and then a conversation down the road with Silver, in which Silver says, "I asked the issue. Is there any other things that you're upset about?" And then Bolton volunteered that.

This is not the pattern of behavior intent on penalizing and hurting somebody, somebody obsessed with "getting at" somebody because they disagree with them over policy. It's consistent with everything John Bolton said.

There has been no lack of candor here, Mr. Chairman, and I think the record is very, very clear on that.

We talked about the incident in dealing with Melody Townsel, and the allegation that she was harassed and had had things thrown at her. I think her own testimony challenged that. The letter from Jaylon Kalotra, who was the head of the company that Bolton was working for, and he was very, very clear. He indicated, by the way, that Ms. Townsel had made inaccurate and misleading statements. He said he didn't hear anything contemporaneously about the incident. He says that her recollection didn't square with the facts. He indicated that, as a team leader, she attempted, unsuccessfully, to charge the U.S. Government for disallowable costs, and she became enraged and abusive; and that he found Bolton to be highly intelligent, hardworking, entirely ethical.

And so, what you have there, again, was an incident laid out in public to disparage the reputation and the name of John Bolton, and then you've got evidence, substantial evidence, on the other side, something to the contrary. And we don't know. I wasn't there, Mr. Chairman. You weren't there. But to use this as a basis for somehow saying that John Bolton's not qualified to be U.S. Ambassador is not only wrong, it is another example of the kind of chilling impact that I think folks looking at this process, who may be called upon to serve, are going to ask themselves, "What am I going to be—what I am going to be subject to? And will that be fair?"

So, what have we done? We've put under the microscope every contentious interaction John Bolton had within the State Department, and even outside of it. There was an interesting editorial. And I'm not always a big fan of the Washington Post, but I could say these words—they said it, and I'll say it as I said it—talking about—the editorial, about a vote on Bolton, and he said, "The committee interviews have provided some colorful details without breaking new ground. What has long been a well-understood split in the first Bush administration, a split between those who saw themselves as pragmatic diplomats, the power camp, and those like Mr. Bolton, who saw themselves are more willing to bruise feelings here and abroad in standing up for U.S. interests."

And they go on to say, as I would say, that, "The President is taking risks, maybe, but, in the end, the President knows the role that Mr. Bolton is to play. The nominee is intelligent and qualified. We should support him." I think that's a pretty fair summary.

Is John Bolton strong-willed? Darn right. There's no question about that. But—and it's interesting, because you look at the record, and, you know, I guess it depends, you can look at all the criticism that are there.

One of my concerns about this process, Mr. Chairman—and, you, again, in your opening statement, lay it out—when this nomination was put on the table, it was almost unanimously objected to by the other side. And it was about policy. It was about policy. Substantial policy disagreements with John Bolton and that he shouldn't serve as U.N. Ambassador. And then as the process went on, it went from policy to procedure, from policy to personality, from policy to the ability to interact and deal well with others.

When I was a prosecutor, we used say—on closing arguments, I'd stand in front of the jury, and I'd say, "You know, you've got to watch out for the rabbit-out-of-the-hat's trick." And what happens is that the defense would come in, they've got a hat, a magician's hat, and they've got lots of rabbits, and they go running around. And they hope that one member of the jury chases one of those rabbits and takes their eye off the goal, the main thing—being the main thing.

And so, we have the rabbit of personal relations, and we have the rabbit of violating procedure, and we have the rabbit of lack of candor, we have the rabbit of bad policy judgments. But the bottom line is that in each and every instance, despite every measure of conflict, John Bolton delivered the approved speech. He never maliciously impacted the career of a single employee. We could just as well have spent this time simply reading the record, all the comments made by John Bolton for those who worked with him. There's a question about whether he can put together a team or work well with others. You had 37 officials who worked with him at USAID. They worked with him. They know him. And their judgment was that, "John leads in front with courage and conviction. He doesn't abuse power. He's direct, yet thoughtful, in communication. What he does is demand from his staff personal honestly and intellectual clarity."

And then the letter from 39 other former attorney generals, distinguished citizens, again, who know John Bolton, again, being extraordinarily positive. Twenty-one former presidential appointees, career and noncareer Civil Service and Foreign Service employees, again, who worked and know John Bolton. Forty-three of John Bolton's former colleagues at the American Enterprise Institute. All saying the same thing, that, "We know this guy, that we work with him, and he does have the ability and the skill that's needed."

And then, in addition to that, the statements of former Secretaries of State who also worked with John Bolton. They didn't just know him. They worked with him. He's got a long and distinguished career. And they were very, very clear about his ability to do what has to be done.

I think the issue here, Mr. Chairman, is what my colleague from Virginia has raised. It is about U.N. reform. That's the issue in

front of us today. The—and I have to say, it's interesting, because there are a couple of folks who have been at the U.N. who have been pretty blunt on occasion, and one of them was Jeane Kirkpatrick, who once said that what takes place in the Security Council, and I quote, "more closely resembles a mugging than either a political debate or an effort a problem-solving.

And I would note that my colleague from Massachusetts quoted Ms. Kirkpatrick, who said that, you know, we need low-key, quiet consensus way. And, by the way, Ms. Kirkpatrick supports John Bolton. Jeane Kirkpatrick signed a letter in support of John Bolton. She knows what the job needs. Jeane Kirkpatrick was Ambassador to the U.N. at a time before we had evidence of U.N. employees raping and being involved in child prostitution in South—in Africa. She was our U.S. Ambassador to the U.N. before we had evidence of sexual harassment and abuse by senior U.N. officials that went undealt with for over 8 months. She was Ambassador to the United Nations before Oil-for-Food scandal, which—where Saddam Hussein was able to rip off that program for billions of dollars.

Just today, Mr. Chairman, the committee that I chair, the Permanent Subcommittee on Investigation, released reports of payoffs to folks who are—British members of Parliament, former French foreign ministers, interior ministers, documenting a system of them receiving oil allocations and payoffs going back to Saddam and then being in a position to enrich their own pockets.

Clearly, clearly, the U.N. needs reform. And I think we've got to get back to what my colleague, Senator Chafee, in the end, quoted, and that is that statement of John Bolton pledging—and I'm going to quote one part of it, "to fulfill the aspirations of its original promise." That's what we want the United Nations to do.

My challenge to the United Nations—it's not about attacking the United Nations or tearing it down, but it certainly needs some strong—right now, it needs strong leadership from the United States, working in concert, but strong leadership with an individual, John Bolton, who's demonstrated that capacity. And I've got to believe that that's what the President is looking for, Mr. Chairman. That's what he's looking at.

You know, is John Bolton the nicest guy in the world? He's not going to win that prize. Not going to win that prize. But look at the challenge that we're faced with, with U.N. reform. Just last week, Zimbabwe put on the Human Rights Commission. We need a kind of strength. And it's interesting, I'm saying "we." In the end, Mr. Chairman, I do believe that John Bolton is the best person, the best person that the President has picked for this job. Because that's what it's about. Elections do have consequences. And the President has made a judgment, and he's weighed the good, and he's weighed the bad, and he's looked at the tough-minded negotiations, how it played a key role in Libya's change of heart in achieving the Treaty of Moscow. He's looked at what—he's look at the difficulty of getting 191 member nations of the United Nations, the number of states that changed their ways. And that's not going to be very, very easy, Mr. Chairman.

So, in the end, as I said, in—most importantly, the President needs to have the right to appoint members of his team. John Bolton has the confidence of the President. In the absence of any

wrongdoing, there's nothing on this record that demonstrates any wrongdoing. We may have disagreements about how he interacted with staff. We may have disagreements about what's appropriate, in terms of dealing with folks who you think back-doored you. But, in the end, the President should have the team he wants. He's made the determination that John Bolton is the right person to finally bring about U.N. reform. And I look forward, Mr. Chairman, when John Bolton is confirmed, to be able to work with him in the Permanent Subcommittee, and to work with folks at the U.N. to bring about reform.

I urge my colleagues to support the President's choice for U.N. Ambassador. No one is better qualified to bring about U.N. reform than John Bolton. In the words of my colleague from Connecticut, the place clearly needs cleaning up. John Bolton represents our best chance to shape a credible, effective world body for the next generation. And like my colleague from Rhode Island, I'm willing to take him at his word. I'm willing to take him at his word. There's nothing in this hearing that should have undermined our confidence in taking him at his word that what he wants to do is bring back—get the U.N. to fulfill its original aspirations. That's a noble goal. He's made that commitment. Let's give him a chance.

The CHAIRMAN. Thank you very much, Senator Coleman.

As I mentioned in my opening statement, the committee congratulates you on your very conscientious work as the s

ubcommittee chairman looking into U.N. reform. And we wish you well as you——

Senator COLEMAN. Thank you, Mr. Chairman.

The CHAIRMAN [continuing]. Continue to proceed.

Let me just mention that, at this point, there are 58 minutes remaining to the Republican side, 63 minutes available to the Democratic side.

And I call upon my distinguished ranking member to designate a speaker.

Senator BIDEN. I would designate Senator Feingold. And if he could stay within 15 minutes——

STATEMENT OF HON. RUSS FEINGOLD, U.S. SENATOR FROM WISCONSIN

Senator FEINGOLD. Certainly. I thank the chairman. I thank the ranking member.

Mr. Chairman, in 2001, this committee voted to confirm John Bolton to be the Under Secretary of State for Arms Control and International Security. I voted for Mr. Bolton at that time, despite many strong disagreements with his views on arms control and security policy, generally. In fact, it's my understanding I was the only Democrat on this committee to vote for Mr. Bolton for that position. I did so because I generally believe that the President has the right to choose executive branch nominees who share his overall world view, even when I do not. So, barring serious ethical lapses or a clear lack of appropriate qualifications for a give job, I tend to give the President a great deal of latitude in making these appointments.

Mr. Chairman, I will vote to oppose—oppose—the confirmation of John Bolton to be the next U.S. Ambassador to the United Nations.

As I indicated last month, Mr. Bolton is simply unsuited for the job to which he has been nominated. His blatant hostility toward the institution at which he would serve, and his history of pursuing his personal policy agenda while holding public office, indicate that he would be ill-equipped to advance U.S. interests as our Ambassador to the United Nations.

I share the views of many who are insisting on reform at the U.N. The U.N. must become more effective and more accountable. And, as stewards of the American taxpayers' dollars, we must insist on that point.

Mr. Bolton's record suggests that his personal animosity toward the United Nations is so great that he would rather see the institution dramatically weakened, rather than strengthened through reform. He seems to view the U.N. as an instrument to be used when it suits only our immediate interests, but one best ignored, or even undermined, the rest of the time. His failure to grasp the give and take required for effective multilateralism makes him a real obstacle to any hope of pursuing vital U.S. interets and increasing burden-sharing and marshaling a global force strong enough to defeat the terrorists networks that seek to do us harm. Mr. Bolton's idea of U.N. reform would hurt, rather than help, U.S. interests.

Mr. Bolton's record also reveals many, many instances of intemperance and rash decisionmaking. At least two senior intelligence officials told committee staff that Bolton's draft testimony prepared for a House hearing on Syria in 2003 went well beyond what the intelligence community could clear. This wasn't a case in which INR alone had concerns about Bolton's proposed language. The CIA, the Department of Energy, and the Defense Intelligence Agency all objected. And according to interviews conducted by the committee staff, Bolton's office, quote, "pushed back," unquote, resisting the intelligence community's efforts to alter problematic provisions.

Bolton was determined to be such a loose cannon that the Deputy Secretary of State instituted an extraordinary policy to address the problem, requiring all of Mr. Bolton's public presentations to be cleared by Larry Wilkerson, Secretary Powell's chief of staff, or Deputy Secretary Armitage, himself.

Given this record, I do not have confidence that Mr. Bolton's personal agenda would always be subordinated to that of the Secretary of State, who, in testimony before this committee and in her first days in office, has placed such a premium on restoring frayed diplomatic ties.

Additional information that has come to light since our last meeting has simply affirmed my conclusion that this is one of the rare cases in which I must oppose the President's nomination for a position in the executive branch.

First, the record indicating that Mr. Bolton was in the business of suppressing dissent has only gotten stronger. It's a matter of record that Bolton sought to retaliate against intelligence analysts when their work did not suit his policy inclinations.

Now, this is not about careless remarks simply made in the heat of a tough bureaucratic dispute. The evidence shows that over a period of many months, Mr. Bolton repeatedly sought Mr. Westermann's removal from his portfolio at INR, which would

mean, effectively, ending his career. Mr. Bolton repeatedly sought the removal of Mr. Smith from his post as the National Intelligence Officer for Latin America, again pursuing this vendetta for months—not just of heated minutes, but for months—going so far as to consider blocking country clearance for Mr. Smith to travel abroad.

In both cases, the offense that so incensed Mr. Bolton appears to be that the analysts did their jobs, they presented the facts as they saw them, and they declined to keep silent when the facts did not support what Mr. Bolton wanted to say. And, in both cases, senior officials with decades of experience in government, who were involved in these episodes told committee staff that Bolton's actions, his attempts to retaliate against these analysts, were absolutely extraordinary.

In addition to these disturbing incidents, other interviews revealed a broader pattern of—to simply cut out those who disagreed with his policy views, or those who he believed disagreed with his policy views, from the policymaking process entirely. This kind of tunnel vision, everyone-else-out-of-the-room approach, was summed up by Secretary of State Powell's chief of staff, Larry Wilkerson, who told the committee staff, quote, "When people ignore diplomacy that is aimed at dealing with"—referring to North Korea's nuclear weapons development problem—"in order to push their pet rocks in other areas, it bothers me, as a diplomat and as a citizen of this country." And then, when asked specifically if he thought that Mr. Bolton had done that, Wilkerson said, "Absolutely."

Mr. Wilkerson ended his interview with the committee with the following comments, quote, "I would like to make just one statement. I don't have a large problem with Under Secretary Bolton serving our country. My objections to what we've been talking about here—that is, him being our Ambassador to the United Nations—stem from two basic things. One, I think he's a lousy leader. And there are 100 to 150 people up there that have to be led. They have to be led well, and they have to be led properly. I think in that capacity, if he goes up there, you'll see the proof of the pudding in a year. Second, I differ from a lot of people in Washington, both friend and foe of Under Secretary Bolton, as to his, quote, 'brilliance,' unquote. I didn't see it. I saw a man who counted beans, who said, '98 today, 99 tomorrow, 100 the next day,' and had no willingness, and, in many cases, no capacity, to understand the other things that were happening around those beans. And that is just a recipe for problems at the United Nations, and that's the only reason I said anything," end of quote.

Some have suggested that because Mr. Bolton did not succeed in his attempts to end the careers of analysts whose dissenting views angered him, and because he did not succeed in his attempts to manipulate the government's processes to shut out voices of disagreement, caution, or dissent, that, in the end, as I think the phrase that has been used, no harm, no foul, or that there's no problem here.

I cannot believe that any of my colleagues actually believe that's true. Why, after all that we have learned about the vital importance of dissent in the intelligence community from the 9/11 Commission, the Silverman-Robb Commission, and numerous other in-

vestigations into the major intelligence failures that have gravely harmed our credibility and our security over the past year, why would we choose to promote to a position of prominence and trust and individual who has tried strenuously to manipulate intelligence?

Finally, in recent weeks serious concerns have been raised regarding Mr. Bolton's understanding of his obligations to be forthcoming with this committee. Several of Mr. Bolton's answers to Senators' questions were misleading, and several were quite blatantly nonresponsive. In light of the evidence this committee has seen in recent weeks, most of us can probably agree that if Mr. Bolton does end up being our next Ambassador to the United Nations, extremely careful oversight will be required. But our oversight responsibilities depend, in many instances, upon the executive branch officials who come before us understanding that they have a constitutional obligation to be forthcoming with Congress. I have no confidence that Mr. Bolton intends to adhere to this obligation.

Mr. Bolton's nomination raises fundamental questions regarding both credibility and accountability. The credibility of our representation at the U.N., the credibility of intelligence, the credibility of the oversight process are all at stake. And the question of whether or not this committee will hold officials who seek to dissent—suppress dissent accountable for their actions is before us today, as well.

I, like many other members of this committee, deeply appreciate the extraordinary courage of the many people who came forward to share with this committee their own concerns about Mr. Bolton's fitness for the U.N. post or to correct inaccuracies in the record, in some cases at real risk to their careers. I am grateful for their efforts, and I deeply appreciate their honesty. And so, Mr. Chairman, after listening to them, I'm all the more certain I cannot support this nomination.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Feingold.

Senator Hagel.

STATEMENT OF HON. CHUCK HAGEL, U.S. SENATOR FROM NEBRASKA

Senator HAGEL. Mr. Chairman, thank you.

I would like to add my thanks to you and to the ranking member for the work that you have produced, contributions you've made, the leadership you've shown at a difficult but important time. I would add, also, my thanks to the staff, both Minority and Majority, for their work.

There have been some references today to the relevancy and the importance of this committee. I believe it was Mr. Biden who noted, as others on the Democratic side, their years of service on this committee and how, over those years, unfortunately, the Foreign Relations Committee in the U.S. Senate has diminished, not only in stature, but in importance.

I make this point, because I recall, when I was elected in 1996, and I was given, as all new Senators are, their choice of committees—limited—and the committee that I asked to be considered for

first was the Foreign Relations Committee. And I was questioned by the political experts at the time, "Why in the world would you waste your time on the Foreign Relations?" Not was only was it a committee that could not raise money, but where is the constituency in America for foreign relations? Where is the constituency for diplomacy? Where is the constituency for the United Nations, their problems. "They're drains on our budget, they're drains on our energy, so why in the world would you do that?"

The second "Why would you do it?"—because it was not an important committee. Maybe it once was. I remember Ted Kennedy telling me, years ago, that his brother, John Kennedy, wanted to be on the Foreign Relations Committee when he came to the Senate, but he couldn't get on it. It took him a few years to get on it, because it was then regarded as one of the most important committees in the U.S. Senate. Why was that? It was after World War II, and we were literally restructuring the world. We. I emphasize "we." The United States led, but we did it with alliances and coalitions and friends and strong allies, who believed in our purpose.

I also mention this point, not only to, again, acknowledge you and the ranking member for what you have done to make this a relevant committee once again, but, in fact, it is the committee—and this was my answer to those who asked me the question about why I would want to be on this committee. My answer was, it is the committee that is the framework that represents America's interests around the world. When you look at the jurisdiction of this committee, is it wide, deep, and relevant, and it is becoming more and more so.

So, therefore, this nomination that we are meeting to discuss today, and will vote on later, is important, and this committee is important, and, therefore, should never, ever be framed up by either the Democratic party or the Republican party as a partisan issue. It has never worked that way, nor should it ever. And the groups on both sides of this issue do a great disservice to our country when they try to simplify it into a political common denominator issue. It is not.

This position, the U.S. Permanent Representative to the United Nations, is one of the most important jobs in our government. It is the face, the American face, to the world. That's important. A hundred and ninety-one nations. No body in the world like the United Nations. And who structured and framed and led to put the United Nations together after World War II? The United States. The United Nations, like all multilateral institutions that we led on, we framed, we put together after World War II, have been extensions of America's purpose and our power, not limitations. It's given us alliances. It's given us opportunities to promote who we are. And it has, quite frankly, served our foreign-relations objectives.

Now, is the United Nations in need of reform? Of course it is. Of course it is. And it has wandered from its original charter. And I do not believe that necessarily is the core issue here that some have tried to frame up, that if you're against John Bolton, you're against reforming the United Nations. That's patently ridiculous. That makes no sense. That is not the issue.

And I would say to my friend from Virginia, I would think that Mr. Negroponte and our former colleague, Mr. Danforth, who have been recent U.N. Ambassadors, would not consider themselves as tea-drinkers and milktoasts, nor would I think that the first President Bush would consider himself as a milktoast and a tea-drinker. Maybe they drink tea. Nor Jeane Kirkpatrick. We're talking about something bigger and wider here than just those easy characterizations.

Ladies and gentlemen, we're living through a transformational time in the history of man. This is one of the most defining, important times in the history of the world. That's the bigger picture here. Now, whether Mr. Bolton is qualified or not, obviously, is our more concise challenge for this committee.

I have had long conversations with Secretary Rice about Mr. Bolton. I have known Mr. Bolton, I have worked with Mr. Bolton, and I have had long conversations with Mr. Bolton. As has been noted here, mainly on our side of the committee, he has assured me, he has assured the President and Secretary Rice, that he will carry out the policy of this administration, that policy set by the President. Foreign relations is set by the President—not the Secretary of State, but the President. And President Bush has been forceful, over the last few months, talking about the importance of the United Nations. I take the President at his word. I take the Secretary of State at her word, and Mr. Bolton, in saying that he will be—my words, I asked—a uniter, a builder, someone, in fact, not only who will carry out the interests of the United States at the United Nations, but will go beyond that.

The expectations are high for Mr. Bolton. And they should be. Anyone we send to the United Nations to represent this great country to the world should be held to very high expectations. But, in the end, he is the agent of the President.

I have enough confidence in this President, this Secretary of State, to take them at their word, and Mr. Bolton at his word, when he says that, "I will be a uniter. I will be a builder," and do the things that will be required, not just to reform the United Nations, but to go beyond that.

This isn't just about reforming the United Nations. This is about extending America's purpose and the optics and who we are, and reaching out. If there was ever a time in history that the United States requires friends and alliances and coalitions, it is now. The world is too complicated to do otherwise. It is too dangerous to do otherwise.

Many of you have read Tom Friedman's new book, and I recommend it highly. Tom Friedman captures the essence of the world that we live in today, but, more importantly, the world our children will live in, in the next few years. The name of that book is, "The World is Flat." There's a diffusion of power in the world today that we've never seen, and I think that's good for America. But we've worked for that. That means we carry less burden. Hopefully, we will become less and less the world's policemen. That means now we've lost—over 1600 dead in Iraq, and over 12,000 wounded. Hopefully, there will be a time when that won't occur, because we are sharing responsibilities in the world.

These are the big issues that we're talking about in this committee, and, specifically, for this nominee. Mr. Chairman, I am, like all on this committee, grateful to be on the committee. I am privileged to serve in the U.S. Senate. And as long as I am an elected official in the U.S. Senate, I will do what I think is right—not for my party, not for my President—but for the country that I take, as all my colleagues do, an allegiance to when I swear to the Constitution of the United States.

I say this, again, because there is afoot in this land a dangerous, dangerous move, in both extremes of the political parties, to make foreign policy and everything a political issue. We will not only debase our system and our process, but we will make the world far more dangerous than it is at a complicated historic transformational time in our history. We must stop it and get above it. We're dealing with other issues like this in the U.S. Senate. We are elected to uphold the interests of this country first.

We will all make our vote today on the Bolton nomination. I will support the President, I'll support the Chairman's motion to move this nomination out onto the floor of the Senate.

Mr. Chairman, thank you.

The CHAIRMAN. Thank you very much, Senator Hagel.

Senator Biden, will you designate your speaker?

Senator BIDEN. My colleague from California.

The CHAIRMAN. Senator Boxer.

STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR FROM CALIFORNIA

Senator BOXER. Thank you very much, Mr. Chairman. Thank you, Senator Biden. Thanks to all the members of the committee who feel very strongly about this, one way or the other.

And I do agree with what Senator Hagel said, that we are at a critical moment in U.S. foreign policy—we are a critical moment in U.S. foreign policy, a time where we need to lead the world to a better place. It is that fork in the road where one place is dark and one place is light. And, to do that, we need the world with us, so much, or the burdens on our people will just be too much to bear. And I think Senator Voinovich said that in a magnificent way. I think Senator Hagel also said that in a beautiful way, and other members said it in their way. And that's why this debate is so important, and that's why the U.N. Ambassador is to important. Will this individual unite the world with us so that we can move to that better place?

I was sort of stunned at Senator Coleman, when he asked a rhetorical question. "Who makes the judgment about who is the best person to represent the U.N.," he asked, rhetorically, and then went on to answer his question, "There was an election." But, Senator, you forgot something. There was an election for individual Senators, too. And maybe it's because—I remember it because I, also, was on the ballot at the same time as the President.

And I would just urge the Senator to look at Article 2, Section 2 of the Constitution, "The President shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors." It doesn't say, "With the advice and consent of the President if he feels like it, or if he's in the mood for it, or he should

turn to the Senate on Monday at 3:00." It's pretty clear here. It's in the same sentence. And I hope that you will have more pride in this institution and your responsibility not to say that it is the President, alone, regardless of whether the President is a Democrat or a Republican. It is a shared responsibility, and that's why this debate is so important.

It also is not about whether Mr. Bolton is nice, as my friend said. He said it certainly shouldn't be about that, and he's right. It is about many other things of deep importance, where my friend just doesn't want to go. And I understand it.

I do want to pick up on something Senator Dodd said, because I think it's key. There is not a majority on this committee in favor of Mr. Bolton right now. There is not. And it is our job to send a signal to our colleagues. And, I think, to send a signal that we're moving this forward would be the wrong signal. It's not true. There is not a majority on this committee who supports John Bolton today, so I will not be voting to move this forward without recommendation.

And there's another point, Mr. Chairman, and it really involves you and Senator Biden more than it involves me. But I am deeply disappointed that we have not gotten all the information we requested. And I agree with my leader on this committee, Senator Biden, that this is a matter of principle. Perhaps there's nothing in there, perhaps there's something, but there are several areas—the intercepts, that's one area; Mr. Freedman and his potential conflicts, we've asked for that information; and there's some information about Syria. And I will just say, because I'm—Mr. Chairman, I have such respect for you, I would never blind-side you—that I am going to do all I can to see that we get this information before this moves out of here onto the floor—or let me say before this gets onto the floor, because it's not right to cast a vote where you really don't have the full information.

Now, Mr. Chairman, I think there are many reasons to oppose Mr. Bolton, and I'm going to lay them out, but I'm not going to go on, hopefully not, for the full 15 minutes, but it may happen. Sometimes I forget to watch the clock. But I would ask that my full statement be placed in the record.

The CHAIRMAN. It will be placed in the record in full.

Senator BOXER. Thanks.

So, I will skim through it, and I will not reiterate what other people have.

First, and, to me, the most important, is the politicization—and I didn't say it right—of intelligence. This is the most important issue, when we see what phony and exaggerated intelligence can lead to. It can lead to war. We've seen it. It's happening every day. It is tragic. Thousands of deaths and injuries—1600 deaths, plus. And in my state we have about 25 percent of those deaths, people who were born in California or were activated from California, so, wear that heavily our state. So, why on earth would we want to hire someone who has shown he's willing to put political pressure on independent intelligence analysts?

We know about Westermann. We know about Mr. Smith. I'm not going to go through that. We know about it.

Robert Hutchings, Chairman of the NIC, described the risk of this politicizing intelligence in this way, "I think every judgment ought to be challenged and questioned, but when it goes beyond that to a search for a pretty clearly defined preformed set of judgments, then it's politicization. And even when it's successfully resisted, it creates a climate of intimidation and a culture of conformity that is damaging."

So here we take someone who put pressure on these people—you saw the chart that Senator Dodd had—reached down. This is not a person that we should be promoting when we have the war in Iraq that was based on this faulty intelligence. We shouldn't do it.

Second reason, disdain for the U.N. I know that doesn't get a lot of votes around here, but, it seems to me, putting someone into that situation who has said, "There is no United Nations," it just—it is shocking. I mean, Senator Biden said "surprising." It was shocking to me.

I think, in that regard, there are inaccurate comparisons to Moynihan and Kirkpatrick. I think Senator Kerry pointed that out. And I will let that go into the record.

International law. John Bolton's comments versus Senator Moynihan—it's not even in the same league.

Then there's three, a pattern of retribution and abuse. And, again, we know about what he tried to do. So, it's not only that he tried to twist arms to get, you know, faulty intelligence forward, but he actually exerted retribution on people. That's wrong. And someone like that should not be promoted.

And, again, I'll put all of that into the record.

But I'm going to close with two areas, one that Senator Kerry touched on, the failure to be candid with this committee. My God, we ought to at least believe that we deserve someone to tell us the whole truth. And I want to go through this on a chart here, because I can't do it any other way. So, bear with me.

Bolton, "I never sought to have Mr. Westermann fired at all. I, in no sense, sought to have any discipline imposed on Mr. Westermann."

Carl Ford, responding to that, "I remember going back to my office with the impression that I had been asked to fire the analyst. Now, whether the words were 'fire,' whether that was, 'Reassign. Get him away from me. I don't want to see him again,' I don't remember. I do remember that I came away with the impression that I had just been asked to fire somebody in the intelligence community for doing what I considered their job."

Bolton, quote, "I may have mentioned the Westermann issue to one or two people, but then I shrugged my shoulders and moved on."

Several months later, Bolton raised Mr. Westermann with the INR director, Neil Silver. According to Mr. Silver, quote, "To the best of my recollection, Bolton raised Mr. Westermann's name, and he asked or indicated that he would like me to consider having him moved to some other portfolio."

Bolton, "So I basically went out to pay a courtesy call on Mr. Cohen, and, it's true, I drove my own car out there. I have to make a confession here, the CIA is, sort of, more or less, on the way home for me, and, from time to time, when I've gone out there, I've

driven my own car, I've had my meetings—I hate to say this, but I left and went home." He takes a long time to describe how he just dropped by on the way home. He says, "I didn't go back to the office."

Well, we have Secretary—we have Secretary Bolton's calendar here. For the day in question, the meeting with Mr. Cohen was scheduled, it was on his schedule for 9:30, and he had other meetings scheduled that afternoon.

And I think we go on with some other charts here. Is that the 10 minutes or the——

Senator BIDEN. That's ten.

Senator BOXER. Ten, okay.

Bolton: "I went out to pay a courtesy call, and my recollection is, the bulk of the meeting was composed of Mr. Cohen explaining to me what the NIC did, and told me what their complications were and how it had been created, and gave me some background on it.

Committee staff member asks, "Do you remember giving Bolton a primer about the NIC?"

Mr. Cohen, "No. I just don't recall the details of the meeting, other than the fact that there was a focus on Mr. Smith."

Bolton, "I didn't seek to have these people fired. I didn't seek to have discipline imposed on them. I said I've lost trust in them, and there are other portfolios they could follow."

Carl Ford, "I do remember that I came away with the impression that I had been asked to fire somebody in the intelligence community."

John McLaughlin, former Deputy Director of the CIA—"Do you recall other—do you recall other requests similar to this, to remove one of your analysts?" John McLaughlin, "No, this is the only time I had ever heard of such a request. I didn't think it appropriate."

Bolton, "And I can tell you what our Ambassador to South Korea, Tom Hubbard, said after the speech. He said, 'Thanks a lot for that speech, John. It'll help us a lot out here.'"

Hubbard, former Ambassador to South Korea, quote, "At the very least, he greatly, greatly exaggerated my comments. I told the committee that if you're basing your vote on Bolton's assertion that I approved his speech, that is not true."

So, we see here lack of candor, misleading statements. It's absolutely shocking to me that more people on the committee aren't disturbed with this.

I also would say this. The strongest opposition to Mr. Bolton, outside of members of this committee, comes from the people from the Bush administration. And I don't have time to read everything, but here we have, again, Carl Ford, Lawrence Wilkerson. He says—I won't repeat that quote, because somebody else gave it.

Elizabeth Jones, former Assistant Secretary of State for European and Eurasian Affairs, "I don't know if he's capable of negotiation, but he's unwilling."

John Wolf, former Assistant Secretary of State for Nonproliferation, "I believe it would be fair to say that some of the officers within my bureau complained that they felt undue pressure to conform to the views of the Under Secretary, versus the views that they thought they could support."

And, again, John McLaughlin, "It's perfectly all right for a policymaker to express disagreement with an NIO or an analyst, and it's perfectly all right for them to challenge such an individual vigorously, challenge their work, but I think it's different to then request, because of the disagreement, the person be transferred. I had high regard for the individual's work; therefore, I had a strong negative reaction to the suggestion about moving him."

So, here you have people from the Bush administration, who served there proudly, in many cases saying—they're conservative, they're Republican, they're proud to support the President, the Vice President—coming out against this nominee. It is hard for me to understand why the President didn't simply say he's going to send down somebody else.

I guess he wants a fight. I guess he's asking people to walk the line. And if that's where we're going, that's where we're going, because we're going to have a fight. If this comes to the floor, we're going to have a fight. And the American people are going to engage in it, and they're going to look at it. And I guess, at the end of the day, their sentiments may be able to sway some of my colleagues on both sides of the aisle; frankly, I don't know even where my Democratic colleagues are on this, except for the ones in the committee. But that's the greatness of this place. We'll take this to battle. We'll take these quotes, we'll take these interviews down to the floor. And we're going to ask the American people to help us on this one.

And I thank you all.

The CHAIRMAN. I thank you, Senator Boxer.

The Chair would like to recognize Senator Alexander.

Let me just add, before you commence, Senator Alexander. Forty-eight minutes remain on our side, so this means, hopefully, framing of 10-minute speeches, more or less. And if you would proceed on that basis, I would appreciate it.

Senator BIDEN. Mr. Chairman.

The CHAIRMAN. Yes.

Senator BIDEN. Without us asking for any more time—we won't—if you need more time, it's fine by us for your people to be able to speak.

The CHAIRMAN. I appreciate it.

Senator Alexander.

STATEMENT OF HON. LAMAR ALEXANDER, U.S. SENATOR FROM TENNESSEE

Senator ALEXANDER. Thank you, Mr. Chairman. Thank you, Senator Biden.

That should be plenty of time. And if you could let me know when that's about expired, I'll expire, as well.

I'd like to insert my full statement in the record, if I may.

The CHAIRMAN. It'll be included in full in the record.

[The prepared statement of Senator Alexander follows:]

PREPARED STATEMENT OF SENATOR ALEXANDER

Mr. Chairman, I'd like to take a few moments to talk about the nominee before the committee, his qualifications, the importance of the post to which he's been nominated, and some of the charges made against him by the other side.

I believe John Bolton will do a fine job as our next Permanent Representative at the United Nations.

John Bolton has a distinguished background:

- Last four years as Undersecretary of State for Arms Control and International Security;
- Assistant Secretary for International Organizations (like the UN) under the first President Bush
- Assistant Attorney General, Department of Justice, 1985–1989;
- Assistant Administrator for Program and Policy Coordination, U.S. Agency for International Development, 1982–1983;
- General Counsel, U.S. Agency for International Development, 1981–1982; and
- He graduated with a B.A., summa cum laude, from Yale University and received his J.D. from Yale Law School.

Solid Accomplishments:

- Helped lead the American effort to repeal Resolution 3379, which equated Zionism with racism (under Bush Sr.);
- As Assistant Secretary for International Organizations, steered a critical series of resolutions supporting our liberation of Kuwait in 1991 through the U.N. Security Council;
- Joined former Secretary Jim Baker in supporting the UN's work in Western Sahara in the 1990's—pro bono; and
- Designed this administration's Proliferation Security Initiative, under which more than 60 nations now share intelligence and take action to stop the transfer of dangerous weapons.

Impressive Appearance Before the Foreign Relations Committee

- Demonstrated command of the issues facing the United Nations;
- Despite intense questioning that lasted more than seven hours, Bolton was calm and collected; and
- He focused on the need for reform of the United Nations

Strong Support:

- Endorsed by five former Secretaries of State: James Baker, Lawrence Eagleburger, Al Haig, Henry Kissinger, George Shultz;
- Also endorsed by more than 50 former Ambassadors

I was with one of those former ambassadors a couple weeks ago, the former majority leader of this body, Ejpward Baker, with whom I and other members had lunch. He remarked about how he had dealt with Secretary Bolton over the last 4 years in Tokyo, when Senator Baker was our Ambassador to Japan. Senator Baker liked Bolton. He was impressed with him. He said he spoke frankly, that he would be a good ambassador.

Intelligence Charges Against Bolton

The second day of hearings was a little different than the first. I was surprised and disappointed by what I heard. There was a man named Carl Ford, the former Assistant Secretary of State for Intelligence and Research, who was well respected by members of the committee, who presented evidence that John Bolton had "chewed out," to use colloquial words, intelligence analysts in the State Department.

Mr. Ford, to his credit, didn't like that because those persons were down the line. Mr. Ford was a pretty good witness because he didn't overstate his case. He acknowledged that it wasn't unusual for policy people and intelligence analysts to argue, for policy people to hope for intelligence that supported their positions. He just didn't like the fact that in this case he had heard about—he wasn't there, he had heard about—that Mr. Bolton in effect chewed out one of Mr. Ford's employees, and Mr. Ford didn't like it. He told Mr. Bolton so, and they exchanged words.

That is what Mr. Ford said.

There have been some other things said about Mr. Bolton. It was suggested that Mr. Bolton was misusing or compromising intelligence. But Mr. Ford himself said: "In this particular case"—the one Mr. Ford was led there to complain about—"there wasn't politicization [of the intelligence]."

Mr. Ford was very clear on that point in his testimony to the committee.

In interviews conducted by this committee's staff since that time, another issue was raised where there was a disageement over intelligence. One of Mr. Bolton's subordinates, who was on detail from the CIA, sent a report to the Deputy Secretary

of State for review and was unhappy that another bureau had put a memo on top of that report that said the report was incorrect. This sounds like a simple disagreement to me, a disagreement over intelligence that is quite common from what we've been told even by Mr. Ford. And in this case, there's no evidence Mr. Bolton was even aware of the dispute at all. So, again, there is no evidence of politicization of intelligence. Rather, it appears that different staff members were arguing for their own point of view, which shouldn't surprise anybody.

Other Questionable Charges:

He is accused of trying to have analysts removed, or reassigned, in whom he had lost confidence. But there is no evidence any of these individuals suffered in their career path whatsoever—o one was fired or reassigned.

He was accused by a former USAID contractor of "chasing" her around a Moscow hotel to stop her from damaging his client, but in her interview with committee staff, the accuser later admits that perhaps "chasing" wasn't the best word. Rather she "felt chased" because he kept tryjng to talk to her. Her employer at the time also failed to corroborate her story.

In the end, only one charge appears to have any substance: John Bolton has been rude to staff members below him in the bureaucracy.

I imagine Mr. Bolton is embarrassed by those charges. I didn't like to hear them. And perhaps he deserves to be embarrassed by the charges and perhaps he has learned a lesson. But what I heard doesn't change my vote, even though I hope it might change some of Mr. Bolton's ways of dealing with people with whom he works.

How significant is this charge that he was rude to people in the bureaucracy? As has been mentioned by others, if that were the standard for remaining in the Senate, we would have a hard time getting a quorum.

There are regularly occasions when busy Senators, eager to make their own point, are rude to their staff and even shout at one another. In fact, the shouting was so loud in the last business meeting of this committee by some of the Senators that I could barely hear the charges against Mr. Bolton. That is not attractive, and I don't endorse it. It even caused me to think back about times that I may have become angry or impatient or startled in dealing with a staff member or another person, and made me redouble my efforts to make sure I swallow my pride and think about what I say and not do that anymore. It's not good business.

But how significant is this? Here is what former Secretary of State Larry Eagleburger had to say about it a couple weeks ago in the *Washington Post*. This deserves special attention. Larry Eagleburger was Secretary of State for the first President Bush, but in a way he was more than that. He had 27 years in the Foreign Service. We hear that a football player is a football player's player or a man is a man's man or a woman is a woman's woman. Larry Eagleburger is a Foreign Service officer's Secretary of State. He had and has enormous respect from all those men and women who put their lives on the line around the world and in the United States in support of our diplomacy and foreign policy. Here is what he said:

> As to the charge that Bolton has been tough on subordinates, I can say only that in more than a decade of association with him in the State Department I never saw or heard anything to support such a charge. Nor do I see anything wrong with challenging intelligence analysts on their findings. They can, as recent history demonstrates, make mistakes. And they must be prepared to defend their findings under intense questioning. If John pushed too hard or dressed down subordinates, he deserves criticism, but it hardly merits a vote against confirmation when balanced against his many accomplishments.

That is where I am. I think the benefit of hearing Mr. Ford's testimony might be a little bit of a lesson to Mr. Bolton and a reminder to the rest of us of how unattractive it is to shout at an associate or unnecessarily dress down a staff member. I agree with Secretary Eagleburger. John Bolton has a distinguished background and record. He has dedicated himself to improving our country's foreign policy. His action toward subordinates might have been inappropriate. Perhaps he has learned a lesson, but it doesn't cause me to change my vote. I am glad to support him.

This is a critical time for the United Nations. Even the Secretary General acknowledges it is in need of reform. Billions of dollars filtered from the UN's coffers to Saddam Hussein's pockets in the oil-for-food scandal. Top human rights abusers such as Sudan and Zimbabwe sit on the Human Rights Commission. United Nations peacekeepers in Africa have been found to rape and pillage.

Now the United Nations has many important roles in the world. I am glad we have it. I want it to work, but I believe the President is right in his thinking, that we need to take action to help the UN reform itself, and that a frank-talking, expe-

rienced diplomat named John Bolton is an excellent candidate for that commission. I intend to vote for him in committee and on the floor. It is my hope that we will report Mr. Bolton's nomination to the floor and the Senate will approve it and give him a chance to go to work in reforming the U.N.

In Defense of the Chairman

Mr. Chairman, I'd also like to take a moment, if I may, to comment about the decorum with which this committee has proceeded in considering Mr. Bolton's nomination. I want to compliment you, Mr. Chairman, because I think you have shown incredible patience and diligence in making sure that all Senators have the facts and are able to make a well-informed decision.

Seldom has there been a more thorough investigation of a nominee. The committee has heard more than seven hours of sworn testimony from Mr. Bolton. Ninety-four questions for the record were further submitted to Mr. Bolton in writing, many with multiple parts, and he has responded. We heard sworn testimony from Mr. Ford, someone who opposed the President's nominee—which is a rarity in itself.

Further, the committee has conducted 35 additional interviews that has resulted in over 1,000 pages of transcripts which are publicly available. At the Chairman's insistence, 700 pages of documents have been turned over to the committee from various related agencies, including the State Department, the CIA, and USAID.

I have seen in the press some comments that suggest the Chairman has somehow "stonewalled" efforts to investigate Mr. Bolton. That's an outrageous claim, especially when compared to just how far the Chairman has bent over backwards to get answers to questions by members of the minority. The Chairman supported numerous requests by the other side for more information. Indeed, we wouldn't have nearly 2,000 pages of documentation without his active leadership.

Senator ALEXANDER. And I would like to thank the chairman for this opportunity. I'd like to summarize a few points in my remarks.

I've said what I had to say before in this committee. And after reviewing the evidence and listening to the hearings, which I did, I made a statement just before the recess, about 10 days ago, about how I felt. So, I'd like to summarize those thoughts.

And, basically, since I think Mr.—I'm convinced Mr. Bolton's credentials for the position are well-established, superior credentials, and I'd like to try to put in context the charges that have been made against him and the conclusion I've come to and I evaluate those charges.

It's important, even though it's been repeated many times, to remind ourselves of the credentials. Because of those credentials, I expected to be impressed by Mr. Bolton when he appeared before the committee, and I was. I mean, not many people have been, as the chairman indicated in his remarks, confirmed four times by the U.S. Senate for major positions—Under Secretary, Assistant Secretary, Assistant Attorney General in the Department of Justice—that was in another administration; that was in the 1980s. Those are big jobs. Those are jobs that manage large numbers of attorneys in complex cases. And then his academic record is unusually, unusually good. And many of the Senators have recited his accomplishments in professional life—the U.N. resolution on Zionism, the work he did in the U.N. helping—with the U.N. helping to shepherd the resolutions about Kuwait in 1991, the fact that the Secretary General asked former Secretary of State Jim Baker to help with Western Sahara, and Baker invited John Bolton. All of those activities suggested a very accomplished nominee.

And so, I was not surprised when, on the first day of our hearings, his performance was impressive. I listened. I was here for most of it. I thought he displayed a good command of the issues, extremely detailed knowledge of the United Nations, and that, while he got hard questions, as nominees are supposed to get—I

was—once had the honor of being—going through a confirmation process before a committee of the U.S. Senate. It's a very special experience. And I thought he handled that experience very, very well. He handled it calmly, he answered the questions, he wasn't combative. I went home that day very impressed.

I was impressed by the strong support from the former Secretaries of State, who have been mentioned, by the number of ambassadors, who have been mentioned. And I had lunch with one of those ambassadors the other day who's well known to this group, Senator Howard Baker, who was Ambassador to Japan, and he volunteered to me, this former Majority Leader of the U.S. Senate, how he had dealt with Secretary Bolton over the least four years while Senator Baker was in Japan, and how impressed he was with him. He said, "He's a good man. He'd make a good ambassador. He spoke frankly. I enjoyed working with him."

So, after one day, I was very impressed.

I was surprised and disappointed by the second day of testimony. It was a little different. Carl Ford, who's been mentioned here, was a good witness. Very believable. He didn't overstate his case. He acknowledged it wasn't unusual for policy people and intelligence people to disagree. He was really mad about the fact that John Bolton, in his words, "had chewed out somebody way down the line." He didn't like it at all, and he felt it was important to come before the committee and say so. Many members of the committee know and respect him. I found his testimony believable, and I was disappointed by it.

There have been some other things said about Mr. Bolton, which Mr. Ford, himself, dismissed. Mr. Ford, himself, said there was a politicization of the intelligence that Mr. Bolton was accused of misusing.

There was other testimony, which has been dealt through here. Senator Lugar and others have talked about it.

But it was about—as I've listened very carefully to all of the charges, in the one—in the end, only one charge, to me, seemed to have any substance, and that is that John Bolton has been rude to staff members who had subordinate jobs to his in the U.S. Government.

I imagine Mr. Bolton is embarrassed by those charges. I didn't like to hear them, and perhaps he deserves to be embarrassed by those charges. And perhaps he's learned a lesson.

What I heard didn't change my vote, but I hope it might change some of Mr. Bolton's ways and dealings with his colleagues and with other people in the bureaucracies with which he will be working.

How significant is this charge of rudeness? As has been mentioned by others, if it were the standard for remaining in the U.S. Senate, we probably wouldn't be able to get a quorum. There are regular occasions—all of us know about them—when Senators eager to make their own points are rude to their staffs and even occasionally shout at one another. In fact, the noise was so loud in our first hearing, I was not sure I would be able to hear the charges against Mr. Bolton above the shouting. It's not attractive. I don't endorse it. It's even caused me to think back over times I may have become impatient or angry or startled in dealing with a

staff member or another person, and it's redoubled my efforts to try to make sure I swallow my pride, think about what I say, and not do that anymore. It's not good business.

But how significant is this?—is the question. Given such a distinguished, credentialed person, with such broad experience, who this body has confirmed four different times, how big a problem is this?

Here's what former Secretary Larry Eagleburger had to say about it. Now, Larry Eagleburger's comments deserve special consideration in this—in this discussion. We often hear about a man being a football player's football player, or a woman who's a woman's woman. Well, Larry Eagleburger is a Foreign Service's—Foreign Service Officer's Secretary of State.

Now, for 27 years he was in the Foreign Service. He has enormous respect from all those men and women around the world who put their lives on the line in support of our diplomacy and foreign policy. And here is what Larry Eagleburger had to say about John Bolton, "As to the charge," quoting, "that Bolton has been tough on subordinates, I can say only that in more than a decade of association with him in the State Department, I never saw or heard anything to support such a charge. I never saw or heard anything to support such a charge. Nor do I see anything wrong with challenging intelligence analysts on their findings. They can, as recent history demonstrates, make mistakes, and they must be prepared to defend their findings under intense questioning. If John pushed too hard or dressed-down subordinates, he deserves criticism, but it hardly merits a vote against confirmation when balanced against his many accomplishments," unquote.

Mr. Chairman, that's where I am. I think the benefit of hearing Mr. Ford's testimony might be a little bit of a lesson to Mr. Bolton and a reminder to the rest of us of how unattractive it is to shout at an associate or a colleague or unnecessarily dress-down a staff member in a moment of impatience or disagreement.

I agree with Secretary Eagleburger, though. John Bolton has a distinguished background and record, he has dedicated himself to improving our country's foreign policy. His action towards subordinates might have been inappropriate. Perhaps he has learned a lesson. But it doesn't cause me to change my vote. I'm glad to support him.

This is a critical time for the United Nations. It has many important roles. I'm glad we have it. I believe a frank-talking experienced diplomat named John Bolton is an excellent candidate for the commission. And I'm glad—I hope that he will move out of this committee to the floor so we can discuss it.

Two more brief things I would like to say about members of the committee. I especially appreciated the comments of the Senator from Nebraska as he talked about the role of this committee and the importance of our looking at our responsibilities in the world on the basis that puts our allegiance first to the country. And I'll do my best to do that.

I want to express to Senator Voinovich of Ohio my respect for his careful thinking about this. I know him well, and have for a long time. He's always been dedicated to civil servants, those who work for the government, and he would be the first to be offended by

rudeness to anyone down the line. I'm not so surprised that he reacted strongly to this, and I respect his thoughtful statement.

And I'd like to say to the chairman, who has great patience, that he's demonstrated almost all of it during this——

[Laughter.]

Senator ALEXANDER [continuing]. During this consideration. Ninety-four questions for the record, testimony from Mr. Ford, 700 pages of documents, some people suggesting you're stonewalling.

You have, with the cooperation of Senator Biden, over time, helped this committee be an outpost of decency and thoughtfulness in a time of increased partisanship. And for that, I thank you, and I appreciate your patience, which has been more than almost any of the rest of us would likely have had.

Thank you for the time.

The CHAIRMAN. I thank the Senator.

Senator Biden, you designate——

Senator BIDEN. Senator Obama.

The CHAIRMAN. Senator Obama.

STATEMENT OF HON. BARACK OBAMA, U.S. SENATOR FROM ILLINOIS

Senator OBAMA. Thank you very much, Mr. Chairman, Ranking Member Biden.

I was extraordinarily impressed with the presentation that Senator Voinovich made, and I think that he expressed a number of the concerns that many of us share on this committee. So, I'm not going to reiterate all my points. I would like to have my statement placed in the record.

The CHAIRMAN. It will be placed in the record in full.

There are a couple of issues that I think are important to touch on. The first is, I think the tendency in this debate to suggest that opposition to Mr. Bolton's nomination is based on the fact that he is occasionally rude, he showed some bluster, he got mad—the previous speaker is exactly right, if that's the only criteria by which we would oppose the nomination, then most of us might not qualify, because, at any point in time, we've displayed probably inappropriate behavior or anger that we regret afterwards. And I think if somebody was to look at our life's work and behavior, and was able to scrutinize it, that a lot of us would have problems.

That, unfortunately, is not, I think, the basis for our objections. I think the basis for the objections have to do with very specific, credible allegations that Mr. Bolton reached down, not to immediate subordinates of his, but reached far afield to attempt to have fired intelligence officers that would not support statements that he was making on behalf of the U.S. Government, or wished to make on behalf of the U.S. Government.

Now, we can define "politicization" in various ways. What I do know is that there is substantial credible evidence from Republican appointees serving in the Bush administration that Mr. Bolton sought to massage intelligence to fit an ideological predisposition.

Now, it's been stated that intelligence officers are often wrong and their analysis should be challenged. In fact, our recent history indicates that, where intelligence officers are wrong, it primarily has to do with the fact that they succumb to the temptation to tell

the folks higher up what they want to hear. That appears to be part of what happened with respect to our failed intelligence in Iraq. And at a time when it is critical for us to have sound intelligence, we should be sending a message to our intelligence officers that, in fact, we want them to play it straight and to tell us stuff even when we don't necessarily want to hear it. And that is not what Mr. Bolton appears to do. That's now how he operates. And that is credible evidence. There may have been some other evidence of allegations with respect to Mr. Bolton's behavior that were not supported. His attempt to reach down and have intelligence officers removed from their positions because they provided analysis that was not what he wanted to hear, that does not appear to be largely disputed.

Now, I think the President is entitled to the benefit of the doubt when appointing senior members of his team. To that end, I supported a number of the President's choices for top foreign-policy positions, including Secretary Rice and including Robert Zoellick to be her deputy.

But, as has been emphasized previously, the Constitution gives the Senate the power to advise and consent. This is a responsibility I take very seriously. I think that the breach of the line between politics and policymaking and intelligence, in and of itself, renders Mr. Bolton less than credible in his position to the United Nations.

Let me add one additional point that I think may not have been touched on in the hearing this morning. It's been suggested that perhaps we should vote for Mr. Bolton anyway, even if he has a bad temper, even if he showed some poor judgment with respect to how he handled intelligence, because he is so highly qualified for the job. The suggestion is, is that his competence is such, is so unique, that we are willing to overlook some of his warts.

I'm a little bit baffled as to that assertion. This is not a line of inquiry that we really pursued much during the course of our discussions here. But when I look at the record of Mr. Bolton during the last four years at the State Department as the top Arms Control and Nonproliferation official for the United States, I am not impressed with that record.

Let's just examine some of the things that he was responsible for.

The approach that was advocated by Mr. Bolton, with respect to North Korea, and the administration has simply not worked. Here's the bottom line. Under Mr. Bolton's watch, there are no longer international inspectors and cameras at any site in North Korea. The North Koreans have withdrawn from the NPT. We believe that North Korea has developed six to eight nuclear weapons during Mr. Bolton's watch.

Now, when North Korea has one or two nuclear weapons, the situation is critical. They can test one weapon and hold one weapon. When it has six to eight, the situation is terminal. It can test one, hold a couple, sell the rest. And we all know that North Korea will do virtually anything for money.

That's not a record that I'm wildly impressed with.

And when I hear Mr. Bolton testify, to my questioning, directly, and say—when I asked him, "Do you think that your approach with respect to engaging in name-calling with—towards North Korea in a speech was helpful?"—and he says, "The Ambassador of

South Korea told me, 'Thank goodness. You really helped out.' "—and that same Ambassador, a Bush appointee, Ambassador Hubbard, has to say, publicly, in the newspapers, "I never said such a thing"—that indicates to me a problem.

Another area that he was responsible with—for, Nonproliferation Treaty. There is little doubt that the NPT is a critically important tool for combating nuclear proliferation. At the same time, it needs to be strengthened. The President recognized this reality and pledged to do so, in a 2004 speech at National Defense University. A week later, Mr. Bolton pledged to do the same.

What's happened in the interim? Virtually nothing. The administration has made very little progress on this issue. The NPT Review Conference, currently under way, is not going well. Newsweek reports that, quote, "The United States has been losing control of the conference's agenda this week to Iran and other countries, a potentially serious setback to U.S. efforts to isolate Tehran."

Where's Mr. Bolton been throughout this process? In this same article in Newsweek, they state, "John—since last fall, Bolton, Bush's embattled nominee to be America's Ambassador to the United Nations, has aggressively lobbied for a senior job in the second Bush administration. 'During that time, Mr. Bolton did almost no diplomatic groundwork for the NPT Conference,' these official say. 'Everyone knew the conference was coming and that it would be contentious,' says a former senior Bush official, but Bolton stopped all diplomacy on this six months ago."

This notion that somehow Mr. Bolton is uniquely qualified for this task, and we should overlook some of these problems with respect to intelligence because he is uniquely qualified to reform the United Nations, doesn't seem to be borne out by his track record doing his current job.

Mr. Chairman, I know I'm running out of time, but let me just make a couple of other points on this.

Senator BIDEN. Excuse me, Senator. You can have some of my time.

Senator OBAMA. Okay.

The administration holds up Libya as its biggest success in nonproliferation. This is something that Mr. Bolton touts. It appears that this deal with respect to Libya was struck in spite of Mr. Bolton, not because of Mr. Bolton. There are credible reports that he was sidelined from the negotiations by the White House, and the British Government did not want him to play a role. I've got an article right here, stating—this is from MSNBC—"Bolton, for instance, often takes, and is given, credit for the administration's Proliferation Security Initiative, an agreement to interdict suspected WMD shipments on the high seas, and the deal to dismantle Libya's nuclear program, a deal that Bolton, by the way, had sought to block. But the former senior Bush official who criticized Bolton's performance on the NPT conferences says that, in fact, Bolton's successor, Robert Joseph, deserves most of the credit for these achievements. This official adds that it was Joseph, who was in charge of counterproliferation at the NSC, who had to pitch in when Bolton fumbled preparations for the NPT conference, as well."

Last point, along these same lines. Economic Support Fund. "Mr. Bolton's predecessors were responsible for administering and overseeing around $2 billion in annual Economic Support Fund assistance. Secretary Bolton and his staff, during 2001, brought the utilization of a large portion of Economic Support Fund assistance to a near halt as he and his staff sought to micromanage virtually every obligation from the ESF fund—assistance. It appeared that Under Secretary Bolton was seeking to redirect ESF on his own, without consulting other bureaus of the Department or, as required by custom and law, the Congress. In 2001, a bipartisan group in Congress, completely fed up with his management of this money, passed legislation which stripped Mr. Bolton's ability to manage this money. The provision originated with the House Republicans."

Now, here's my point. If we thought that Mr. Bolton was a terrific diplomat, maybe some on this committee would choose to overlook what I consider to be actions with respect to analysts that I think disqualify him from the job. But I could understand why some people would say, "You know what? This is the guy to reform the U.N." But the record indicates that in his current job he has not had much success, which then asks me, Why is it that we're so confident that this is the person who's going to reform the U.N.?

I would love to see the U.N. reformed. The notion that we have people like Zimbabwe—countries like Zimbabwe and Libya on the Human Rights Commission is an insult to all the people who are being oppressed in those countries. What happened with respect to the Oil-for-Food Program deserved to be investigated. Some people on this committee have done good work. We need to do some serious cleanup of the United Nations.

Why is it that we think that this is the best qualified person to accomplish that? Do we really believe that there is not a tough, straight-talking, conservative, Republican diplomat somewhere out there who has credibility and who can accomplish this task, other than Mr. Bolton?

Throughout this testimony, there was a lot of badmouthing of the United Nations. I did not hear a single actual plan for how Mr. Bolton was planning to reform the United Nations. I still don't have a plan from the Bush administration, in terms of how this reform is going to take place. And I would argue that, as a consequence of Mr. Bolton's diminished credibility, I think he is going to be less effective in reforming the U.N. than if somebody else was selected. That's the irony of this process. I think countries like Zimbabwe and Libya and others, who don't want to see reform take place—when Mr. Bolton says something, they are going to be able to dismiss him as a U.N.-basher, somebody who's ideologically disposed to dislike the U.N., and use that as a shield to prevent the very reforms that need to take place.

This is a bad choice.

And let me just close by saying this. You know, in my opening testimony, I mentioned the fact that there was a gentleman with credibility, temperament, and the diplomatic skills to guide us through some very difficult times in the United Nations, and that was Adlai Stevenson, a great citizen of the state of Illinois. After the Bay of Pigs, despite the fact that he had been misinformed about intelligence, he still had the credibility to allow the United

States to isolate the Soviet Union during the Cuban missile crisis, and advance U.S. interests at the U.N.

Given the issues that have surfaced surrounding Mr. Bolton's nomination, I'd simply ask my colleagues this. If a crisis were to occur with North Korea or Iran right now, are we sure that the integrity and credibility of Mr. Bolton would command the respect of the rest of the world? Would Mr. Bolton, like Adlai Stevenson, be able to convince the world that our intelligence and our policies are right and are true? Would Mr. Bolton be able to isolate our enemies and build a coalition that would ultimately make our troops safer and our mission easier?

Regrettably, Mr. Bolton's testimony leaves me with serious doubts that he would be the kind of representative we need in the United Nations, and that's why I feel compelled to vote no with respect to his nomination.

Thank you for your forbearance, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Obama.

The Chair now recognizes Senator Sununu.

STATEMENT OF HON. JOHN E. SUNUNU, U.S. SENATOR FROM NEW HAMPSHIRE

Senator SUNUNU. Thank you, Mr. Chairman.

I think it is instructive to note that the opponents of John Bolton cannot decide whether it is behavior or policy or management skills that bother them so much about the nominee. And——

Senator SARBANES. All of the above.

Senator SUNUNU [continuing]. And I—well, I will address each of the above, but let's start with behavior.

Adlai Stevenson was mentioned. I believe it was Adlai Stevenson, in his capacity as Permanent Representative to the United Nations, that shouted across the room at the Russian representative not to dare wait for the translation, because he knew what the question was, and he ought to be able to answer it right away regarding missile placements in Cuba. Bad behavior in diplomatic circles, if there ever was such a thing. But was it effective? Was it probably the right thing to do at the time for the United States and the United Nations and international security? I think so.

So, you know, I think we need to be careful about reading too much into an individual's behavior at a particular time or a particular place and suggesting that that renders them disqualified for any particular position.

Second, with regard to the United Nations, Senator Hagel made an important point, that a vote against John Bolton isn't a vote against reform in the United Nations. This is true. But, at the same time, the suggestion that has been made, that John Bolton is hostile to the United Nations, that John Bolton would like to weaken the United Nations, is demonstrably false. It simply cannot be justified, I believe, by any reasonable interpretation of the record.

Cathy Bertini, supporting the nomination of John Bolton, underscores the work that he did to strengthen the World Food Program, to make the World Food Program work better. And anyone that has spent time in New York talking to United Nations administrators about their organizations around the world would underscore

that the World Food Program is probably the one that works best and delivers the most important and greatest benefit more effectively than any other U.N.-sponsored organizations.

As was pointed out by Senator Coleman and others, the Anti-Defamation League strongly is supporting John Bolton, because he worked effectively within the United Nations dealing with the controversial Zionism-is-racism resolution.

John Bolton worked to build an organization—or helped put together a coalition of 60 states—60 countries opposing the proliferation of weapons. And now to suggest that the lead State Department official responsible for nonproliferation shouldn't really be given any credit at all for the nonproliferation achievements with regard to Libya is simply ridiculous.

I think we need to understand and recognize that he has worked effectively on a bilateral basis, but John Bolton has always worked very effectively with the United Nations to make it more effective. And in his—in capacity as a Permanent Representative, I think we can expect that kind of an approach to continue.

Second, let me touch on two issues about policy, policy that was made—policy that was referenced in two speeches, Syria and North Korea. We have heard quotes offered by opponents of Mr. Bolton that suggest somehow that the speeches on North Korea and Syria were not cleared by the State Department. The suggestion that Ambassador Hubbard was—had a quote that he didn't agree with the tone of the speech, that is—that suggestion is misleading. The suggestion that these speeches were not clear is misleading, at best.

In both cases, the content of the speeches were cleared fully and appropriately through the channels in our State Department. Period. The speech on North Korea was cleared. The testimony on Syria was cleared. Cleared not just by State, but also through Homeland Security and the CIA and the NSC. If we want to quibble about the timing or the process, that it was slower than it should be, well, we can do that, but was the testimony cleared? Yes. Was the speech in Korea cleared? Absolutely.

Which brings us to this—the issue, the very specific issue of policy versus procedure. And this is important, because, again, suggestions were made that simply aren't accurate. In particular, I think the phrase was just used that he attempted to fire, or have fired, intelligence officers that would not support his interpretation of analysis. I think "arm-twisting" was also used, that he twisted the arms of those that did not agree with his analysis. It's wrong.

In two cases in particular, and the two that we've spent the most time on here, the Westermann case and the Smith case. In the Westermann case, Mr. Ford, in his testimony, said that the disagreement—the controversy, if you will—quote, "had nothing to do with intelligence analysis. It had to do with the procedures that were used." In the Smith case, as well, the confrontation wasn't around disagreements on analysis—and there may have been disagreements on substance; I'm sure there have been many disagreements on substance—but the controversy, the argument, the bad behavior centered around disagreement in process and procedure.

Now, let me touch on both of those.

In the Smith case, there was a concern that Mr. Smith misrepresented the truth when he claimed that the—Mr. Bolton's speech on Cuba had not been properly cleared within the intelligence community. Now, what does that mean? What that means is, an intelligence officer, analyst, actually made reference in a hearing to, I believe, Senators, but certainly to other staff members, and suggested that it hadn't been properly cleared, that the proper procedures weren't used. What kind of an allegation is that? That's a very serious allegation, suggesting that John Bolton didn't properly handle intelligence, didn't properly handle information that may or may not be classified, that he was cavalier with intelligence.

Now, I asked a simple question. Senator Lugar, in his opening statement, said, "You know, would we want to be held to the same standard that some are placing on John Bolton?" Well, let's look at this case, in particular. What if a staff member—we found out that a staff member or a fellow member of the Senate were making accusations against us that we couldn't properly handle intelligence, that we were not going through the proper procedure in dealing with important intelligence analysis? Would we be angry? I think some of us would be angry. Would we try to have staff fired? I believe I would not. But I don't think it's too strong a statement to say that there may be members of the U.S. Senate that would actually try to have staff fired. Not necessarily the right thing, not good behavior. And maybe none of the hundred Senators would do so. But what if someone had made such an allegation? And it is not a matter of speculation that this allegation was made; it is not a matter of speculation that this individual made a—suggested that proper procedure wasn't used; it's a matter of public record.

Second, the Westermann case. I think the chairman's opening statement, and Senator Coleman, highlighted a couple of important points here. But, again, this was a question of procedure, not a—the confrontation with Mr. Westermann wasn't based on a disagreement on analysis or the intelligence, itself, even though there may have been a different approach that the two have taken. But the argument, the berating, if you will, had to do with the fact that Mr. Westermann failed to follow proper clearance procedures regarding the declassification of this language. That's why there was an e-mail that same day that said this was inappropriate, quote, "We screwed up." That refers to the fact that the proper procedures weren't followed.

Now, here's the irony. What if John Bolton was the one that failed to follow the proper procedure? What would we be talking about then? Of course, his opponents would be criticizing him mercilessly for failing to follow proper procedures dealing with intelligence analysis.

So, here we have—his opponents would clearly criticize him if he didn't use the proper procedure, and they're criticizing him for criticizing someone else for not using the proper procedure. This is a double standard, at best; and it is hypocrisy, pure and simple, at worse.

But the point to underscore is that these are questions of procedure, where, in the cases of Syria and Korea, his speeches, he followed the proper procedure. In the case of his disagreement with Mr. Smith, it had to do with the fact that Smith accused him of

not following procedure, when he did. And, in the case of Westermann, it's clear from the record that Mr. Westermann did not follow proper procedure.

This isn't about firing intelligence—members of the intelligence community that happened to disagree with him. This is serious concerns about using the right procedure. We can talk about—and certainly we're raising the issue of whether he handled all cases the way he would have preferred to, in hindsight. But, I think, when we're making allegations or throwing out quotes, we need to make sure we're putting them in their proper context. We need to make sure that we understand the facts of each of these incidents before we try to cut short what has been, I think, a very strong and distinguished career.

Mr. Chairman, you've been very gracious with the time. I thank you very much.

The CHAIRMAN. Thank you, Senator Sununu.

Now, let me ask the permission of the distinguished ranking member to——

Senator BIDEN. Yes, please.

The CHAIRMAN [continuing]. Recognize——

Senator BIDEN. Please continue. We only have one more member that wishes to speak, and he's in another—he has another appointment. He said he will be here shortly, so——

The CHAIRMAN. Very well.

Senator BIDEN [continuing]. Whatever time that comes, we'll—I'll yield to him.

The CHAIRMAN. Senator Murkowski.

STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM ALASKA

Senator MURKOWSKI. Thank you, Mr. Chairman.

I know that this has been a long process, not only for Mr. Bolton, but for the committee, as well, and I thank you for your indulgence, your patience.

I also want to thank you for the delay, if you will, the time that we have had, since this committee last met, to do just exactly what Senator Sununu was talking about, was to get to the facts. There were things that were raised at the last business meeting, and it was probably your prerogative, as the Chair, to move forward at that point in time, but I appreciate the chance that you gave this committee to go out and do its homework.

I, as a committee member, undertook that willingly, and perhaps—you know, my eyes are paying for it now, but I appreciate that you gave us that opportunity, because it is important to go into some of the allegations, to go into the background.

I also want to thank the committee staff, who probably spent most of their recess going through with the interviews and providing the transcripts so that we could then review them. That was tough.

The challenges and the opportunities that face the next U.S. Representatives to the U.N. here are incredibly significant, and we've heard that repeated here this afternoon. But we are at a point—a point in time where real reform can take place, where countries that are habitual abusers of human rights do not find seats on the

Human Rights Commission, and that investigations into the Oil-for-Food Program are given the real consideration that they deserve. So, this is not the time for us—this is not the time for the United States to send an individual to the U.N. that is just going to be a caretaker, but one who will be proactive in pushing the United States agenda.

So the question that we are faced with today, that has been raised by several, the question before us is, Is John Bolton the right individual for that particular job?

Now, prior to the President's nomination of Mr. Bolton to be the Representative to the U.N., I had not had any personal dealings with this gentleman, I hadn't had an opportunity to meet him, to interact with him, so what I knew was really what I had heard from the media, fortunately or unfortunately, and comments from my colleagues. And since this intervening time in this past couple of months, I have come to know a great deal about Mr. Bolton. And as I—I told him yesterday, "I probably know far more about you than I had ever hoped to." But I think it's fair to say that one of the things that I have learned about him is that Mr. Bolton has a management style that is perhaps far different than my particular management style.

Now, there's been discussion about behavior, about management style, about how one conducts oneself. And, as you go through the transcripts, as you listen to the testimony that we have heard, and as I have talked to individuals who have had the opportunity to work with Mr. Bolton, you hear some words that describe him. He has been described as overcharging, hard-charging, overbearing, and confrontation. Now, there are some here that view these characteristics, as—hard-charging, as exactly what we need in the U.N. right now, a no-nonsense, straight-talking, you know, this-guy's-not-going-to-take-bull-from-anybody type of a representative.

I've also had conversations with people, and read the testimony from those who have interacted with the nominee that have used the word "brilliant" when they have described him. But they also use the term—they say he's very difficult to work with. He can be focused, but he can be over-aggressive.

It's also become clear to me that when Mr. Bolton has made up his mind about an issue, he can be very—it can be difficult to change that mindset.

And I, too—I guess I've paid my penance, as Senator Voinovich said, for going through all of the pages and pages, the hundreds of pages of testimony. Fortunately, I've got a long plane ride between Alaska and D.C., so I had a lot of time to do the reading. But I also had a lot of time to do the thinking.

You know, when I first met with Mr. Bolton in our courtesy visit—this was prior to the time that any allegations had come out that he had been abusive toward staff members, and so, it was a topic that we did not discuss. What we did discuss at that meeting, though, was his role in New York. We talked about some of the inflammatory statements that he had made in the past. And the question that I asked him was, Whose opinion would he be presenting at the U.N.? Would it be the President's, the Secretary of State's, or would it be his own?

And I bring this up for a couple of reasons. When he made his comments about North Korea's leader in his speech in North Korea, this became part of the committee's focus during that interview process. And we, in Alaska, spend a lot of time and energy looking and focusing on the North Korea issue.

I found Mr. Bolton's comments to be inflammatory at a time when we were trying to promote diplomacy in the region, and it seemed to me that if he was willing to fan the flames with disparaging rhetoric at that point in time, it was a question to me as to how he would conduct himself in New York. And it was an issue that we brought up at that initial meeting.

I also understand that Mr. Bolton remarked during his confirmation hearing that he received a thank you, from then-Ambassador Hubbard, for his speech, saying that the speech had been helpful, and it would do them some good in South Korea. And yet, when I reviewed the transcript from the interview with Ambassador Hubbard, it was very clear that Hubbard's intent had not been to thank Mr. Bolton for the speech, itself, but for making some factual changes to the speech so as not to spread the flames any further. And I have to agree with Ambassador Hubbard's assessment that the speech did not advance the President's objective of verifiably dismantling North Korea's nuclear program through negotiation.

A second matter, I had had concerns that Mr. Bolton might get out ahead of instructions while stationed in a post outside of Washington. And in reviewing the transcripts, and in conversations that I have had with individuals, I believe that there is a pattern of Mr. Bolton pushing that envelope on whether he could or could not say in trying to push policy that was perhaps more ambitious than the administration might be willing to go. But then you dig deeper into the evidence. You find out Mr. Hubbard's suggestion that it was possible that Mr. Bolton may have misinterpreted his remarks leading to his comments at the hearing.

And then we've got Secretary Powell's letter to Senator Kyl stating very clearly that Mr. Bolton's speech had been fully cleared by the State Department.

Then you look at the transcript from Lawrence Wilkerson's interview, and it was very clear that Bolton went through the appropriate hoops and hurdles to have his speech cleared, even if those who cleared it may not have given it the attention that it needed. We saw that there had been e-mails released indicating the appropriate officials had signed off on that speech.

So, whether you support or don't support the content of the speech—and I do question the language that was used at that particular time—the reality is that Mr. Bolton did what he was supposed to do in getting the speech cleared, which was approved by those at a higher paygrade.

Now, when the committee, at the business meeting that we had last, learned of the allegations that Mr. Bolton had berated an INR analyst in his office, an individual who was not directly working for Mr. Bolton, that concerned me. It concerns me a great deal. And the additional charges of trying to get other personnel removed from their positions only added to that concern. Because I do believe that how one treats, not only those on in a similar level of authority, but also those with not as much power, it says a lot. It

says a lot about them as a person and how they will work with others. And in this position in the U.N., our representative needs to be able to work with others to build that—those relationships.

But, at the same time, I recognize that this is the President's nominee. The President deserves to be surrounded by individuals that he trusts, by individuals that he selects, and by individuals who will advance the interests of the administration. And that's a high bar to overcome.

When it comes down to—right down to it, it's not about Mr. Bolton's intelligence. He's certainly demonstrated that he has intellectual prowess. It's not about his capability, as he's clearly demonstrated, in a number of global projects, he's advancing the U.S.'s interests. There's no question in my mind that Mr. Bolton has the ability to effectively represent the United States in a beneficial manner if that ability is directed appropriately.

My concern, as you can probably tell, has more to do with the conduct, how Mr. Bolton conducts himself, how he treats those who disagree with his assessments, how he conducts himself with his superiors, his equals, and those below him on the totem pole. So, it's not how John Bolton treats Lisa Murkowski; it's how John Bolton will interact with other representatives and their staff in the U.N., and how he represents the United States.

So, ultimately, in a position assigned by the President, that conduct is going to reflect on the President and the head of the Department. It's the President's responsibility to ensure that his nominee is part of the team, he's not a freelancer, and that the nominee abides by the chain of command, receives the appropriate input, and listens to that input. The President has put his trust in John Bolton. Secretary Rice has put her trust in John Bolton. The President deserves to have an individual that he believes will be most effective in that position. And with the understanding that how Mr. Bolton conducts himself at the U.N. reflects directly on the President of the United States, I will support moving Mr. Bolton's nomination to the Senate floor.

The CHAIRMAN. I thank you, Senator Murkowski.

Senator Biden, may I recognize Senator Martinez?

Senator BIDEN. Sure.

The CHAIRMAN. Senator Martinez, you're recognized.

STATEMENT OF HON. MEL MARTINEZ, U.S. SENATOR FROM FLORIDA

Senator MARTINEZ. Thank you, Mr. Chairman.

I would like to, in the interest of time, have my entire statement placed in the record.

The CHAIRMAN. It will be placed in the record in full.

Senator MARTINEZ. Thank you.

[The prepared statement of Senator Martinez follows:]

PREPARED STATEMENT OF SENATOR MEL MARTINEZ

Chairman Lugar, I would like to thank you and your staff for the continued time and effort you have put forth on this nomination. You and your team have completed an exhaustive review of Mr. Bolton, and I commend you for your continued effort on this important nomination.

Over the years I have observed the work of the Foreign Relations Committee, and I have to say one of the reasons I was so drawn to working on the Foreign Relations

Committee as a new Senator was the bipartisan nature of the work done here. So I have been a little disappointed by the events of the past several weeks—by what appears to be a departure from that proud tradition.

This is an important appointment at a crucial moment in the history of the U.N. Our debate should be about how the U.S. should and can contribute to the reform of the United Nations, but I have not heard much conversation on the specifics of United Nations reform during this process.

I wholeheartedly agree with the recent remarks made by Deputy Secretary of State Richard Armitage, "John Bolton is eminently qualified. He's one of the smartest guys in Washington."

Mr. Bolton's legal background, tenure at USAID, experience at the State Department, and extensive research and related writing work makes him an ideal candidate to serve as the U.S. Ambassador to the United Nations. I cannot think of a more qualified individual and it appears that this very committee is also aware of Mr. Bolton's qualifications, having advanced Mr. Bolton's nomination three times before.

In 1982, this committee voted in favor of naming Mr. Bolton Assistant Administrator for Program and Policy Coordination at USAID. In 1989, this committee voted in favor of naming Mr. Bolton Assistant Secretary of State for International Organizations Affairs. And, in 2001, this committee voted in favor of naming for Under Secretary of State for Arms Control and International Security. All three of these previous nominations were advanced by this committee and confirmed by the United States Senate.

During each of these nominations, this committee undertook a very thorough look at Mr. Bolton's qualifications and experience. On January 27, 1982, the committee received testimony on Mr. Bolton's first nomination to be Assistant Administrator for Program and Policy Coordination at USAID. Mr. Chairman—Even then, Mr. Bolton already possessed an impressive resume, which included General Counsel for USAID, and Legal Counsel for the White House and a graduate of Yale College, and Yale Law School. And because of this experience and background, the Senate confirmed Mr. Bolton's nomination, and Mr. Bolton did an honorable job of carrying out that policy during very uncertain Cold War times.

In 1989, this committee again reviewed Mr. Bolton—this time for his nomination as the Assistant Secretary of State for International Organizations Affairs. In fact, our distinguished colleague from Massachusetts, Mr. Kerry, presided over his nomination hearing. As Mr. Kerry explained in his opening remarks, as the Assistant Secretary, Mr. Bolton would be responsible for U.S. relations with the United Nations.

Mr. Bolton shared his views on the UN system and why it was important to build upon then-recent improvements to its effectiveness. Mr. Bolton relayed that the then "44-year old Charter of the United Nations embodies those values which have guided this nation during the course of more than two hundred years of our development." He identified the essence of the U.N. Charter to be a "Respect for the supremacy of law above individuals, for the peaceful resolution of disputes between men and nations, and most importantly, the faith that mankind can peacefully build a better world for succeeding generations."

More than 15 years ago, Mr. Bolton was already was talking to this Committee about tangible ideas to strengthen and improve the United Nations and make sure it was a viable part of our international community. This is a man who believed—and still believes—in the mission of the UN more than 15 years ago he was already presenting solid ideas about how to make the U.N. work and make it better. This is a man who fifteen years ago could see both the strengths and the weaknesses of the United Nations and identify a positive way ahead.

For example, Mr. Bolton talked about the quiet day-to-day work the UN did to improve the welfare of poverty stricken women, children, the sick, and refugees around the world. And he explained that these efforts deserve the fullest possible extent of support from us and other nations.

Yet, and I will quote Mr. Bolton's testimony: "While we seek to support the many worthy efforts of the United Nations and its specialized agencies we must not turn a blind eye to some excesses and poor management that have undermined UN effectiveness. Politicization and mismanagement have robbed the UN and some of its agencies of the moral high ground in recent years."

It is disappointing to me that fifteen years later, Mr. Bolton's warning about turning a blind eye remains so fitting to the environment we find ourselves in today at the U.N. Rampant corruption, waste and ineffectiveness are the norm at the United Nations, and we have an institution failing in its mission.

During the same hearing, the presiding Chairman, our distinguished colleague—Mr. Kerry—discussed with Mr. Bolton his qualifications for the Assistant Secretary position and Mr. Bolton, I think very eloquently, outlined his respective experience.

How his background as a lawyer would prepare him for the international law and legal procedures, which govern the UN. How his years at the Justice Department in the Legislative Affairs shop would give him insight in the Western-styled legislatures of the General Assembly and the various governing councils of the specialized agencies.

And how his time as the General Counsel, and then as Assistant Administrator at USAID, gave him the opportunity to learn a considerable amount about economic development in the Third World and had an opportunity to work with a number of UN agencies, the Rome Food Agencies, and others. And because of this experience, Mr. Chairman, the Senate confirmed Mr. Bolton's nomination by Unanimous Consent.

So, now we are spring of 2001—when Mr. Bolton was again before this Committee—this time with a nomination to be Under Secretary of State for Arms Control and International Security.

Interestingly, a principal concern about Mr. Bolton's nomination for the Under Secretary position was the strength of his background in arms control. Ironically, the concern was that Mr. Bolton's background was principally in international development, multi-national organizations, and foreign assistance. The very background that makes him ideal for the position he is being considered for today.

In fact, as my distinguished colleague from Connecticut remarked during the floor debate on Mr. Bolton's nomination, "there is no question that Mr. Bolton is an individual of integrity and intelligence." Mr. Dodd even said Mr. Bolton had a "distinguished record." And as Senator John Warner reported in his introduction of Mr. Bolton to the committee, "he is a seasoned negotiator who knows how to represent American national interests in the toughest of situations," and "has extensive personal and professional experience dealing with multinational organizations."

But, similar to today, the heart of the debate was whether or not you agreed with John Bolton's thinking and views.

I think former Chairman Jesse Helms summed up the debate quite well when he remarked to Mr. Bolton during his nomination hearing, "This ought not to be a partisan thing . . . Whether they like you or not is irrelevant. What should be decided here is whether you are a competent man." I couldn't agree more.

Equally intriguing were the subsequent remarks by the Ranking Member, Mr. Biden. And if I could, Mr. Chairman, I will quote the distinguished Ranking Member directly:

> I want to make it clear, this is not about your competence. My problem with you over the years has been you have been too competent. I mean, I would rather you be stupid and not very effective. I would have been had a better shot over the years. But I really mean it sincerely,—none of this, my questions, nor do I believe any of my colleagues questions, relate to any personal animus about you as a person. I think you're an honorable man and you are extremely competent. It's about how different your views are.

And this is the very same debate we are facing today.

This isn't a debate about Mr. Bolton's qualifications or expertise. This isn't about whether he has the right experience and background for the job the President has nominated him for—what we're dealing with today is a very partisan political effort to disqualify Mr. Bolton's nomination.

This is about John Bolton's personality. And, at the risk of oversimplifying, whether he is a nice guy. And whether we like him. I think the majority of my colleagues—Republican and Democrat alike—agree that Mr. Bolton is a competent man. His record speaks for itself. Previous attempts at discrediting his views, experience, and qualifications have failed, so now, all there's left to talk about is whether or not he is a nice guy.

Mr. Chairman, the fact is, even the allegations against Mr. Bolton's character are very weak. And they surely haven't revealed any pattern of inappropriate conduct. I reinforced this point during the last month's hearing with Mr. Ford.

Mr. Chairman, I'd like to recount my exchange with Mr. Ford, specifically his broad sweeping statement, under oath, regarding Mr. Bolton's character.

> Senator MARTINEZ. In other words, there was a confrontation between you and he in a hallway which, admittedly we have to say, you had a pretty good falling out or pretty good discussion, it was heated, it was emotional, it was confrontational.
>
> Mr. FORD. That's correct, sir.

Senator MARTINEZ. Okay, and that arose out of the same circumstance, the same event which was the conversation between the analyst and Secretary Bolton, correct?

Mr. FORD. That's correct.

Senator MARTINEZ. But you really cannot, in good faith, under oath, suggest that you have the ability to tell this Committee that this now represents a broader character flaw in Mr. Bolton's part, can you?

Mr. FORD. You're absolutely correct in terms of I have absolutely—beyond what I've talked to you about, and admittedly extremely limited—right or wrong, good or bad, I still believe that this was not an exceptional day, or out of the ordinary in terms of his normal management style.

Senator MARTINEZ. That's your sense, that's your opinion. But that's not something you can really provide.

Mr. FORD. No, sir.

Senator MARTINEZ. In the nature of testimony under oath.

Mr. FORD. No, certainly not from me, you can't get that.

Mr. Chairman, one incident does not constitute a pattern. And you surely can't speak of something being a pattern if you haven't personally witnessed it, even once. Fundamental fairness requires that hearsay be discounted. It's just unacceptable that this instance has received as much attention as it has.

Turning to another topic that I believe has been extremely inaccurately portrayed, Mr. Chairman, I want to clear up any misunderstandings surrounding a supposedly controversial statement that Mr. Bolton has made previously, which is that the United States believes that Cuba has at least a limited offensive biological warfare research effort, and that Cuba has provided dual-use bio-technology to other rogue states, and a concern that such technology could support bio-weapons programs in those states.

Let me set the record straight: It is the U.S. position today—as it has been since March 2002 when Carl Ford testified before this committee that the U.S. believes Cuba does indeed have some biological warfare capabilities.

In February, 2002, there was on all accounts a heated confrontation between John Bolton and intelligence analyst, Christian Westermann. At issue was Mr. Westermann's attempt to block Mr. Bolton's request to have Cuba biological warfare related language declassified for speech purposes.

Specifically, Mr. Westermann went behind Mr. Bolton's back and sent a biased and confusing declassification request to the intelligence community. He subsequently misled the Under Secretary's office about his actions. In a nutshell, because Mr. Westermann did not agree with the "message" of the requested language, he sought to have it changed. Despite Mr. Westermann's efforts Bolton's language was ultimately approved for declassification and was included in his May 6, 2002 Heritage Foundation speech.

As Mr. Ford confirmed for this committee, that very same statement appeared in Mr. Ford's own testimony before this committee during March. That very same language was cleared by Mr. Ford's office, as well as other intelligence agencies. Former Otto Reich has also used the same statement in subsequent remarks.

This had nothing to do with John Bolton trying to skew intelligence on Cuba's biological warfare program. This language was approved by the intelligence community and has been used by several sources since its approval. And per Mr. Ford, this multiply issued statement reflected the correct belief of the United States, as it stood at that time.

The dispute with Mr. Westermann as the language was developed in February 2002 had to do 100% with Westermann's conduct—not a dispute over his analysis. I don't see any real issue here, Mr. Chairman.

One final matter I discussed with Mr. Ford, which I'll briefly share with the Committee, was Mr. Ford's concern about how that information ultimately became a part of his Mr. Bolton's speech. Initially, Mr. Ford suggested to this Committee that the entire controversy related to the analyst would have been avoided if Mr. Bolton had merely come to Mr. Ford first. Mr. Ford identified this as a central cause of the problem. However, when questioned, Mr. Ford admitted that Mr. Bolton had, in fact, tried to contact him initially—but that Mr. Ford was out of the building that day. As such, Mr. Bolton didn't reach Mr. Ford. But he got his Principal Deputy, Mr. Fingar. And the response from this Principal Deputy was that the behavior by his analyst was inappropriate, and that they "screwed up." That "it won't happen again." We have all seen copies of the actual email Mr. Fingar sent to Mr. Bolton with these remarks.

Mr. Chairman, this was all contemporaneous with the events. Mr. Bolton did, in fact, try to reach Mr. Ford. And in Mr. Ford's absence, Mr. Bolton handled the situa-

tion with Ford's Principal Deputy. And, the Principal Deputy confirmed that the anaylyst was in error. Point being, this was a red herring. And the other allegations unearthed against Mr. Bolton carry similar meaning and weight. This is merely a collateral attack against Mr. Bolton.

You need more than hearsay, more than unsubstantiated rhetoric to carry through—to destroy a person's reputation and character. We should be operating on a standard of fundamental fairness. We simply haven't met that threshold. We haven't even come close. Interestingly, what we do have, is a growing list of individuals coming forward with an opposite account of Mr. Bolton's personality and management style.

I'd like to share, for a moment, what some people who've actually worked for John Bolton had to say. In an April 22nd letter to Chairman Lugar, 43 former associates of Mr. Bolton at the American Enterprise Institute wrote:

> The various allegations that have been raised before your Committee, concerning Mr. Bolton's management style and conduct in other organizations and circumstances, are radically at odds with our experiences in more than four years of intense, frequent, and continuous interaction with him.
>
> He was unfailingly courteous and respectful to us regardless of our (AEI) positions or seniority.
>
> John Bolton's management style (at AEI) became legendary for its crispness, openness, fairness, and efficiency.

In the *Washington Post,* on April 24, 2005, Former Secretary of State Lawrence Eagleburger remarked:

> [A]s to the charge that Bolton has been tough on subordinates, I can say only that in more than a decade of association with him in the State Department, I never saw or heard anything to support such a charge.

Mr. Chairman, I am sure you have seen a similar outpouring of remarks in favor of Mr. Bolton—outlining a ecidedly positive pattern of behavior. That said, I think we have to ask ourselves, isn't this a very bizarre discussion to be having when it comes to the nomination of our Ambassador to the United Nations? We're not voting on his popularity for homecoming court—we're looking at his ability to get the job done for which he has been nominated—the very important job of representing the United States as Ambassador to the United Nations.

This debate has been hijacked to rehash different allegations about personality and whether or not we approve of John Bolton's management style, rather than reviewing his respective qualifications, and talking meaningfully about how he would tackle some of the key issues confronting the UN.

Contrary to Mr. Bolton's three previous nominations before this committee—when committee members questioned Mr. Bolton about everything from the CTBT to USAID's partnership with PVOs), there is a noted absence of substantive dialogue about key issues. There has been no real debate about his qualifications or ability to get the job done.

For example, what should the future role of the UN be in Haiti? What steps would Bolton take to move the UN out of the costly and dangerous mission in Ethiopia and Eritrea? And towards a final and binding decision of the Boundary Commission? Also absent is meaningful dialogue about Mr. Bolton's writings related to the UN and its reform.

In addition to the congressional testimony I already referenced, Mr. Bolton's research and writings have long advocated a stronger UN.

For example, in 1997, Mr. Bolton wrote that "traditional peacekeeping, together with the often-important role the agencies of the U.N. system play in international delivery of humanitarian assistance, can work and should be continued." He added that the United Nations can be a "useful tool in the American foreign policy kit."

To me, we should have been using recent hearings and time spent in countless interviews talking about John Bolton's ideas for the future of the U.N. To talk, in detail, about how we can work with the Secretary General and his desire for reform.

The fact is, President Bush chose John Bolton because he knows how to get things done. This nomination is a direct reflection of the President's determination to make the UN work. And the President should have this push for reform given a chance to succeed.

Mr. Chairman, I think you would agree that Mr. Bolton's remarks, writings, and action over the past twenty plus years, beginning with his first nomination hearing before this committee in January, 1982, reveal a very comprehensive understanding of the UN—an understanding of both its strengths and its weaknesses.

John Bolton has long been a strong voice for UN reform and effective multilateralism, and will continue to be a strong voice at a time when the UN is undertaking essential reform initiatives. President Bush wants John Bolton as part of his foreign policy team and to represent the United States at the United Nations. He is qualified and prepared.

The issues raised questioning his qualifications and character have failed to come anywhere close to the level of disqualifying him from this position.

There is no compelling reason to deny the POTUS his choice of nominee for this position. I look forward to voting to confirm Mr. Bolton and supporting this nominee.

Senator MARTINEZ. I want to thank the Chair and the ranking member for the manner in which you've conducted all of these deliberations.

I want to also compliment the Chair for the very thoughtful opening remarks, which I thought were comprehensive in nature and covered the—in a wonderful way, and, I think, also put perspective and fairness into a process that I, frankly, at times, have wondered about.

Let me also say that, as Senator Hagel commented, this is a committee that has been revered through the history of our nation. And as a person not born to this land, but one who's adopted it as his own land, I must say that I always remarked and marveled at the bipartisan nature of American foreign policy and the way in which folks with very different thoughts and ideas would come together for the greater good of the country. And I would hope, as we go forward in this committee, Mr. Chairman—and I know how important that is to you and to the ranking member—that we can always keep that in mind, because I think in the difficult days in which we live, and the difficulties the world faces, and our nation faces in the world, it is vitally important that we always keep in mind the importance of us to all pull together as Americans—not Democrats, not Republicans, but as Americans. And I—my hope, in that spirit, is that this committee will always conduct its deliberations——

As I look at the nominee, I believe, first and foremost, the President of the United States has nominated him. I think, secondarily, our advice and consent responsibility, which I, too, take seriously, begins by analyzing the qualifications of the candidate. And as it relates to the qualifications of this particular nominee, I take a lot of comfort from the comments of Under Secretary of State Richard Armitage, who very directly worked with Secretary Bolton, who said, "John Bolton is eminently qualified, and he's one of the smartest guys in Washington."

And, Mr. Chairman, I know that coming in the order of the lineup in which I do, there's a tendency to think of myself as cleanup. I'm also thinking, though, that I may be hitting number nine, which is a very different statement than cleanup. But, be that is it may, I want to, maybe, summarize a little of what's transpired.

And I think, you know, looking at his background at USAID, his experience in the State Department, and extensive research and writing relating to many different subjects, which I think prepared him for this role at the United Nations. And then, of course, we move on to the various nominations that he has received in the past, and confirmations by this committee, in 1982, as Assistant Administrator for Program and Policy Coordination at USAID; in 1989, this committee in favor of naming Mr. Bolton Assistant Sec-

retary of State for International Organizational Affairs; and, in 2001, voted in favor of naming him Under Secretary of State for Arms Control and International Security.

All three of these previous nominations were advanced by this committee and confirmed by the U.S. Senate. During each of these nominations, this committee undertook a thorough look at Mr. Bolton's qualifications and his experience. The committee received, on January 27 of '82, Mr. Bolton's first nomination for Assistant Secretary of Policy of USAID. And, even at that time, Mr. Chairman, he already had a distinguished record of accomplishment. And he, in addition to that, did a very honorable job in carrying out his assignments during the difficult years of the Cold War.

In 1989, this committee again, reviewed Mr. Bolton; this time, for Assistant Secretary of State for International Organizations. And my distinguished colleague from Massachusetts, Mr. Kerry, presided over his hearing at that time. And, as Mr. Kerry explained in his opening remarks, the Assistant Secretary, Mr. Bolton, would be responsible for U.S. relations with the United Nations.

At that time, Mr. Bolton shared his views on the U.N. system, on why it was important to build upon the then-recent improvements to its effectiveness. And Mr. Bolton then relayed—the 44-year-old charter of the U.N. embodies those values which have guided this nation during the course of more than 200 years of our development, and he identified the essence of the U.N. charter to be a respect for the supremacy of law above individuals, for the peaceful resolution of disputes between men and nations, and, most importantly, the faith that mankind can peacefully build a better world for succeeding generations.

This doesn't sound to me, Mr. Chairman, as far back as 15 years ago, as someone who was bent upon the destruction of this organization, but someone who held it in high esteem and high regard. This is a man who, 15 years ago, could also see the strengths and the weaknesses of this organization. Mr. Bolton talked quietly—talked about the quiet day-to-day work of the U.N. that it did to improve the welfare of poverty-stricken women and children, the sick, and refugees around the world. And he explained that these efforts deserve the fullest possible extent of support from us and other nations.

And yet I will quote from Mr. Bolton's testimony, "While we seek to support the many worthy efforts of the United Nations and its specialized agencies, we must not turn a blind eye to some excesses and poor management that have undermined its effectiveness. Politicization and mismanagement have robbed the U.N. and some of its agencies of the high moral ground in recent years."

And, Mr. Chairman, 15 years later, it's disappointing to know that Mr. Bolton's warning about turning a blind eye remains so fitting to the environment we find ourself today in the United Nations. Rampant corruption, waste, and ineffectiveness are the norm at the U.N., and we have an institution that, in many ways, is failing in its mission.

Because of this experience, Mr. Chairman, the United States—because of his experience, the U.S. Senate confirmed Mr. Bolton's nomination by unanimous consent.

And now we're in the spring of 2001, when, again, Mr. Bolton was before this committee. And this time the nomination for Under Secretary for Arms Control and International Security. And, interestingly enough, at that time, the concern about Mr. Bolton's nomination for this particular position was the strength of his background in arms control. It was then said that his background was in international organizations, where he had spent so much of his time worrying about the world's poor and USAID, worrying about the U.S. relationship with the U.N. and other international organizations, and whether or not, in fact, he had the sufficient background in the arms-control arena.

And, as my distinguished colleague from Connecticut remarked during the floor debate on Mr. Bolton's nomination, "There is no question," he said, "that Mr. Bolton is an individual of integrity and intelligence." Mr. Dodd even said Mr. Bolton had a distinguished record.

Similar to today, the heart of the debate of whether or not you agree with—is really about whether you agree with Mr. Bolton's thinking. At that time, at that hearing, the remarks by the ranking member, Mr. Biden—and, if I could, Mr. Chairman, I'll quote again from the ranking member directly—he said, "I want to make it clear that it's not about your competence. My problem with you over the years has been that you've been too competent. I mean, I would rather you be stupid and not very effective. I would have been—it would have been—it would have been—had a better shot over the years. But I really mean it sincerely. None of this—my questions, nor do I believe any of my colleagues' questions, relate to any personal animus about you as a person. I think you're an honorable man, and you're extremely competent. It's about how different your views are."

And, Mr. Chairman, that's the very same debate we face here today. This is not a debate about his qualifications or expertise; this is about a debate of whether he has the right experience and background for the job. What we're dealing here today is a debate that has gotten somewhat partisan, and it really has to do about Mr. Bolton's views. The majority of my colleagues, Republicans and Democrats alike, agree that Mr. Bolton is a competent man, and I believe his record speaks for itself. And previous attempts at discrediting his views, experience, and qualifications have failed. So now we're talking in another direction about—a collateral attack about things that cannot be as easily discussed on the record, but about his demeanor and so forth.

And so, I go to Mr. Ford's testimony, here in the committee, who made the broad, sweeping statement, under oath, regarding Mr. Bolton's character. He simply said that Mr. Bolton did not have the temperament necessary, and sweepingly attempted to attack his character.

And, Mr. Chairman, I want to just briefly quote from this soliloquy that took place between Mr. Ford and myself.

I asked the witness, "In other words, there was a confrontation between you—in the hallway, in which—between the two of you in the hallway, which you admittedly have to say you had a pretty good falling out, a pretty good discussion. It was heated. It was emotional. It was confrontational."

Mr. Ford, "That is correct."

And then I asked, "Okay, and that arose out of the same circumstance, the same event, which was the conversation between the analyst and Secretary Bolton, correct?"

"That's correct," was his answer.

And then I asked, "But you really cannot, in good faith, under oath, suggest that you have the ability to tell this committee that this now represents a broader character flaw in Mr. Bolton's part, can you?"

Mr. Ford—and Mr. Ford answered, "You're absolutely correct. In terms of—I have absolutely—beyond what I've talked about, and admittedly extremely limited, right or wrong, good or bad, I still believe that this was not an exceptional day or out of the ordinary, in terms of his normal management style."

And then I asked him, "That's your sense. That's your opinion. But that's not something you can really provide"——

He interrupted and said, "No, sir.

"—in the nature of testimony under oath."

And then he said, "No, certainly not. Not from me. You can't get that."

One incident does not constitute a pattern. One event does not constitute a way of life. And I believe, Mr. Chairman, that one of the things that has been absent from this discussion is the principles of fundamental fairness. We have a man with a long and distinguished record of public service to his country, of dedicated service, of mostly competent service, and that it cannot be said that, by the failure of a few incidents, it's now without merit and someone whose entire career should be diminished by those comments.

Mr. Chairman, I see my time is up, and I realize that we're very short on time, but I believe, in closing, that I would say that the fundamental fairness standard is what we should operate by. It should not be about hearsay.

You detailed very well in your statement many of the charges that were then rebutted. I do not believe that it can ever be said this gentleman was guilty of massaging intelligence. That simply does not meet the test of the facts.

And I would just finish by saying, Mr. Chairman, that one thing that should be crystal clear is that Mr. Bolton's statement before—the speech that he gave was the very same information regarding bioweapons in Cuba than had been given by Mr. Ford to the committee here three months earlier, and that, undisputed, continues to be the view of the U.S. Government today, that Cuba held a potential for biological weapons, and that it shared that information with rogue states. That is not changed, and that is not any different. That continues to be the view of the U.S. Government today.

So, Mr. Chairman, I'm prepared to support Mr. Bolton's nomination. I'm prepared to move it forward. I think he's a dedicated and qualified man, who will make us an excellent Representative at the United Nations. I look forward to working with him, as I know the President has the confidence in him to put the United Nations in a better place, take it to a better place. It takes someone who will have the courage and the forcefulness of Mr. Bolton to help us fix

the United Nations, because it is important that we have it there for us and the rest of the world.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Martinez.

Senator Biden.

Senator BIDEN. Mr. Chairman, may I ask the staff how much time that's in the control of the Senator from Delaware is still left?

The CHAIRMAN. Twenty-four minutes.

Senator BIDEN. Twenty-four minutes? I will yield ten minutes to my friend from Florida. Actually, I'll yield 15 minutes to my friend.

The CHAIRMAN. Senator Nelson.

STATEMENT OF HON. BILL NELSON, U.S. SENATOR FROM FLORIDA

Senator NELSON. Mr. Chairman, I don't need that much time. I can make my statement very clear to the committee in a very short period of time.

This, to me, is about performance. This, to me, is one of the most important jobs that we have representing our country to the world body of nations of which we so desperately need their help at this time. Look at our position in Iraq and Afghanistan. We bemoan the fact that it's mainly us and the British that are there, and we need to bring others to table to support us, not only in Iraq, but around the world.

And so, when we're talking about a representative of the United States of America to the United Nations, we've got to have the best and the brightest, and someone who can reach out and bring people together. The good book says, "Come, let us reason together." That's the kind of person that we ought to have.

So, to get a clue, we have a saying in the South, "You can tell about where a fellow's going by where he's been." Well, let's look at his job. Does he deserve being promoted because of the job that he's done as arms-control negotiator? Where are two of the hotspots in the world where the biggest threat to the interest of the United States is today? It's North Korea and Iran. And, in four years, how much progress have we made in stopping the proliferation of nuclear weapons in those two countries? And who was the person that was charged with, in fact, that arms-control negotiation? And now we are asked to promote him to a position representing us in front of the world body? It just doesn't make sense to me. And so, I'm going to vote no on the nomination.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Nelson.

Senator Biden, you have at least 20 minutes——

Senator BIDEN. Oh, I won't take that long, but I'm going to—at your—whenever your suggest, Mr. Chairman, I will sum up, knowing—leaving the remainder of the time——

The CHAIRMAN. Well, I will leave that to you, because—we have four minutes on our side, so I will use that as a summing-up——

Senator BIDEN. Well, obviously, Mr. Chairman, you take as much time as you want to sum up. I don't—it's fine by me and my side.

Let me state what I hope is the obvious. Our disagreement over Mr. Bolton in this committee, the disagreement you and I have over Mr. Bolton, and even the disagreements we've had internally

about how to proceed, sometimes, I want to make it absolutely clear, I pledge that's not going to affect at all, regardless of the outcome of this, the continued cooperation, as I think it's fair to say we have cooperated, on every major foreign-policy issue that has come before this committee. This is about an individual, whether he should be in the position for which he's nominated. It is not about our willingness to cooperate, an attempt to maintain, as best we can here, a bipartisan foreign policy.

And I have been proud, as I know you have, and I hope all members have been, that—and it's not a criticism of other committees directly, but this has not been a committee that has been contentious. This is the most contentious thing we've had in recent times, although there was a fairly contentious debate over Mr. Holbrooke, which was when you were not chairman, and a fairly contentious debate over Mr. Negroponte.

And, I might add, it's been repeatedly stated here—or, excuse me, sorry—several times it's been stated that this has taken an extraordinarily long time. Well, obviously, it's been stated by those people, understandably, who haven't been here. This is not long at all, even for this committee.

Let me just remind folks, you had, in May of the first year, Mr. Holbrooke's name floated to be the nominee. He did not get a hearing until the following February. He didn't get nominated until the following February. He did not get confirmed until the following June. Okay? It was August? August. Excuse me. He didn't get—so, February to June—I mean, February to August. I've got June on my mind, my wife's birthday. Anyway.

Secondly, Mr. Negroponte. His name came up here in May, and he was confirmed in September. So, let's get the record straight. Let's get the record straight.

And in the case of Mr. Holbrooke, he had—three separate hearings we brought him back. Three separate times. And none of my colleagues were arguing then, including us, that he wasn't—he was being brought back too many times.

So, for the record—for the record—just taking the recent history—the recent history—this is not a long time, number one.

Now, the second point that I'd like to make is, I am confident that our two colleagues in the Intelligence committee are going to, at some point, produce a letter saying they looked at the information coming from the so- called intercepts, and that they see no pattern that would raise any alarm. But they will also tell you they were not given what Mr. Bolton was given. Notwithstanding the fact that they reach that conclusion—I believe they will reach that conclusion—they were redacted files. They did not have the name of, quote, "the American."

Call home. [Laughter.]

And so, I don't have any doubt. But it doesn't, in any way, undercut the argument that we're entitled to see what they saw, and they were entitled to see more. And, as I said to you all the beginning, I'm not at all sure—I think it's kind of a blind alley. I don't think there's probably anything there, based on my going to present administration officials who I respect and past administration officials. But the facts are that we're not—we don't have that information.

Now, I may be mistaken, but I don't ever recall—at least in my tenure on this committee, which is embarrassingly long—I don't ever recall a nominee being put forward by a President that had so many people who worked for that President come forward and say, "That nominee should not be confirmed." I don't ever recall that. My friend from Maryland's been here almost as long as I have. I'm not being—and my friend from Indiana has been here almost as long as I have—I would—I stand to be corrected, but I don't think it's ever happened. Ever. At least in the last 32 years. I would note, that's mildly remarkable.

And I would also point out that notwithstanding the fact—let's assume—let's grant—as my friend from Florida, the great trial lawyer that he was and is, might say, let's argue this in the alternative here. Let's assume every one of us are being totally partisan. Even if that were true, it doesn't undercut a single thing we're saying. Sometimes even when you're partisan, you're right. And I would argue that just look at the number of significant present and former administration officials who said, "Uh-uh. Bad idea."

Now, I go back to a version of what was stated by one of my Republican colleagues earlier today. I'm sure—I shouldn't say I'm sure—the Secretary of State has indicated to me—she has indicated at least one other member of this committee, based on what they said today, and, I suspected, indicated to a lot of you, "Don't worry. He won't go off the reservation." I'm paraphrasing. "It won't happen like it has happened at State. It won't happen. We'll control him." Wow.

Question that was asked by one of my colleagues, Why would you send someone to the United Nations at this moment that you acknowledge you're going to need to control? Can you think of any time in the recent past where our interests are more at stake than this moment at the United Nations? Does anybody within earshot think that in the next three years we are not going to have to attempt to bring North Korea and Iraq before the Security Council? I suspect that may happen. Is there any time we might need an Adlai Stevenson, whose effectiveness in looking across and say, "Don't wait"—paraphrasing—"Don't wait for the translation." Why was it so effective? Because that was not his style. It was so remarkable that he did that. It was such an exception. A little bit like me being calm. [Laughter.]

So, I just think that we can't really kid ourselves here. And I think—and I—and, by the way—I mean this sincerely—I've worked with a lot of you in this committee a long time. I hope my bona fides have—with you, personally, are real. And I respect your arguments that you've all made. But, as I listen to you all, it comes down to one really compelling argument: the President's entitled to his man. I respect that. I disagree with that. Unfortunately, Democratic President's have found out I disagree with that—Mr. Carter, Mr. Clinton. They found out I don't share that view. I don't share the view: because he wants it—the President wants it, that he should get it. Although I do believe—to quote my—paraphrase my friend from Illinois—that, on matters of assembling your Cabinet around you, you should give deference—we should give deference,

as opposed to a life-time appointment to a third branch of the government.

But that seems to be the strongest argument for Mr. Bolton. I notice no one has said, on either side of the aisle, either side of this committee, that the assertions of Mr. Bolton's behavior and management style are not true. They argue that it shouldn't matter, or it doesn't matter as much. I didn't hear anybody come in here and say, "No, no, no, this is all wrong. You've got this guy wrong. You've got this guy all wrong." I didn't hear anybody say that he didn't—wasn't aggressive on his point of dealing with the intelligence community. Some say he's aggressive, and that's good. Some say, he's aggressive, that's bad. But nobody suggests that this is a fellow who doesn't push his point to the point of exhaustion.

Now, we can disagree on whether or not that is good or bad, appropriate or inappropriate. I think it's inappropriate. But no one's saying he didn't do that.

And, again, I want to make clear, those in the intelligence community, or formerly in the intelligence community, who are opposed to Mr. Bolton and suggest he should not go forward, are not suggesting Mr. Bolton, in his previous position, is not entitled to his own opinion. What this was always about was whether Mr. Bolton could assert a governmental position that was inconsistent with, or at odds with, the intelligence community's opinion. In the end of the day, he didn't. That shouldn't be remarkable. Because had he—had he done it, he would have—I assume he would have gotten fired.

But, as I say, again, how many times do you have to be told, as a subordinate, or at least in a subordinate position, by a superior that, "Are you sure you got that right? Are you sure it's not that? I think it's that," to not get the message?

Now, the remarkable thing is, most of these folks had the political and personal gumption to stand fast. But, more importantly, they had men and women of character, who were equal to or superior in political strength to Mr. Bolton, to tell them to go back sand. They had their protector in each of these instances. But the remarkable thing is that, even in the first instance, none of these folks caved.

And I want to mention two things. I won't take any time, I'll just put them in the record.

With regard to the Townsel matter, Senator Coleman made much of the unsubstantiated allegations by Mrs. Townsel having been discussed at a meeting April 19th. I'll remind everybody, that's why I made a motion to go into closed session. Because they were unsubstantiated at that moment. That's why I wanted to go into closed session.

Again, I don't recall—it probably has happened, but I don't recall a time when a Senator has said to his colleagues, "Let's go into closed session for a little bit. I want to tell you something I know, an allegation," or, "I want to discuss something." Speaking of comity, not say, "Okay, we'll recess for 20 minutes and go into closed session."

The second point I'd make is, nobody on this side that I heard today used as a rationale for voting against Mr. Bolton the alleged

conduct with regard to Mrs. Townsel. And I'll remind everyone that when the chairman raised it, and I—in my opening statement, I said what he said—it's he-said/she-said, and it's unsubstantiated.

I would also like to put in the record what we actually learned from Mrs.—from the witnesses we, the staff, Minority and Majority staff, interviewed with regard to that allegation.

The CHAIRMAN. It will be put in the record in full.

Senator BIDEN. Secondly, the issue of whether or not Mr. Bolton obeyed the rules on clearing speeches. It's been asserted, flatly, that he has. I would like to put in the record—not take the time now—what was stated by witnesses and those familiar with how the community works in clearing those speeches.

The CHAIRMAN. It will be placed in the record in full.

Senator BIDEN. And, thirdly, the assertion that Mr. Bolton went behind—or, excuse me, Mr. Westermann went behind Mr. Bolton's back and lost his trust. I just note, and I'll put it in the record, the testimony of Carl Ford, Tom Finger, Carol Rodley, Neil Silver, and Christian Westermann, confirming that Mr. Westermann followed standard operating procedure. And I'd ask that be put in the record.

The CHAIRMAN. It will be placed in the record in full.

Senator BIDEN. And, Mr. Chairman, I understand, when we finish, after you conclude your statement, you're going to make a motion. And, in keeping with what we committed we will do, we will not make—unless I'm unaware of something one of my colleagues is going to do, we will not make any competing motion, if it's the motion that the Senator from Ohio indicated he would support, and—in order to move this, out of committee in almost the exact time—we said by 3 o'clock, but within the time that we were allotted at the beginning here.

But I would repeat to my colleagues—and I mean this sincerely—I think I've demonstrated this—all of whom I respect—that I can understand how there is disagreement if you start off with this overwhelming presumption that the President's entitled to his person. But there are two things that seem to me to be operative here. One is that that is the controlling rationale for why Mr. Bolton should move forward by a majority of members of this committee, if he should move forward. And, secondly, that we may be "damning with faint praise" here.

And one of my colleagues said, earlier today—and, obviously, it is not for me to decide, or the colleague who said this—but I truly believe that, in light of what I expect is about to happen, the President, in the interest of the United States would be better served by Mr. Bolton's nomination being pulled down. I don't expect that to happen. But I honestly believe he would be better served if that were the case. And it—there is precedent for that, in Democratic administrations and in Republican administrations.

I might add, there's also precedent—on our watch, we were in charge, the Democrats, we voted out—someone out of the committee with a negative recommendation. We have voted people out, I would submit for the record, without recommendation. And we've voted people out with a favorable recommendation. But it is somewhat unusual. It is somewhat unusual to move that way.

And I'm not, in any way, questioning the majority's right to do that, but I would suggest that it doesn't appear that Mr. Bolton has the confidence of the majority of this committee. And I would suggest that it may be worth the President's interest to take note of that.

I thank you, Mr. Chairman. I thank you for your cooperation. And I still will, on another matter, pursue those issues—not in terms of stopping the nomination, but as a matter of policy and principle that we should be able to, you and I and this committee, have access to the information that we sought. I think that is an institutional issue.

So, I thank you, and I yield back our time.

The CHAIRMAN. Well, I thank the distinguished ranking member. I thank all members. All 18 of us have spoken. The statements were, I believe, thoughtful, well-drafted issues expressed as the debate continues.

Let me just take this moment to thank the distinguished ranking member, in particular, because I can recall, although it is not a comparable moment, when we had debates over several weeks and months prior to American being engaged in Iraq. And we had a very difficult time wrestling with those issues in the committee. Now, the chairman was then Senator Biden. The ultimate conclusion was that we would support the President. But it was not unanimous in this committee, nor on the floor. And, indeed, historians, I suspect, will still argue some of the points that were argued in the committee at that point.

I mention that because we have work to do. The chairman has mentioned North Korea, Iran, just to think of two, quite apart from the work—support in the peace process in the Middle East, tremendously important deliberations before this committee. The need for unity, insofar as we can have it, is imperative.

And I appreciate very much the fact that members on both sides of the aisle were here for this business meeting, and stayed, and participated. That, I appreciate. I appreciate we were not challenged by the parliamentary procedure on the floor. It would have prevented us from meeting. Now, I'm sure that was not by chance. I thank the distinguished ranking member for making that possible.

But we now have had an important debate, in which I believe we must move forward. The chairman has indicated the motion that I'm about to make. It was, I suspect, more than hinted by Senator Voinovich's comments earlier this morning. The Chair has listened carefully, has attempted to find a motion that a majority of our committee can agree upon.

And so, I will say now, the question is on the nomination of John R. Bolton to be U.S. Representative to the United Nations, with rank of Ambassador. The vote will be to report the nomination without recommendation.

The Clerk will call the roll.

The CLERK. Mr. Hagel.

Senator HAGEL. Aye.

The CLERK. Mr. Chafee.

Senator CHAFEE. Aye.

The CLERK. Mr. Allen.

Senator ALLEN. Aye.
The CLERK. Mr. Coleman.
Senator COLEMAN. Aye.
The CLERK. Mr. Voinovich.
Senator VOINOVICH. Aye.
The CLERK. Mr. Alexander.
Senator ALEXANDER. Aye.
The CLERK. Mr. Sununu.
Senator SUNUNU. Aye.
The CLERK. Ms. Murkowski.
Senator MURKOWSKI. Aye.
The CLERK. Mr. Martinez.
Senator MARTINEZ. Aye.
The CLERK. Mr. Biden.
Senator BIDEN. No.
The CLERK. Mr. Sarbanes.
Senator SARBANES. No.
The CLERK. Mr. Dodd.
Senator DODD. No.
The CLERK. Mr. Kerry.
Senator KERRY. No.
The CLERK. Mr. Feingold.
Senator FEINGOLD. No.
The CLERK. Mrs. Boxer.
Senator BOXER. No.
The CLERK. Mr. Nelson.
Senator NELSON. No.
The CLERK. Mr. Obama.
Senator OBAMA. No.
The CLERK. Mr. Chairman.
The CHAIRMAN. Aye.
Will the Clerk please report the tally?
The CLERK. Ten aye, eight nay.
The CHAIRMAN. Ten ayes, eight nays. And, therefore, the nomination is reported, and the business meeting is concluded.
Senator BIDEN. Wait, wait, wait. Mr. Chairman, before we conclude, I want to state to my colleagues what I said to you privately. We will have—so there is no delay, we will have the Minority views written and available to the committee by Monday.
The CHAIRMAN. I appreciate that.
Senator BIDEN. And so, we——
Senator SARBANES. Mr. Chairman, right at the end you said, "The nomination is reported to the floor"—but without recommendation, is that——
The CHAIRMAN. That's correct. That was the motion.
I thank the distinguished ranking member once again——
Senator BIDEN. Thank you, Mr. Chairman.
The CHAIRMAN [continuing]. And all members. Thank you.
[Whereupon, at 3:19 p.m., the hearing was adjourned.]

ANNEX D

MATERIAL IN SUPPORT OF JOHN BOLTON'S NOMINATION

MAY 6, 2005.

Hon. RICHARD G. LUGAR,
Chairman, Senate Foreign Relations Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LUGAR: The attached letter is co-signed by former presidential appointees, career and non-career Civil Service and Foreign Service employees who knew and worked with John Bolton from 1989–1993. These people and many more have indicated their strong support for Secretary Bolton. For example, John's former supervisors including former Secretary of State James A. Baker III, former Under Secretary for Political Affairs Robert Kimmitt, and I, have publicly expressed our foil confidence and support for John, and our belief that he will be a superb representative of the United States in the United Nations.

The attached letter demonstrates that many of those who worked for or with him share this belief. Ipersonally know if others who now hold positions in the United Nations or the State Department who support John, but for "conflict of interest" reasons prefer to express that support through private letters to you and your colleagues.

Sincerely,

LAWRENCE S. EAGLEBURGER.

MAY 6, 2005.

Hon. RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are former presidential appointees, career and non-career Civil Service and Foreign Service employees who knew and worked with John Bolton in his capacity as Assistant Secretary of State for International Organization Affairs under the leadership of Secretaries James A. Baker III and Lawrence S. Eagleburger from 1989–1993. While we have followed John's nomination to serve as U.S. Ambassador to the United Nations with great interest and enthusiasm, the recent and unreasonable attacks on his character and integrity during his Senate confirmation process have precipitated this letter of support; we only regret that we did not act sooner in conveying our views and strong support for his nomination.

Despite what has been said and written in the last few weeks, John has never sought to damage the United Nations or its mission. Quite the contrary—under John's leadership the organization was properly challenged to fulfill its original charter. John's energy and innovation transformed 10 from a State Department backwater into a highly appealing work place in which individuals could effectively articulate and advance U.S. policy and their own careers as well. During the Persian Gulf War, John played a significant and substantive role in achieving the numerous Security Council resolutions adopted during the first Bush administration. He was also

deeply engaged in matters beyond the spotlight of the Security Council, including refugees, human rights, development, democracy, food aid, UN management and budgets. His call for a "unitary UN" guided and motivated the 10 bureau to promote consistent and piuductive practices across the entire gamut of UN organizations. John championed this concept in order to fashion a more effective United Nations, and a signal achievement in this regard was his effort to repeal the execrable "Zionism is Racism" resolution, which was a stain on the credibility of that institution. It is this laudable record of professional achievement in IO that we were privileged to witness, as well as over three decades of public service to this country, which define his character and capabilities.

We are proud to have served with John, and grateful for his leadership, integrity, and vision. The allegations about his abuse of subordinates simply do not accord with our experience while he was Assistant Secretary for International Organization Affairs. His treatment now before the Committee on Foreign Relations is thus particularly disturbing and disheartening to those who have been fortunate enough to work for and with him. We hope this letter will help set the record straight and inform your committee's decision.

Sincerely yours,

Margaret D. Tutwiler, Former Assistant Secretary for Public Affairs and Spokesman

John F.W. Rogers, Former Under Secretary for Management

Ambassador Dennis Ross, Former Director of Policy Planning, Former Special Middle East Coordinator

Ambassador Jackie Wolcott Sanders, Former Deputy Assistant Secretary for International Organization Affairs

Sonia Landau, Former Assistant Secretary of State, rank of Ambassador

Richard Burt, Former Assistant Secretary of State

Randall M. Fort, Former Deputy Assistant Secretary of State for Analysis and Research

Richard Schifter, Former Assistant Secretary of State for Human Rights and Humanitarian Affairs

Catherine Bertini, Former Assistant Secretary, U.S. Department of Agriculture

Richard T. Miller, Former U.S. Observer to UNESCO

Caroline Weil Barnett, Former Special Assistant to Assistant Secretary John R. Bolton

Christine E. Samuelian, Former Confidential Assistant to Assistant Secretary John R. Bolton

David A. Schwarz, Former Special Assistant to U.S. Permanent Representative to the European Office of the United Nations

John M. Herzberg, Former Public Affairs Officer, Bureau for International Organization Affairs

C. Craig Smith, Former Confidential Assistant to the DAS, International Organization Affairs

Frederick H. Fleitz, Intelligence Analyst, Central Intelligence Agency

Fran Westner, Former Director of Public Affairs, International Organization Affairs

Thomas A. Johnson, Counselor for Legal Affairs, U.S. Mission, Geneva

M. Deborah Wynes, Former Civil Service Employee, U.S Department of State
Lena Murrell, Former Secretary to Deputy Assistant Secretary, International Organization Affairs
Sam Brock, Former Action Officer, Office of UN Political Affairs, Bureau for International Organization Affairs
Antonio Gayoso, Former Agency Director, USAID

MAY 6, 2005.

Hon. RICHARD G. LUGAR,
Senate Foreign Relations Committee,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LUGAR: We write to express our full confidence in the professionalism and integrity of John R. Bolton and to offer our strong support for his nomination to be permanent representative of the United States at the United Nations.

As signatories we are diverse; career and non-career, Republican and Democrat, employed and retired. Many of us worked directly with John Bolton during his service at USAID under President Reagan. Some of us have served at USAID following his legacy. All of us deeply respect and admire John Bolton as a leader who exhibits the utmost integrity, fairness, intellect, and sense of America's national interests. Based on this personal experience, we know the caricature drawn of Secretary Bolton in this confirmation process is unrecognizable and grossly unfair.

We know John to be a forceful policy advocate who both encourages and learns from rigorous debate. We know him to be a man of balanced judgment. And we know him to have a sense of humor, even about himself.

John leads from in front with courage and conviction—especially positive qualities, we believe, for the assignment he is being asked to take on. He is tough but fair. He does not abuse power or people. John is direct, yet thoughtful in his communication. He is highly dedicated, working long hours in a never-ending quest to maximize performance. Yet, he does not place undue time demands on his staff, recognizing their family obligations. What he does demand from staff is personal honesty and intellectual clarity.

Throughout his illustrious career John Bolton has been an energetic change agent. As such, he has made enemies, for there are always those who abhor and resist change. But John is known more for his friends than his enemies. We ask that you listen to his friends, giving them at least equal weight.

We highly recommend Secretary Bolton to you with the full confidence that be will serve his country as U.S. Ambassador to the United Nations with honor and great distinction.

Respectfully,

M. Peter McPherson, Former Administrator, U.S. Agency for International Development
Andrew S. Natsios, Administrator, U.S. Agency for International Development
Frederick W. Schieck, Deputy Administrator, U.S. Agency for International Development

Kate Semerad, Former Assistant Administrator, External Affairs, USAID
Michelle D. Laxalt, Former Director, Legislative Affairs, USAID
Frank Ruddy, Former Assistant Administrator for Africa, USAID, Former General Counsel, U.S. Department of Energy, Former U.S. Ambassador to Equatorial Guinea
Elise du Pont, Former Assistant Administrator (and founder) for Private Enterprise, USAID
Charlotte Norwood Walker, Former Secretary to Elise du Pont, Bureau for Private Enterprise, USAID
Otto J. Reich, Former Assistant Administrator of USAID, Former U.S. Ambassador to Venezuela, former Assistant Secretary of State, former Special Envoy of the President for Western Hemisphere Initiatives.
Marc Leland, Former Assistant Secretary of the Treasury for International Affairs
Molly Hageboeck, Former Chief of Staff, USAID
Mary Beth Allen Yarbrough, Commissioned Foreign Service Officer, USAID)
Franklin L. Lavin, Special Assistant Bureau for Asia, Bureau for Africa, USAID
Barbara A. Upton, Former Director, Office of International Donor Coordination, USAID
Sarah Tinsley Demarest, Former Director, Office of Women in Development, USAID
Caroline Weil Barnett, Former Special Assistant to General Counsel and Assistant Administrator John R. Bolton
Kevin E. Rushton, Former Special Assistant, USAID, Former Economic Advisor to the U.S. Ambassador to the Asian Development Bank
R. Blair Downing, Former Special Assistant USAID, Former Executive Secretary, Department of Treasury
Patrice Malone Pisinski, Former Special Assistant, USAID
Liliane Willens, Ph.D., Former Desk Officer for Indian Ocean States, Africa Bureau, USAID
Clark D. Horvath, Horvath and Associates
Michael Ussery, U.S. Ambassador (Ret.)
John L. Wilkinson, Brigadier General, USAFR (Ret.), Former Deputy Assistant Administrator, Bureau for Asia and Near East; Former Deputy Assistant Administrator, Bureau for Private Enterprise, USAID
Joseph P. Duggan, Formerly U.S. Mission to the United Nations; Department of State; White House Staff; USAID
Richard Derham, Former General Counsel, UDAID, Former Assistant Administrator for Program and Policy Coordination
Kay Davies, Former Director, Office of Women in Development
Dee Ann Smith Shuff, Executive Officer, Foreign Service (Ret.)
Carole Neideffer Gallagher, Confidential Assistant to Administrator McPherson (Ret.)
David M. Rybak, U.S. Agency for International Development, Retired Foreign Service
Rick Endres, Former Special Assistant, Office of Interbureau Affairs and Officer, Office of Foreign, Disaster Assistance,

USAID; Former Deputy Assistant Secretary of Commerce for Technology Policy
Matthew C. Freedman, Former International Development Advisor, USAID
Sean Walsh, Former Director of Office of Urban Programs for the NIS
Kimberley McGraw Euston, Former Interim Program Officer for the Caribbean—Bureau of INM, U.S. State, Department, Former Confidential Assistant to the Vice President's National Security Advisor
Nadine M. Hogan, Former Mission Director, USAID
Dr. Edwin W. Hullander, Former Associate Assistant Administrator for Policy, Programs and Project Review; Coordinator for Counter-Terrorism Programs, AID
Ed Lijewski, Program Analyst, USAID
Bob Hawkins, Chairman, Advisory Commission on Intergovernmental Affairs, President of The Institute for Contemporary Studies
Neal S. Zank, Former policy analyst, Bureau for Program and Policy Coordination, USAID
Richard Sheppard, Former Office Director, Bureau for Program and Policy Coordination, USAID
Emily Leonard, USAID (FEOC) Ret.
Peter K. Monk, Formerly Keene-Monk Associates

THE RT. HON. THE BARONESS THATCHER,
HOUSE OF LORDS,
London, England, May 4, 2005.

Hon. JOHN R. BOLTON,
Undersecretary of State for Arms Control and International Security, Washington, DC.

DEAR JOHN: I am writing this letter in order to let you know how strongly I support your nomination as U.S. ambassador to the United Nations. On the basis of our years of friendship, I know from experience the great qualities you will bring to that demanding post.

To combine, as you do, clarity of thought, courtesy of expression and an unshakable commitment to justice is rare in any walk of life. But it is particularly so in international affairs. A capacity for straight talking rather than peddling half-truths is a strength and not a disadvantage in diplomacy. Particularly in the case of a great power like America, it is essential that people know where you stand and assume that you mean what you say. With you at the UN, they will do both. Those same qualities are also required for any serious reform of the United Nations itself, without which cooperation between nations to defend and extend liberty will be far more difficult.

I cannot imagine anyone better fitted to undertake these tasks than you.

All good wishes,

Yours ever,

MARGARET THATCHER.

APRIL 22, 2005.

Hon. RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We, the undersigned, have been appalled at the charges that have been leveled at John Bolton during the course of his nomination hearing to be this country's ambassador to the United Nations. Rather than a rational, mature discussion about the future course American policy should take with respect to the United Nations, or whether and to what extent Mr. Bolton's extensive knowledge and experience with the UN further that course, what we have witnessed instead has been a character assassination masquerading as a nomination hearing. Mr. Bolton spent a full day before your Committee prepared to delve deeply into issues of foreign policy, and yet all but a sliver of the Committee's time was devoted to unsubstantiated allegations of misconduct.

Each of us has worked with Mr. Bolton. We know him to be a man of personal and intellectual integrity, deeply devoted to the service of this country and the promotion of our foreign policy interests as established by this President and the Congress. Not one of us has ever witnessed conduct on his part that resembles that which has been alleged. We feel our collective knowledge of him and what he stands for, combined with our own experiences in government and in the private sector, more than counterbalances the credibility of those who have tried to destroy the distinguished achievements of a lifetime.

President Bush and Secretary Rice have personally expressed confidence in Mr. Bolton's ability to effectively represent this country in the United Nations. And for those of us who have worked with and known John Bolton for decades, we urge you and the Committee to consider our views. We believe John Bolton deserves to have the Foreign Relations Committee's vote of confidence and support as well.

Sincerely,

Ed Meese, Former Attorney General of the United States

Dick Thornburgh, Former Governor of Pennsylvania, Former Attorney General of the United States, Former Under Secretary General for Administration and Management, The United Nations

Frank Keating, Former Governor of Oklahoma, Former Associate Attorney General, Former General Counsel, Department of Housing and Urban Development, Former Assistant Secretary of the Treasury

William F. Weld, Former Governor of Massachusetts, Former Assistant Attorney General, Criminal Division

Arthur B. Culvahouse, Jr., Former Counsel to President Ronald Reagan

C. Boyden Gray, Former Counsel to the President George H.W. Bush

T. Kenneth Cribb, Jr., Former Assistant to the President, for Domestic Affairs

Richard Willard, Former Assistant Attorney General, Civil Division

Wm. Bradford Reynolds, Former Assistant Attorney General, Civil Rights Division
Douglas W. Kmiec, Former Assistant Attorney General, Office of Legal Counsel
Thomas M. Boyd, Former Assistant Attorney General, Office of Legislative Affairs, Former Director, Office of Policy Development
James F. Rill, Former Assistant Attorney General, Antitrust Division
Charles J. Cooper, Former Assistant Attorney General, Office of Legal Counsel
Becky Norton Dunlop, Former Senior Special Advisor to the Attorney General
Eugene W. Hickok, Former Special Assistant, Office of Legal Counsel, Former Deputy Secretary of Education
Mark R. Levin, Former Chief of Staff to the Attorney General
John Richardson, Former Chief of Staff to the Attorney General
William P. Cook, Former General Counsel, U.S. Immigration & Naturalization Service
Steve Calabresi, Former Special Assistant to the Attorney General
Murray Dickman, Former Assistant to the Undersecretary General of the United Nations, Former Assistant to the Attorney General
Terry Eastland, Former Director of Public Affairs
Roger Pilon, Former Director, Asylum Policy and Review Unit
Lee Liberman Otis, Former Associate Deputy Attorney General, Former General Counsel, Department of Energy
C.H "Bud" Albright, Jr., Former Deputy Associate Attorney General
Gary L. McDowell, Former Associate Director of Public Affairs
Laura Nelson, Former Deputy Assistant Attorney General, Office of Legislative Affairs
Michael Carvin, Former Deputy Assistant Attorney General, Office of Legal Counsel
Mark R. Disler, Former Deputy Assistant Attorney General, Civil Rights Division
Brent 0. Hatch, Former Associate White House Counsel, Former General Counsel National Endowment for the Humanities, Former Deputy Assistant Attorney General, Civil Division
Steven R. Valentine, Former Deputy Assistant Attorney General, Civil Division
David B. Rivkin, Jr., Former Deputy Director, Office of Policy Development, Member, U.N. Sub-commission on the Promotion and Protection of Human Rights
Lee A. Casey, Former Attorney Advisor, Office of Legal Counsel, Member, U.N. Sub-commission on the Promotion and Protection of Human Rights

AMERICAN ENTERPRISE INSTITUTE
FOR PUBLIC POLICY RESEARCH,
Washington, DC, April 22, 2005.

Hon. RICHARD G. LUGAR,
Hon. JOSEPH R. BIDEN, JR.,
Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND RANKING MEMBER BIDEN: We were close colleagues of John Bolton during his tenure as senior vice president of the American Enterprise Institute from January 1997 through May 2001. (Our positions at AEI during Mr. Bolton's tenure are given below our signatures.) We are writing to tell you and your colleagues that the various allegations that have been raised before your Committee, concerning Mr. Bolton's management style and conduct in other organizations and circumstances, are radically at odds with our experiences in more than four years of intense, frequent, and continuous interaction with him.

Mr. Bolton was a demanding colleague—and was always at least as demanding of himself as of those around him. He was unfailingly courteous and respectful to us regardless of our AEI positions or seniority. Several of us were Mr. Bolton's subordinates, and the idea that he would seek to punish or settle scores with those who disagreed with him seems particularly preposterous to us. At AEI, whenever uncertainties or disagreements arose concerning research or administrative matters, the Bolton style was clear and consistent: he would state his own views openly and directly, expect others to be equally open and direct, and go out of his way to encourage subordinates to be open and direct, all in the service of arriving at the best possible decision. Disagreement was never discouraged and often led him to revise his own views; once a decision was reached, he expected subordinates to follow the decision with the same alacrity with which he followed the decisions of his peers or superiors.

For these and other reasons, John Bolton's management style at AEI became legendary for its crispness, openness, fairness, and efficiency. As we have followed the strange allegations suddenly leveled at Mr. Bolton in recent days and reflected among ourselves on our own experiences with him, we have come to realize how much we learned from him, and how deep and lasting were his contributions to improving AEI's management and esprit de corps as well as the substance of our research programs. Contrary to the portrayals of his accusers, he combines a temperate disposition, good spirit, and utter honesty with his well-known attributes of exceptional intelligence and intensity of purpose. This is a very rare combination and, we would think, highly desirable for an American ambassador to the United Nations.

We respectfully request that this letter be shared with the other members of the Committee on Foreign Relations and entered into its records.

Yours truly,

Leon Aron, Resident Scholar
Douglas Besharov, Resident Scholar
Claude Barfield, Resident Scholar

Frances Bolton, Assistant to the Senior Vice President
Steven Berchem, Vice President
Elizabeth Bowen, Director of Conferences
Walter Berns, Resident Scholar
Karlyn Bowman, Resident Fellow
Montgomery Brown, Director of Communications
Mark Falcoff, Resident Scholar
Virginia Bryant, Director of Publications, Marketing
Isabel Ferguson, Director of Conferences
Seth Cropsey, Visiting Fellow
David Gerson, Executive Vice President
Aimee Dayhoff, Assistant to the Senior Vice President
Newt Gingrich, Senior Fellow
Christopher DeMuth, President
James Glassman, Resident Fellow
Nicholas Eberstadt, Resident Scholar
Jack Landman Goldsmith III, Adjunct Scholar
Bob Hahn, Resident Scholar
Danielle Maxwell, Marketing Manager for Donor Relations
Kevin Hassett, Resident Scholar
Allan Meltzer, Visiting Scholar
Robert Helms, Resident Scholar
Michael Novak, Resident Scholar
R. Glenn Hubbard, Visiting Scholar
Richard Perle, Resident Fellow
Jeane Kirkpatrick, Senior Fellow
Jeremy Rabkin, Adjunct Scholar
Marvin Kosters, Resident Scholar
Robert Riley, Computer Operations Specialist
Michael Ledeen, Freedom Scholar
Véronique Rodman, Director of Public Affairs
Nicole Ruman Skinner, Director of Marketing
Audrey Williams, Training Manager and Research/Staff Assistant
Kathryn Staulcup, Communications Assistant
Joanna Yu, Staff Assistant
Tarn Sweeney, Marketing Communications Manager
MangHao Zhao, Research Assistant
Peter Wallison, Resident Fellow
Scott Walter, Senior Editor, The American Enterprise
Ben Wattenberg, Senior Fellow

APRIL 12, 2005.

Hon. RICHARD G. LUGAR,
Chairman, Senate Foreign Relations Committee, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LUGAR: Your Committee will soon be reasoning together on the nomination of John R. Bolton as our country's next Ambassador to the United Nations. We urge you to give special weight at this time to the explosions of freedom now taking place in Ukraine, Lebanon, Iraq, Egypt, Kyrgyzstan, Zimbabwe, to name just a few. We believe that these early stirrings of courageous groups within countries that for too long have held on to rigid authoritarian or in some cases totalitarian rule reflect in large meas-

ure the policies and optimistic realism of President George W. Bush.

No one in the world of diplomacy and geo-political policy has a better grounding of proven experience than John Bolton. He was on hand as an active participant during the period of the break-up of the Soviet Union and made important contributions to policy-making at a time of total ambiguity when the world of two superpowers was morphing into what we have today.

We believe it is in the best interest of the community of nations as represented by the United Nations, for the maintenance of world peace and security, that the views of America's President be clearly and directly presented in both the General Assembly and the Security Council of the UN.

It is for this reason more than any other that we urge you to quickly and clearly approve John's nomination.

Sincerely,

Bruce S. Geib, former Director of USIA; former Ambassador to Belgium
Anne L. Armstrong, former Ambassador to the United Kingdom
William S. Farish, former Ambassador to the United Kingdom
Walter J.P. Curley, former Ambassador to France and Ireland
Richard R. Burt, former Ambassador to Germany
Edward N. Ney, former Ambassador to Canada
Chic Hecht, former Ambassador to The Bahamas; former U.S. Senator
Alfred H. Kingon, former Ambassador to the European Union; former Assistant Secretary of Commerce
Thomas Patrick Melady, former Ambassador to The Vatican, Uganda and Burundi
Frank Shakespeare, former Ambassador to Portugal and The Vatican
Michael Sotirhos, former Ambassador to Greece and Jamaica
Robert D. Stuart, Jr., former Ambassador to Norway
Weston Adams, former Ambassador to Malawi
Everett E. Bierman, former Ambassador to Papua New Guinea, the Solomon Islands and Vanuatu
Stephen F. Brauer, former Ambassador to Belgium
Nancy G. Brinker, former Ambassador to Hungary
Keith L. Brown, former Ambassador to Denmark and Lesotho
Richard W. Carlson, former Director of VOA; former Ambassador to Seychelles
Gerald P. Carmen, former Ambassador to the United Nations
Sue McCourt Cobb, former Ambassador to Jamaica
Charles E. Cobb, Jr., former Ambassador to Iceland
Peter H. Dailey, former Ambassador to Ireland and Special Envoy to NATO
Diana Lady Dougan, former Ambassador—U.S. Coordinator for International Communications and Information Policy
Richard J. Egan, former Ambassador to Ireland
William H.G. Fitzgerald, former Ambassador to Ireland
Joseph Ghougassian, former Ambassador to Qatar and Senior member in Coalition Provisional Authority, Iraq
Joseph B. Gildenhorn, former Ambassador to Switzerland
Glen A. Holden, former Ambassador to Jamaica

Richard L. Holwill, former Ambassador to Ecuador
Charles W. Hostler, former Ambassador to Bahrain
Roy M. Huffington, former Ambassador to Austria
O. Philip Hughes, former Ambassador to Barbados, Dominica, St. Lucia, St. Vincent and the Grenadines
Lester B. Korn, former Ambassador to the United Nations Economic and Social Council
Paul C. Lambert, former Ambassador to Ecuador
L.W. Lane, Jr., former Ambassador to Australia and Nauru
Ronald S. Lauder, former Ambassador to Austria
John Langeloth Loeb, Jr., former Ambassador to Denmark
Gregory J. Newell, former Ambassador to Sweden; former Assistant Secretary of State for International Organizations
Julian M. Niemczyk, former Ambassador to Czechoslovakia
Sally Z. Novetzke, former Ambassador to Malta
Penne Korth Peacock, former Ambassador to Mauritius
Joseph Canton Petrone, former Ambassador to the United Nations European Office (Geneva)
Charles J. Pilliod, Jr., former Ambassador to Mexico
James W. Rawlings, former Ambassador to Zimbabwe
Frank Ruddy, former Ambassador to Equatorial Guinea
Paul A. Russo, former Ambassador to Barbados, St. Kitts, Antigua, St. Lucia, St. Vincent and the Grenadines, and Dominica
Ronald J. Sorini, former Ambassador and Chief Textile Negotiator
Timothy L. Towell, former Ambassador to Paraguay
Helene van Damm, former Ambassador to Austria
Leon J. Weil, former Ambassador to Nepal
Faith Whittlesey, former Ambassador to Switzerland
Joseph Zappala, former Ambassador to Spain

APRIL 5, 2005.

Senator RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We write to urge that the Senate act expeditiously to confirm John Bolton as our ambassador to the United Nations. This is a moment when unprecedented turbulence at the United Nations is creating momentum for much needed reform. It is a moment when we must have an ambassador in place whose knowledge, experience, dedication and drive will be vital to protecting the American interest in an effective, forward-looking United Nations.

In his position as Undersecretary of State, John Bolton has taken the lead in strengthening international community approaches to the daunting problem of the proliferation of nuclear and other weapons of mass destruction (WMD). As a result of his hard work, intellectual as well as operational, the G–8 has supported U.S. proposals to strengthen safeguards and verification at the International Atomic Energy Agency and the Proliferation Security Initiative was launched and established within three months—a world speed record in these complex, multilateral matters. Moreover, Secretary Bolton led the successful effort to complete the negotiation of UN Security Council Resolution 1540, adopted unanimously in

April, 2004. UN 1540 called on member states to criminalize the proliferation of WMD—which it declared to be a threat to international peace and security—and to enact strict export controls.

Secretary Bolton, like the Administration, has his critics, of course. Anyone as energetic and effective as John is bound to encounter those who disagree with some or even all of the Administration's policies. But the policies for which he is sometimes criticized are those of the President and the Department of State which he has served with loyalty, honor and distinction.

Strong supporters of the United Nations understand the challenges it now faces. With his service as assistant secretary of state for international organizations, where he was instrumental in securing the repeal of the repugnant resolution equating Zionism with racism, and as undersecretary for arms control and international security, we believe John Bolton will bring great skill and energy to meeting those challenges.

Sincerely yours,

The Honorable David Abshire, former Assistant Secretary of State
The Honorable Kenneth Adelman, former Director, Antis Control Disarmament Agency
The Honorable Richard Allen, former Assistant to the President for National Security
The Honorable James Baker, former Secretary of State
The Honorable Frank Carlucci, former Secretary of Defense
The Honorable Lawrence Eagleburger, former Secretary of State
The Honorable Al Haig, former Secretary of State
Ambassador Max Kampelman, former Ambassador and Head of the U.S. Delegation to the Negotiations with the Soviet Union on Nuclear and Space Arms.
Ambassador Jeane Kirkpatrick, former Ambassador to the United Nations
The Honorable Henry Kissinger, former Secretary of State
The Honorable James Schlesinger, former Secretary of Defense
The Honorable George Shultz, former Secretary of State
The Honorable Helmut Sonnenfeldt, former Counselor, Department of State

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[FROM THE WASHINGTON POST, MAY 12, 2005]

A VOTE ON MR. BOLTON

On April 19 the Senate Foreign Relations Committee unexpectedly postponed a vote on the nomination of John R. Bolton as ambassador to the United Nations, citing concerns that he had engaged in a pattern of abuse of subordinates and manipulation of intelligence. Three weeks of further digging, mostly by Democratic committee staff members, have not produced evidence of such a pattern. The committee ought to give Mr. Bolton a vote today. Ours would be an unenthusiastic, deference-to-the-president yes.

It's as clear now as it was on April 19 that Mr. Bolton is a contentious figure who has both strong admirers and impassioned critics in Washington. He engages in hand-to-hand bureaucratic combat, and on a couple of occasions he pushed too hard. He challenged intelligence analysts, but it's naive to think that such ana-

lysts are always ideologically neutral and beyond politics—that they should never be challenged. What emerges from the interviews conducted by committee staffers is how intensely policy-driven, as opposed to personal, were most of Mt Bolton's clashes in the State Department, during President Bush's first term, under Secretary of State Colin L. PowelL

If anyone might have been expected to provide evidence of dysfunctional behavior, for exaniple, it would be Lawrence B. Wilkerson, who was Mr. Powell's chief of staff. Mr. Wilkerson has said that he does not believe Mr. Bolton is fit to be U.N. ambassador, and by his description he knew pretty much everything that was happening at Foggy Bottom: "I was also a sponge, sopping up everything! could about the Department, about its efficiency; about its effectiveness, about its people . . . and reporting to Powell."

Yet in an interview last Friday, Mr. Wilkerson was unable to provide any fresh examples of misbehavior by Mr. Bolton. Instead he complained about policy differences: Mr. Bolton was too eager to sanction Chinese companies that violated the nonproliferation regime, thereby making diplomacy more difficult. He was too zealous in carring out his mission to persuade other countries to exempt U.S. soldiers from the jurisdiction of the International Criminal Court. When Mr. Bolton delivered a speech vilifying North Korean leader Kim Jong II, "Rich was very angry"—that would be former deputy secretary Richard L. Armitage—but, Mr. Wilkerson acknowledged, he was angry because the speech had been cleared by the assistant secretary for Asia, a Powell ally.

The committee interviews have provided some colorful details without breaking new ground on what has long been a well-understood split in the first Bush administration: a split between those who saw themselves as pragmatic diplomats (the Powell camp) and those, like Mr. Bolton, who saw themselves as more willing to bruise feelings here and abroad in standing up for U.S. interests. Our view was that Mr. Bolton often, though not always, had the worse end of those arguments; he helped hamstring diplomacy toward Iran and North Korea, and his single-minded focus on the International Criminal Court endangered relations even with allies who were supporting the United States in Iraq.

Moreover, the first-term divisions themselves were harmful to U.S. policymaking. Will Mr. Bolton perpetuate the divisions from a new perch in New York? That seems to us a risk. But it also strikes us as a risk that a president is entitled to take on if he wants. Mr. Bush surely knows what role Mr. Bolton played in the first term, and he says he wants to put Mr. Bolton's bluntness to work at the United Nations. The nominee is intelligent and qualified, we still see no compelling reason to deny the president his choice.

THE SECRETARY OF STATE,
Washington, DC, August 26, 2003.

Hon. JON KYL,
U.S. Senate,
Washington, DC.

DEAR JON: I am pleased to reply to your recent letter concerning John Bolton's speech in Korea and our reaction.

Undersecretary Bolton's speech was fully cleared within the Department. It was consistent with Administration policy, did not really break new ground with regard to our disdain for the North Korean leadership and, as such, was official. The speech was given during a time of delicate negotiations on the part of the Chinese government to arrange six-party multilateral discussions. As a result, it got a lot of attention in the regional press and drew a sharp North Korean reaction directed towards Secretary Bolton.

My acting spokesman, Phil Reeker, and the president's press officer, Scott McClellan, both supported Mr. Bolton. Mr. Bolton even cleared the response Phil Reeker used at his press conference. We refused to be drawn into a debate with the North Koreans, noting that Mr. Bolton spoke officially and the Secretary and the President would decide who would represent the United States in the talks. If you read the full text of Mr. Armitage's statement in Australia, you will see that he also supported that line. Assistant Secretary Jim Kelly, during a background briefing on August 22, got the question yet again and gave the same response.

Mr. Jack Pritchard, who you mentioned in your letter, from time to time meets with the North Korean Ambassador to the UN. His job is to listen to whatever they have to say, tell them whatever we want them to hear. He does not debate with them or even engage them beyond seeking clarification of their remarks. I've read the transcript of his recent meeting. They complained about Mr. Bolton. Mr. Pritchard took note of their complaint and said they were aware of U.S. policy. He did not say or imply that Mr. Bolton was speaking only in a personal capacity.

We know who we are dealing with when we deal with the North Koreans. The President has given me solid guidance how to manage this difficult account and I believe we are making progress. I am fortunate to receive informed advice and judgment from Mr. Bolton, Mr. Kelly and Mr. Pritchard. Mr. Pritchard has just resigned having requested retirement some months ago. I am pleased I was able to keep him on a while longer and grateful for his many years of dedicated service to our country.

With best wishes,

Sincerely,

COLIN L. POWELL.

A DICTATORSHIP AT THE CROSSROAD

BY JOHN R. BOLTON, UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY AFFAIRS, EAST ASIA INSTITUTE, SEOUL HILTON, SEOUL, SOUTH KOREA, JULY 31, 2003

Distinguished guests, it is a pleasure to have the opportunity to speak to you again. Since I last spoke here in Seoul nearly 1 year ago, the United States and the Republic of Korea have forged ahead in strengthening our alliance and friendship. The foundation for this was made all the stronger by the extremely successful summit last May between President Bush and President Roh. At that summit, our two presidents made the firm commitment to move in lock-step to meet our shared challenges and opportunities. I am happy to say that we are taking the shared vision of our presidents and putting it into action.

Indeed, action is needed. As we stand here today having just celebrated the 50th anniversary of the Armistice agreement that ended combat on the peninsula, the threat to the North posed by the Kim Jong Il dictatorship is a constant reminder of a powerful truth—freedom is not free.

In preserving freedom, it is important for all to have a shared understanding of the threats we face. Unfortunately, the last year has seen a dizzying whirlwind of developments on the threat posed by the Kim Jong Il dictatorship. Being so close to North Korea, there is no doubt that the threat posed by Kim Jong Il must weigh heavily on you. While it would be naive and disingenuous for me to dismiss the danger, let me start off by striking a positive note: The world is united in working together to seek a peaceful solution to the threat posed by Kim Jong Il. Rarely have we seen the international community so willing to speak with the same voice and deliver a consistent message on an issue. In addition to consistency, there is a striking clarity to this message as well: The world will not tolerate Kim Jong Il threatening international peace and security with weapons of mass destruction, particularly nuclear weapons.

The brazenness of Kim Jong Il's behavior in the past year is striking. While nuclear blackmail used to be the province of fictional spy movies, Kim Jong Il is forcing us to live that reality as we enter the new millennium. To give in to his extortionist demands would only encourage him, and perhaps more ominously, other would-be tyrants around the world. One needs little reminding that we have tested Kim Jong Il's intentions many times before—a test he has consistently failed. Since 1994, billions of dollars in economic and energy assistance have flowed into the coffers of Pyongyang to buy off their nuclear weapons program. Nine years later, Kim Jong Il has repaid us by threatening the world with not one, but two separate nuclear weapons programs—one based on plutonium, the other highly enriched uranium.

If history is any guide, Kim Jong Il probably expects that his current threats wit! result in newfound legitimacy and billions of dollars of economic and energy assistance pouring into his failed economy. in this case, however, history is not an especially good guide—a page has been turned. Particularly after September 11, the world is acutely aware of the danger posed to civilian populations by

weapons of mass destruction being developed by tyrannical rogue state leaders like Kim Jong Il or falling into the hands of terrorists. Simply put, the world has changed. Consider that in 1994, I could have used the term "WMD" and most audiences would have stared at me blankly. In 2003, we all know it is shorthand for "weapons of mass destruction." Clearly, this is a sad reflection on the dangerous times we live in.

Let us also consider the fact that in 1994, North Korea could have chosen to enter the international community on a new and different footing. While communist dictatorships were collapsing or reforming across the globe, there was even hope that Kim Il Sung's North Korea would follow suit. When power passed to Kim Jong Il, the world hoped he would be more enlightened and recognize the benefits of participating in the global community—as opposed to threatening and blackmailing it.

Unfortunately; this still has not come to pass. Even a cursory glance of the first decade of Kim Jong Il's dictatorial reign suggests that he has done nothing but squander opportunity after opportunity, olive branch after olive branch. Sadly, as an editorial cartoon in The Economist recently expressed so well, Kim Jong Il seems to care more about enriching uranium than enriching his own people.

Kim Jong Il, of course, has not had to endure the consequences of his failed policies. While he lives like royalty in Pyongyang, he keeps hundreds of thousands of his people locked in prison camps with millions more mired in abject poverty, scrounging the ground for food. For many in North Korea, life is a hellish nightmare. As reported by the State Department Report on Human Rights, we believe that some 400,000 persons died in prison since 1972 and that starvation and executions were common. Entire families, including children, were imprisoned when only one member of the family was accused of a crime. Consider the testimony of Lee Soon-ok, a woman who spent years in North Korean prison camps. She testified before the U.S. Senate that she witnessed severe beatings and torture involving water forced into a victim's stomach with a rubber hose and pumped out by guards jumping on a board placed across the victim's abdomen. She also reported chemical and biological warfare experiments conducted on inmates by the army.

And while Kim Jong Il is rumored to enjoy the internet so he can observe the outside world, he does not afford that right to his own people who are forced to watch and listen to only government television and radio programs.

Why is Kim Jong Il so scared of letting his people observe the outside world? The answer, of course, is that they will see the freedom enjoyed by much of the world and what they have been denied. They will see their brothers and sisters in Seoul, the capital of a booming vibrant democracy. They will see that there is a world where children stand a good chance to live to adulthood—a dream of every parent. More important, they will see that the excuses for their failed system provided by Kim Jong Il don't stand scrutiny. It is not natural disasters that are to blame for the deprivation of the North Korean people—but the failed policies of Kim Jong Il. They will see that, unless he changes course, his regime is directly responsible for bringing economic ruin to their country. The world

already knows this—which is why we will continue to give humanitarian food aid to the starving people of North Korea. But let there be no doubt about where blame falls for the misery of the North Korean people—it falls squarely on the shoulders of Kim Jong Il and his regime.

There is still hope that Kim Jong Il may change course. All civilized nations and peace-loving people hope this to be true. But Kim Jong Il must make the personal decision to do so and choose a different path.

It is holding out this hope that has prompted the United States, in lock-step with our friends and allies in the region, to pursue the multilateral negotiations track. Let me be clear: the United States seeks a peaceful solution to this situation. President Bush has unambiguously led the way in mobilizing world public opinion to support us in finding a lasting multilateral solution to a problem that threatens the security of the entire world.

The operative term is "multilateral." It would be the height of irresponsibility for the Bush administration to enter into another bilateral agreement with the Kim Jong Il dictatorship. The Clinton administration bravely tried with the Agreed Framework but failed because Kim Jong Il instructed his subordinates to systematically violate it in secret. To enter into a similar type of agreement again would simply postpone the problem for some future administration—something the Bush administration will not do.

Postponing the elimination of Kim Jong Il's nuclear weapons program will only allow him time to amass even more nuclear, chemical and biological weapons and to develop even longer range missiles. Any doubts that Kim Jong Il would peddle nuclear materials or nuclear weapons to any buyer on the international market were dispelled last April when his envoy threatened to do just that.

This will not stand. Some have speculated that the U.S. is resigned to nuclear weapons on the peninsula and we will simply have to learn to live with nuclear weapons in the hands of a tyrannical dictator, who has threatened to export them. Nothing could be further from the truth.

This is why we are working so hard on pursuing the multilateral track in Beijing. Having just been in Beijing, I can confirm that we all believe this track is alive and well, but the ball is North Korea's court. The key now is to get South Korea and Japan, and ultimately Russia and others, a seat at the table. We know that as crucial players in the region, and the countries most threatened by Kim Jong Il, the roles of Seoul and Tokyo are vital to finding any permanent solution. Those with a direct stake in the outcome must be part of the process. On this point we will not waver.

While the Beijing track is on course, prudence suggests that we pursue other tracks as well. We have been clear in saying that we seek a peaceful solution to resolve the threat posed by Kim Jong Il, but that all options are on the table. I would like to discuss two complementary tracks that we are pursuing now.

The first is action through the United Nations Security Council. As the UN body charged with protecting international peace and security, it could play an important role in helping to reach a peaceful settlement. Unfortunately, the Council is not playing the part it should. It was 6 months ago that the Board of Governors

of the International Atomic Energy Agency voted overwhelmingly to report North Korea's violations to the Security Council.

To date, virtually nothing has happened. We believe that appropriate and timely action by the Security Council would complement our efforts on the multilateral track in Beijing. Just as important, it would send a signal to the rest of the world that the Council takes its responsibilities seriously. I would note that when North Korea withdrew from the Nuclear Nonproliferation Treaty the first time in March 1993, the Council took action within a month. Ignoring this issue will not make it go away—it will only reduce confidence in the Council and suggest to proliferators that they can sell their deadly arsenals with impunity.

The other track we are pursuing now is through the Proliferation Security Initiative, or PSI. When I spoke in Seoul almost a year ago, I detailed at length the WMD programs actively being pursued by Kim Jong Il. The last year has seen Kim Jong Il accelerate these programs, particularly on the nuclear front. Brazenly threatening to demonstrate, even export, nuclear weapons, Kim Jong Il and his supports have defied the unanimous will of the international community.

If Pyongyang thought the international community would simply ignore its threats—it was mistaken. Recently, I attended the second meeting of the PSI, held in Brisbane, Australia and met with officials from 10 other countries on the threats posed by dictators like Kim Jong Il. As the Chairman's Statement underscores, "the PSI is a global initiative with global reach." And we "agreed to move quickly on direct, practical measures to impede the trafficking in weapons of mass destruction, missiles and related items." Specifically, we are working on "defining actions necessary to collectively or individually interdict shipments of WMD or missiles and related items at sea, in the air or on land."

While global in scope, the PSI is cognizant of the reality that different countries pose different degrees of threat. Just as the South Korean Ministry of National Defense recently defined North Korea as the "main enemy," the nations participating in the PSI put North Korea and Iran at the top of the list of proliferant countries. That North Korea has earned this dubious distinction should come as little surprise in light of Pyongyang's trafficking in death and destruction to keep Kim Jong Il in power. It is practically their only source of hard currency earnings, unless of course you add narcotics and other illegal activities.

Hopefully, initiatives such as PSI will send a clear message to dictators like Kim Jong Il. In his specific case, we hope to communicate that while actively pursuing and believing that multilateral talks are a preferable way to find a lasting solution to the situation, we are not going to allow the DPRK regime to peddle its deadly arsenals to rogue states and terrorists throughout the world. Our national security, and our allies, as well as the lives of our citizens are at stake. Already, we are, planning operational training exercises on interdiction utilizing both military and civilian assets. Kim Jong Il would be wise to consider diversifying his export base to something besides weapons of mass destruction and ballistic missiles.

The international community's tolerance for actions that defy global norms is fast shrinking. There is growing political will to take concrete steps to prevent dictators such as Kim Jong Il from profiting in ill-gotten gains. We are moving to translate this political will into action.

This choice is Kim Jong Il's and his alone. In coordination with our allies, we are prepared to welcome a reformed North Korea into the world of civilized nations. This would mean, however, that Kim Jong Il makes the political decision to undergo sweeping reforms. A good start would be to respect the human rights of his people and not starve them to death or put them in death camps. He should allow the families of the Japanese abductees to be reunited, and he should provide a full account of the cause of death for the eight deceased abductees.

It would also mean respecting international norms and abiding by international commitments and giving up their extensive chemical and biological weapons programs. And it will certainly require Kim Jong Il to dismantle his nuclear weapons program—completely, verifiably, and irreversibly.

The days of DPRK blackmail are over. Kim Jong Il is dead wrong to think that developing nuclear weapons will improve his security. Indeed, the opposite is true. As President Bush has made clear: "A decision to develop a nuclear arsenal is one that will alienate you from the rest of the world." Kim Jong Il has already squandered the first decade of his rule. To continue down the path toward nuclear weapons will squander his legacy as well. The choice is his to make—but whichever path he does choose—the United States and its allies are prepared. Let us hope he makes the right choice.

BEYOND THE AXIS OF EVIL: ADDITIONAL THREATS FROM WEAPONS OF MASS DESTRUCTION

BY JOHN R. BOLTON, UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY, REMARKS TO THE HERITAGE FOUNDATION, WASHINGTON, DC, MAY 6, 2002

Thank you for asking me here to the Heritage Foundation. I'm pleased to be able to speak to you today about the Bush Administration's efforts to combat the proliferation of weapons of mass destruction. The spread of weapons of mass destruction (WMD) to state sponsors of terrorism and terrorist groups is, in my estimation, the gravest security threat we now face. States engaging in this behavior—some of them parties to international treaties prohibiting such activities—must be held accountable, and must know that only by renouncing terrorism and verifiably forsaking WMD can they rejoin the community of nations.

The New Security Environment

Eight months into the war on terror, the United States and its partners have made great strides. We have helped the Afghan people overthrow an oppressive, terrorist-harboring regime in Afghanistan, foiled terrorist plots in places such as Germany, Yemen, Spain and Singapore, and stanched the flow of funds that allowed Al-Qaeda's schemes to come to fruition. We have captured the num-

ber three man in Al-Qaeda, and will bring him to justice. And this is just the beginning.

The attacks of September 11 reinforced with blinding clarity the need to be steadfast in the face of emerging threats to our security. The international security environment has changed, and our greatest threat comes not from the specter of nuclear war between two superpowers, as it did during the Cold War, but from transnational terrorist cells that will strike without warning using weapons of mass destruction. Every nation—not just the United States—has had to reassess its security situation, and to decide where it stands on the war on terrorism.

In the context of this new international security situation, we are working hard to create a comprehensive security strategy with Russia, a plan President Bush calls the New Strategic Framework. The New Strategic Framework involves reducing offensive nuclear weapons, creating limited defensive systems that deter the threat of missile attacks, strengthening nonproliferation and counterproliferation measures, and cooperating with Russia to combat terrorism. It is based on the premise that the more cooperative, post-Cold War relationship between Rissia and the United States makes new approaches to these issues possible.

In preparation for the summit meeting in Moscow and St. Petersburg later this month, we have been working closely with the Russians to embody the reductions in offensive warheads into a legally-binding document that will outlast the administrations of both Presidents. We are also working to draft a political declaration on the New Strategic Framework that would cover the issues of strategic offensive and defensive systems, nonproliferation and counterproliferation. We are optimistic that we will have agreement in time for the summit in Moscow, May 23rd to 25th.

Strengthening the U.S.-Russian relationship has been a priority of the Bush Administration, even prior to the September 11 attacks. In the current security climate, cooperation with Russia becomes even more important, so that we can work together to combat terrorism and the spread of weapons of mass destruction, which threaten both our countries.

Preventing Terrorism's Next Wave

President Bush believes it is critical not to underestimate the threat from terrorist groups and rogue states intent on obtaining weapons of mass destruction. As he said on the six-month anniversary of the attacks, "Every nation in our coalition must take seriously the growing threat of terror on a catastrophic scale—terror armed with biological, chemical, or nuclear weapons." We must not doubt for a moment the possible catastrophic consequences of terrorists or their rogue state sponsors who are willing to use disease as a weapon to spread chemical agents to inflict pain and death, or to send suicide-bound adherents armed with radiological weapons on missions of mass murder.

Every nation must commit itself to preventing the acquisition of such weapons by state sponsors of terrorism or terrorist groups. As President Bush said: "Our lives, our way of life, and our every hope for the world depend on a single commitment: The authors of mass murder must be defeated, and never allowed to gain or use the

weapons of mass destruction." To this end, we use a variety of methods to combat the spread of weapons of mass destruction, including export controls, missile defense, arms control, nonproliferation and counter-proliferation measures.

In the past, the United States relied principally on passive measures to stem proliferation. Arms control and nonproliferation regimes, export controls, and diplomatic overtures were the primary tools used in this fight. But September 11th, the subsequent anthrax attacks, and our discoveries regarding Al-Qaeda and its WMD aspirations has required The U.S to complement these more traditional strategies with a new approach. The Bush Administration is committed to combating the spread of nuclear, chemical, and biological weapons, missiles, and related equipment, and is determined to prevent the use of these deadly weapons against our citizens, troops, allies, and friends. While diplomatic efforts and multilateral regimes will remain important to our efforts, we also intend to complement this approach with other measures, as we work both in concert with likeminded nations, and on our own, to prevent terrorists and terrorist regimes from acquiring or using WMD. In the past, we looked at proliferation and terrorism as entirely separate issues. As Secretary Powell said in his Senate testimony April 24, "There are terrorists in the world who would like nothing better than to get their hands on and use nuclear, chemical or biological weapons. So there is a definite link between terrorism and WMD. Not to recognize that link would be foolhardy to the extreme."

America is determined to prevent the next wave of terror. States that sponsor terror and pursue WMD must stop. States that renounce terror and abandon WMD can become part of our effort. But those that do not can expect to become our targets. This means directing firm international condemnation toward states that shelter—and in some cases directly sponsor—terrorists within their borders. It means uncovering their activities that may be in violation of international treaties. It means having a direct dialogue with the rest of the world about what is at stake. It means taking action against proliferators, middlemen, and weapons brokers, by exposing them, sanctioning their behavior, and working with other countries to prosecute them or otherwise bring a halt to their activities. It means taking law-enforcement action against suspect shipments, front companies, and financial institutions that launder prollferator's funds. And it requires, above all, effective use, improvement, and enforcement of the multilateral tools at our disposal—both arms control and nonproliferation treaties and export control regimes.

The Problem of Noncompliance

Multilateral agreements are important to our nonproliferation arsenal. This Administration strongly supports treaties such as the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Chemical Weapons Convention, and the Biological Weapons Convention. But in order to be effective and provide the assurances they are designed to bring, they must be carefully and universally adhered to by all signatories. Therefore, strict compliance with existing treaties remains a major goal of our arms control policy.

This has been our aim in particular with the Biological Weapons Convention (BWC). In 1969, President Nixon announced that the United States would unilaterally renounce biological weapons. The U.S. example was soon followed by other countries, and by 1972 the BWC was opened for signature. This international treaty, to which more than 140 countries are parties, prohibits the development, production, stockpiling, acquisition or retention of biological and toxin weapons.

While the vast majority of the BWC's parties have conscientiously met their commitments, the United States is extremely concerned that several states are conducting offensive biological weapons programs while publicly avowing compliance with the agreement. To expose some of these violators to the international community, last November, I named publicly several states the U.S. government knows to be producing biological warfare agents in violation of the BWC.

Foremost is Iraq. Although it became a signatory to the BWC in 1972 and became a State Party in 1991, Iraq has developed, produced, and stockpiled biological warfare agents and weapons. The United States strongly suspects that Iraq has taken advantage of more than three years of no UN inspections to improve all phases of its offensive BW program. Iraq also has developed, produced, and stockpiled chemical weapons, and shown a continuing interest in developing nuclear weapons and longer range missiles.

Next is North Korea. North Korea has a dedicated, national-level effort to achieve a BW capability and has developed and produced, and may have weaponized, BW agents in violation of the Convention. Despite the fact that its citizens are starving, the leadership in Pyongyang has spent large sums of money to acquire the resources, including a biotechnology infrastructure, capable of producing infectious agents, toxins, and other crude biological weapons. It likely has the capability to produce sufficient quantities of biological agents for military purposes within weeks of deciding to do so, and has a variety of means at its disposal for delivering these deadly weapons.

In January, I also named North Korea and Iraq for their covert nuclear weapons programs, in violation of the Nuclear Nonproliferation Treaty. This year, North Korea did not meet Congressional certification requirements because of its continued lack of cooperation with the International Atomic Energy Agency, its failure to make any progress toward implementing the North-South Joint Denuclearization Declaration as called for under the Agreed Framework, and for proliferating long-range ballistic missiles. Finally, we believe that North Korea has a sizeable stockpile of chemical weapons, and can manufacture all manner of CW agents.

Then comes Iran. Iran's biological weapons program began during the Iran-Iraq war, and accelerated after Tehran learned how far along Saddam Hussein had progressed in his own program. The Iranians have all of the necessary pharmaceutical expertise, as well as the commercial infrastructure needed to produce—and hide—a biological warfare program. The United States believes Iran probably has produced and weaponized BW agents in violation of the Convention. Again, Iran's BW program is complemented by an even more aggressive chemical warfare program, Iran's ongoing

interest in nuclear weapons, and its aggressive ballistic missile research, development, and flight testing regimen.

President Bush named these three countries in his State of the Union address earlier this year as the world's most dangerous proliferators. "States like these, and their terrorist allies," he said, "constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger."

Trouble Ahead

Beyond the axis of evil, there are other rogue states intent on acquiring weapons of mass destruction—particularly biological weapons. Given our vulnerability to attack from biological agents, as evidenced recently in the anthrax releases, it is important to carefully assess and respond to potential proliferators. Today, I want to discuss three other state sponsors of terrorism that are pursuing or who have the potential to pursue weapons of mass destruction or have the capability to do so in violation of their treaty obligations. While we will continue to use diplomatic efforts and multilateral regimes with these countries, it is important to review the challenges we face and to underline the issues that these states must address. As the President has said, "America will do what is necessary to ensure our nation's security. We'll be deliberate. Yet time is not on our side. I will not wait on events while dangers gather. I will not stand by as peril draws closer and closer."

First, Libya. There is no doubt that Libya continues its longstanding pursuit of nuclear weapons. We believe that since the suspension of UN sanctions against Libya in 1999, Libya has been able to increase its access to dual use nuclear technologies. Although Libya would need significant foreign assistance to acquire a nuclear weapon, Tripoli's nuclear infrastructure enhancement remains of concern. Qaddafi hinted at this in a recent (25 March) interview with Al-Jazirah when he said, "We demanded the dismantling of the weapons of mass destruction that the Israelis have; we must continue to demand that. Otherwise, the Arabs will have the right to possess that weapon."

Among its weapons of mass destruction programs, Libya—which is not a party to the CWC—continues its goal of reestablishing its offensive chemical weapons ability, as well as pursuing an indigenous chemical warfare production capability. Libya has produced at least 100 tons of different kinds of chemical weapons, using its Rabta facility. That facility closed down after it was subject to media scrutiny, but then re-opened as a pharmaceutical plant in 1995. Although production of chemical agents reportedly has been halted, CW production at Rabta cannot be ruled out. It remains heavily dependent on foreign suppliers for precursor chemicals, technical expertise, and other key chemical warfare-related equipment. Following the suspension of UN sanctions in April 1999, Libya has reestablished contacts with illicit foreign sources of expertise, parts, and precursor chemicals in the Middle East, Asia, and Western Europe.

Conversely, Libya has publicly indicated its intent to join the CWC. While our perceptions of Libya would not change overnight, such a move could be positive. Under the CWC, Libya would be re-

quired to declare and destroy all chemical weapons production facilities and stockpiles, make declarations about any dual use chemical industry, undertake not to research or produce any chemical weapons, and not to export certain chemicals to countries that have not signed the CWC. Libya would also be subject to challenge inspections of any facility, declared or not.

Significantly for predictive purposes, Libya became a State Party to the BWC in January 1982, but the U.S. believes that Libya has continued its biological warfare program. Although its program is in the research and development stage, Libya may be capable of producing small quantities of biological agent Libya's BW program has been hindered, in part, by the country's poor scientific and technological base, equipment shortages, and a lack of skilled personnel, as well as by UN sanctions in place from 1992 to 1999.

Libya is also continuing its efforts to obtain ballistic missile-related equipment, materials, technology, and expertise from foreign sources. Outside assistance—particularly Serbian, Indian, North Korean, and Chinese—is critical to its ballistic missile development programs, and the suspension of UN sanctions in 1999 has allowed Tripoli to expand its procurement effort. Libya's current capability probably remains limited to its Scud B missiles, but with continued foreign assistance it may achieve an MRBM capability—a long desired goal-or extended-range Scud capability.

Although Libya is one of seven countries on the State Department's list of state sponsors of terror[1], the U.S. has noted recent positive steps by the Libyan government that we hope indicate that Tripoli wishes to rejoin the community of civilized states. In 1999, Libya turned over two Libyans wanted in connection with the bombing of Pan Am flight 103 over Lockerbie, Scotland, for trial in the Netherlands. In 2001, it condemned the September 11 attacks publicly and signed the twelve terrorist conventions listed in UN Security Council Resolution 1273. And, as I have already mentioned, Libya has also announced its intention to accede to CWC.

However, as I have also said, words are not enough. The key is to see clear, hard evidence that Libya will, in fact, live up to the public standards it has set for itself. Libya can make a positive gesture in this regard by fulfilling its obligations under WMD treaties and becoming a party to the CWC. Moreover, Libya must honor the relevant UN Security Council Resolutions relating to the resolution of Pan Am 103, arguably the worst air terrorist disaster prior to September 11. Libya has yet to comply fully with these resolutions, which include accepting responsibility and paying compensation. It is past time that Libya did this.

The United States also knows that Syria has long had a chemical warfare program. It has a stockpile of the nerve agent sarin and is engaged in research and development of the more toxic and persistent nerve agent VX. Although Damascus currently is dependent on foreign sources for key elements of its chemical warfare program, including precursor chemicals and key production equipment, we are concerned about Syrian advances in its indigenous CW infrastructure which would significantly increase the independence of its CW program. We think that Syria has a variety of aerial

[1] "Patterns of Global Terrorism 2000," U.S. Department of State, April 20, 2001.

bombs and SCUD warheads, which are potential means of delivery of deadly agents capable of striking neighboring countries.

Syria, which has signed but not ratified the BWC, is pursuing the development of biological weapons and is able to produce at least small amounts of biological warfare agents. While we believe Syria would need foreign assistance to launch a large-scale biological weapons program right now, it may obtain such assistance by the end of this decade.

Syria has a combined total of several hundred Scud B, Scud C and SS–21 SRBMs, It is pursuing both solid- and liquid-propellant missile programs and relies extensively on foreign assistance in these endeavors. North Korean and Russian entities have been involved in aiding Syria's ballistic missile development. All of Syria's missiles are mobile and can reach much of Israel, Jordan, and Turkey from launch sites well within the country.

In addition to Libya and Syria, there is a threat coming from another BWC signatory, and one that lies just 90 miles from the U.S. mainland—namely, Cuba. This totalitarian state has long been a violator of human rights. The State Department said last year in its Annual Report on Human Rights Practices that "the Government continued to violate systematically the fundamental civil and political rights of its citizens. Citizens do not have the right to change their government peacefully. Prisoners died in jail due to lack of medical care. Members of the security forces and prison officials continued to beat and otherwise abuse detainees and prisoners . . . The Government denied its citizens the freedoms of speech, press, assembly and association."

Havana has long provided safehaven for terrorists, earning it a place on the State Department's list of terrorist-sponsoring states. The country is known to be harboring terrorists from Colombia, Spain, and fugitives from the United States. We know that Cuba is collaborating with other state sponsors of terror.

Castro has repeatedly denounced the U.S. war on terrorism. He continues to view terror as a legitimate tactic to further revolutionary objectives. Last year, Castro visited Iran. Syria and Libya—all designees on the same list of terrorist-sponsoring states. At Tehran University, these were his words: "Iran and Cuba, in cooperation with each other, can bring America to its knees. The U.S. regime is very weak, and we are witnessing this weakness from close up."

But Cuba's threat to our security often has been underplayed. An official U.S. government report in 1998 concluded that Cuba did not represent a significant military threat to the United States or the region. It went only so far as to say that, "Cuba has a limited capacity to engage in some military and intelligence activities which could pose a danger to U.S. citizens under some circumstances." However, then-Secretary of Defense William Cohen tried to add some balance to this report by expressing in the preface his serious concerns about Cuba's intelligence activities against the United States and its human rights practices. Most notably, he said, "I remain concerned about Cuba's potential to develop and produce biological agents, given its biotechnology infrastructure . . ."

Why was the 1998 report on Cuba so unbalanced? Why did it underplay the threat Cuba posed to the United States? A major reason is Cuba's aggressive intelligence operations against the United States, which included recruiting the Defense Intelligence Agency's senior Cuba analyst, Ana Belen Montes, to spy for Cuba. Montes not only had a hand in drafting the 1998 Cuba report but also passed some of our most sensitive information about Cuba back to Havana. Montes was arrested last fall and pleaded guilty to espionage on March 19th.

For four decades Cuba has maintained a well-developed and sophisticated biomedical industry, supported until 1990 by the Soviet Union. This industry is one of the most advanced in Latin America, and leads in the production of pharmaceuticals and vaccines that are sold worldwide. Analysts and Cuban defectors have long cast suspicion on the activities conducted in these biomedical facilities.

Here is what we now know: The United States believes that Cuba has at least a limited offensive biological warfare research and development effort. Cuba has provided dual-use biotechnology to other rogue states. We are concerned that such technology could support BW programs in those states. We call on Cuba to cease all BW-applicable cooperation with rogue states and to fully comply with all of its obligations under the Biological Weapons Convention.

Conclusion

America is leading in the fight to root out and destroy terror. Our goals are to stop the development of weapons of mass destruction and insure compliance with existing arms control and nonproliferation treaties and commitments, which the Bush Administration strongly supports, but experience has shown that treaties and agreements are an insufficient check against state sponsors of terrorism. Noncompliance can undermine the efficacy and legitimacy of these treaties and regimes. After all, any nation ready to violate one agreement is perfectly capable of violating another, denying its actual behavior all the while. And so I close with four fundamental conclusions. First, that global terrorism has changed the nature of the threat we face. Keeping WMD out of terrorist hands must be a core element of our nonproliferation strategy.

Second, the Administration supports an international dialogue on weapons of mass destruction and encourages countries to educate their publics on the WMD threat. We must not shy away from truth telling.

Third, the Administration will not assume that because a country's formal subscription to UN counterterrorism conventions or its membership in multilateral regimes necessarily constitutes an accurate reading of its intentions. We call on Libya, Cuba, and Syria to live up to the agreements they have signed. We will watch closely their actions, not simply listen to their words. Working with our allies, we will expose those countries that do not live up to their commitments.

Finally, the United States will continue to exercise strong leadership in multilateral forums and will take whatever steps are necessary to protect and defend our interests and eliminate the terrorist threat.

Thank you.

ANNOUNCEMENT OF NOMINATION OF JOHN BOLTON AS U.S. AMBASSADOR TO THE U.N.

BY SECRETARY CONDOLEEZZA RICE, BENJAMIN FRANKLIN ROOM, WASHINGTON, DC, MARCH 7, 2005

SECRETARY RICE: Good afternoon. This past September at the United Nations General Assembly, President Bush spoke of our nation's commitments to working in close partnership with the United Nations. The United States is committed to the success of the United Nations and we view the U.N. as an important component of our diplomacy. The American people respect the idealism that sparked the creation of the United Nations and we share the UN's unshakable support for human dignity.

At this time of great opportunity and great promise, the charge to the International community is clear: we who are on the right side of freedom's divide have an obligation to help those who were unlucky enough to be born on the wrong side of that divide. The hard work of freedom is a task of generations; yet, it is also urgent work that cannot be deferred.

We have watched in awe in Afghanistan, as men and women once suppressed by the Tatiban walked miles and stood for hours in the snow just to cast a ballot for their first vote as a free people. We have watched as millions of Iraqi men and women defied terrorists and cast their free votes and began their nation's new history. We have seen determination in the faces of citizens in places like Ukraine and Georgia and the Palestinian territories, as they have stood firm for their freedom.

We are seeing political reforms begin to take place in Qatar and Jordan and Egypt and Bahrain and Saudi Arabia, and this very morning we applaud the courage of those on the frontlines of freedom in Lebanon who are seeking free and fair elections. In this era of expanding freedom, there is room for optimism but much hard work lies ahead. The international community has a challenging agenda before it, from the Middle East to Sudan to Haiti to the Balkans from Iran to the Korean Peninsula and on many other issues.

Now, more than ever, the U.N. must play a critical role as it strives to fulfill the dreams and hopes and aspirations of its original promise to save succeeding generations from the scourge of war, to reaffirm faith and fundamental human rights and to promote social progress and better standards of life in larger freedom. President Bush has sent our most skilled and experienced diplomats to represent the United States at the U.N. Today, I am honored to continue that tradition by announcing that President Bush intends to nominate John Bolton to be our next Ambassador to the United Nations.

The President and I have asked John to do this work because he knows how to get things done. He is a tough-minded diplomat, he has a strong record of success and he has a proven track record of effective multilateralism. For the past four years John has served as Under Secretary of State for Arms Control and International Se-

curity Affairs. In that position, John has held primary responsibility for the issue that U.N. Secretary General Kofi Annan has identified as one of our most crucial challenges to international peace and security: stemming the proliferation of weapons of mass destruction.

John helped build a coalition of more than 60 countries to help combat the spread of WMD through the President's Proliferation Security Initiative. John played a key diplomatic role in our sensitive negotiations with Libya when that nation made the wise choice to give up its pursuit of weapons of mass destruction. And John was the chief negotiator of the Treaty of Moscow, which was signed by Presidents Putin and Bush to reduce nuclear warheads by two-thirds.

In President George H.W. Bush's Administration, John served as Assistant Secretary of State for International Organizations and worked on several key diplomatic initiatives with the U.N., including work on U.N. reform and work on the repayment of arrearages and assessments. In 1991, John was the principal architect behind the initiative that finally led the United Nations General Assembly to repeal the notorious resolution that equated Zionism and racism.

And few may remember this, but John worked between 1997 and 2000 as an assistant to former Secretary James Baker in his capacity as the Secretary General's personal envoy to the Western Sahara. John did work pro bono. If few Americans have direct experience working for the United Nations, I'm confident that fewer still have gained that experience on their own nickel. Through history, some of our best ambassadors have been those with the strongest voices, ambassadors like Jeane Kirkpatrick and Daniel Patrick Moynihan.

John Bolton is personally committed to the future success of the United Nations and he will be a strong voice for reform at a time when the United Nations has begun to reform itself to help meet the challenging agenda before the international community. John will also help to build a broader base of support here in the United Nations for the U.N.—in the United States for the U.N. and its mission. As Secretary General Annan has said, "U.S. support the U.N. is critical to the success of this institution." The United States will continue to do its part.

John, you have my confidence and that of the President. We thank you for the work you have done on behalf of our nation. To John's wife, Gretchen, and daughter Jennifer Sarah and other friends of John who are here with us today, we thank you for all that you do. But John, your most important work is yet to come. And I look forward to working closely with you on behalf of our nation and the international community in support of the United Nations.

UNDER SECRETARY BOLTON: Madame Secretary, you and the President have done me a great honor in nominating me to be the United States Permanent Representative to the United Nations. If confirmed by the Senate, I will continue to work closely with members of Congress and our colleagues both in the Foreign Service and in the civil service to advance President Bush's policies.

As you know, Madame Secretary, I've worked in the government for many years, at the Agency for International Development, the Department of Justice and here at the Department of State. This work has afforded me the opportunity to learn from some of our nation's finest public servants. It has been an honor and a privilege to represent the United States Government in crafting many multinational and bilateral agreements to further our National Security objectives.

Madame Secretary, my record over many years demonstrates clear support for effective multilateral diplomacy. Whether it be the Proliferation Security Initiative, the G–8 global partnership or adopting UN resolutions, working closely with others is essential to ensuring a safer world. We all agree that there are numerous challenges facing the United States and the security of our country and all freedom-loving peoples must be protected. Close cooperation and the time-honored tradition of frank communication is central to achieving our mutually-held objectives. The United Nations affords us the opportunity to move our policies forward together with unity of purpose.

As you know, I have over the years written critically about the U.N. Indeed, one highlight of my professional career was the 1991 successful effort to repeal the General Assembly's 1975 resolution equating Zionism with racism, thus removing the greatest stain on the U.N.'S reputation. I have consistently stressed in my writings that American leadership is critical to the success of the U.N., an effective U.N., one that is true to the original intent of its charter's framers.

This is a time of opportunity for the U.N. which, likewise, requires American leadership to achieve successful reform. I know you and the President will provide that leadership. If confirmed by the Senate, I will roll up my sleeves to join you in that effort which will require close, bipartisan Congressional support.

Finally a personal note, I'd like to thank two very special people who have been with me for many years, my wife Gretchen and our daughter Jennifer Sarah, who have endured my many foreign trips and long absences in the service of our country.

Madame Secretary, again, I want to thank you and the President for your confidence and for your support.

MEMO RE: UNCLASSIFIED BRIEFING ON THE PROCESS OF GETTING IDENTITIES FROM NSA INTERCEPTS

On Friday, May 6, officials from the State Department's bureau of Intelligence and Research (INR) gave a briefing to majority and minority staffs on how policymakers and others can obtain the blacked-out names of Americans in intercepts from the National Security Agency (NSA). The NSA regularly sends relevant, highly-classified reports to various policymakers, as well as to INR, as part of the normal intelligence briefing process. The volume of reports depends on both availability of information and the interest of the policymaker. Sometimes those reports will include excerpts of intercepted conversations between foreigners that mention U.S. citizens. By law, the American names are blacked out, and it is

noted that speakers are referring to "named U.S. person", "named U.S. official" or "named U.S. company."

If the person receiving the NSA report wants to know the identity of the "named" person, he or she contacts the relevant INR analyst and asks for it. INR prepares a formal request for NSA, signed by INR's Principal Deputy Assistant Secretary. The requester needs to give no special reason other than he/she needs the name "to assess the intelligence value of the report." INR rarely if ever questions the requester. The request is sent over to the NSA, and the name comes back, sometimes overnight, or a day or so later. No request has ever been denied by NSA, as far as we were told. The analyst is shown the "ident", and then goes and informs the requester. Requesters can be "any policy customer who has the authority to see the report." Typically the individual is at the Deputy Assistant Secretary rank or above, sometimes office director or above.

The briefers said they receive "two or three" such requests a week, especially from INR analysts, who need the information to understand better the intelligence they are analyzing. The Committee has been told that during Secretary Bolton's tenure, 400 such requests were made by the State Department, including 10 by Secretary Bolton. An estimated 50% of the 400 requests come from INR; an almost equally large number are requested by officials from Diplomatic Security.

By law, the NSA may not eavesdrop on the conversations of a U.S. citizen, even if that citizen is abroad. Therefore, any blacked-out names would be Americans who are being talked about, not Americans who are talking on the intercept.

The NSA reports are typically so highly classified that they do not stay with the requester once he or she has read it. They must be stored in more secure facilities than most officials have in their offices. When the name comes back from NSA (via secure e-mail), the analyst is shown the name, but apparently is not given it on a piece of paper. The analyst then takes the original intercept report to the requester, discloses the "ident", then takes the report back again.

There is some discrepancy about how many requests have been made. If the requester asks for two different names on the same report, INR counts that as two requests, NSA counts it as one. Therefore, INR counts somewhat more requests than NSA's 400. INR assumes that if a request comes from the chief of staff or some other top person in an official's office, it is coming from the official. The briefers did not believe INR's records are scrupulous in recording whether the request came directly from the principal or from staff. The INR records of the idents are destroyed within nine months.

Like any SCI material, the NSA reports are available only a need to know basis. Someone with a clearance can't simply go rooting around NSA reports. A person requesting an ident on a report clearly outside his/her area would raise a red flag.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, April 28, 2005.

Hon. PAT ROBERTS,
Chairman, Select Committee on Intelligence,
U.S. Senate, Washington DC.

Hon. JAY ROCKEFELLER,
Vice Chairman, Select Committee on Intelligence,
U.S. Senate, Washington DC.

DEAR MR. CHAIRMAN/VICE CHAIRMAN: As part of the Committee on Foreign Relations' due diligence process, in connection with the nomination of John Bolton to be the United States Representative to the United Nations, questions have arisen with regard to requests by the nominee in his capacity as Under Secretary of State for Arms Control. More specifically, Mr. Bolton has testified that, on approximately ten occasions between 2001 and 2004, he requested the names of U.S. persons that were redacted in the release to policymakers of various intelligence products.

A number of questions have been raised regarding these types of requests, including the process by which such requests are made, transmitted, and approved. There is also concern as to whether information regarding Mr. Bolton's specific requests has been handled appropriately by those with knowledge of such requests.

Therefore, the Committee, working with and through the Select Committee on Intelligence of the United States Senate, hereby requests that you solicit from the appropriate intelligence agencies or elements thereof all information related to Mr. Bolton's requests and the responses thereto, including but not limited to, the unredacted contents of the documents in question, the process by which Mr. Bolton's requests were handled, the contents of the responses and the process by which they were communicated, as well as any conclusions reached by the appropriate intelligence agencies or elements thereto as to any violations of procedures, directives, regulations, or law by those with knowledge of Mr. Bolton's requests.

Assuming the provision of such material, the Committee on Foreign Relations is prepared to follow the guidance of the Select Committee on Intelligence with access and storage of such material, as well as the provisions under which such materials will be shared with Members of the Committee on Foreign Relations.

Thank you for your consideration of this request.

Sincerely,

RICHARD G. LUGAR,
Chairman.

U.S. SENATE,
COMMITTEE ON INTELLIGENCE,
Washington, DC, May 5, 2005.

Hon. RICHARD LUGAR,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington DC.

DEAR MR. CHAIRMAN: The Committee has received your letter of April 28, 2005. As you requested in that letter, the Select Committee on Intelligence is prepared to assist the Foreign Relations Committee in its review of specific Intelligence Community holdings as they relate to the nomination of John Bolton to be the U.S. Representative to the United Nations.

The Select Committee on Intelligence looks forward to working with you and your Committee in order to facilitate this request.

Sincerely,

PAT ROBERTS,
Chairman.

ANNEX E

HEARING ON NOMINATION OF JOHN R. BOLTON TO BE U.S., REPRESENTATIVE TO THE UNITED NATIONS

MONDAY, APRIL 11, 2005

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 9:30 a.m. in Room SH–216, Hart Senate Office Building, Hon. Richard G. Lugar, Chairman of the committee, presiding.

Present: Senators Lugar, Hagel, Chafee, Allen, Coleman, Alexander, Biden, Sarbanes, Dodd, Kerry, Feingold, Boxer, Nelson, and Obama.

OPENING STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM INDIANA

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee is called to order.

The Foreign Relations Committee meets today to consider President George W. Bush's nomination of John Bolton to be United States Ambassador to the United Nations. Mr. Bolton has served the last four years as the Under Secretary of State for Arms Control and International Security Affairs. In this capacity, he has played an important role in several of the Bush administration's most notable diplomatic successes, including the President's proliferation security initiative, the Moscow Treaty, the G8 Global Partnership Against the Proliferation of Weapons of Mass Destruction, and the opening of Libya's WMD programs.

Secretary Bolton also served for four years in the administration of George H.W. Bush, as the Assistant Secretary of State for Inter-

national Organizations. In this position, he was heavily involved in matters related to the United Nations, including United Nations financing and reform proposals. He also assisted former Secretary of State James Baker in his role as the Secretary General's personal envoy for the Western Sahara.

In announcing this nomination, Secretary of State Condoleezza Rice stated, and I quote, "John Bolton is personally committed to the future success of the United Nations, and he will be a strong voice for reform at a time when the United Nations has begun to reform itself to help meet the challenging agenda before the international community," end of quote from Dr. Rice.

Perhaps no organization is so frequently oversimplified by both its proponents and its detractors as the United Nations. The United Nations is not a monolithic entity controlled by a Secretary General; rather, it's a complex collection of agencies, programs, diplomatic venues, traditions, and agreements that depend on the actions of the individual member states. As such, the various parts of the U.N. often work independently from one another with little coordination or oversight.

The U.N. has produced great accomplishments, even as some of its structures have experienced episodes of corruption, mismanagement, contentiousness, or timidity. Some agencies and programs, like the World Health Organization, the World Food Program, and UNICEF, have a proven record of achievement and are trusted by people and nations around the world. Other endeavors, like the Oil-for-Food Program or the U.N. Commission on Human Rights, have been gravely flawed and suffer from severe organizational deficiencies.

Foreign Relations Committee held the first congressional hearing on the U.N.'s Oil-for-Food scandal a year ago this month. At that hearing, I said, and I quote, "Billions of dollars that should have been spent on humanitarian needs in Iraq were siphoned off by Saddam Hussein's regime through a system of surcharges, bribes, and kickbacks. This corruption was not solely a product of Saddam Hussein's machination; he depended upon members of the U.N. Security Council who were willing to be complicit in his activities, and they needed U.N. officials and contractors who were dishonest, inattentive, or willing to make damaging compromises in pursuit of a compassionate mission," end of quote.

During the last year, we have learned much more about the extent of that corruption and mismanagement involved, and this knowledge has supported the case for reform.

United Nations reform is not a new issue. The structure and role of the United Nations has been debated in our country almost continuously since the U.N. was established, in 1945. But in 2005 we may have a unique opportunity to improve the operations of the U.N. The revelations of the Oil-for-Food scandal and the urgency of strengthening global cooperation to address terrorism, the AIDS crisis, nuclear proliferation, and many other international problems have created momentum in favor of constructive reforms at the U.N.

Secretary General Annan has proposed a substantial reform plan that will provide a platform for further reform initiatives and discussion. The United States must be a leader in the effort to im-

prove the United Nations, particularly its accountability. At a time when the United Nations is appealing for greater international help in Iraq, in Afghanistan, in trouble spots around the world, the diminishment of U.N. credibility because of scandal reduces U.S. options and increases our burdens.

Secretary Bolton has thought a great deal about this subject, and we are anxious to listen to his ideas for reform, as well as his evaluation of the Secretary General's plan. We want to know what specific parts of that plan deserve United States support. Beyond substantive evaluation, we want to know how the nominee intends to pursue these reform ideas. What strategy does he propose for making constructive changes a reality? How will he apply the substantial experience in this area?

Even as reform must be a priority, the world will not stop while we attempt to improve the structures of the U.N. The next U.S. Ambassador to the U.N. must pursue reform without diminishing the effectiveness of its core diplomatic mission; namely, securing greater international support for the national-security and foreign-policy objectives of the United States.

During the last several months, President Bush and Secretary Rice have undertaken important missions designed to reinvigorate relations with allies and partners. This is an urgent national-security imperative that cannot be neglected by the next ambassador to the U.N. The United States does not possess infinite financial and military resources. We need help to advance security, democracy, and human rights. This fact should not preclude us from taking unilateral action when it is in our interest, but it does require that we be persistent and imaginative in our pursuits of international support.

The nomination of Secretary Bolton to be Ambassador to the United Nations has generated public debate on U.S. policies toward the United Nations and on the degree to which the United States should embrace multilateralism. In this context, opponents of Mr. Bolton have criticized some statements of the nominee as abrasive, confrontational, and insensitive. Some of these same statements have been celebrated by supporters of the nominee as demonstrating a tough-minded, refreshingly blunt approach to diplomacy. But in the diplomatic world, neither bluntness nor rhetorical sensitivity is a virtue, in itself. There are times when blunt talk serves a policy purpose. Other times, it does not.

When President Ronald Reagan stood before the Brandenburg Gate in 1987 and said, "Mr. Gorbachev, tear down that wall," blunt speech was serving a carefully planned diplomatic purpose. It reflected broader themes of democracy that had been nurtured for years by the Reagan administration. It reaffirmed to Germany, on both sides of the wall, the United States would have staying power in Europe. It underscored to the Kremlin, in a personal, tangible way, that the United States and its allies were intent on achieving the peaceful transformation of Eastern Europe.

Blunt as it was, there was nothing gratuitous about President Reagan's statement. Diplomatic speech by any high-ranking administration official has policy consequences. It should never be undertaken simply to score international debating points, to appeal to

segments of the U.S. public opinion, or to validate a personal point of view.

As President John Kennedy once said, and I quote, "The purpose of foreign policy is not to provide an outlet for our own sentiments of hope or indignation; it is to shape real events in a real world," end of quote.

I believe that diplomats serving under the President and Secretary of State can apply a basic three-part test to almost anything they utter in a diplomatic context. First, is the statement true? Second, is the statement consistent with the policies and directives of the President and the Secretary of State? And, third, is there a rational expectation that the statement will advance or support U.S. interests?

It is particularly important that the statements of our ambassadors to the U.N. meet this test, because, more so than any other American ambassadors, they are perceived as speaking directly for the President of the United States.

President Bush has selected John Bolton, a nominee of experience and accomplishment, to be his spokesman and representative at the United Nations. Given the importance of the position, it is vital that we act both expeditiously and thoroughly in evaluating the nominee. We look forward to hearing the nominee's insights and learning how he will work on behalf of the President and the Secretary of State in fulfilling this duty.

I'd like to turn now to the distinguished Ranking Member of the committee, Senator Biden, for his opening statement.

STATEMENT OF HON. JOSEPH R. BIDEN, JR., U.S. SENATOR FROM DELAWARE

Senator BIDEN. Thank you very much, Mr. Chairman. Welcome, Mr. Secretary.

Let me say, at the outset, I'm probably—of all the people up here, I'm going to be the least critical of anyone who's blunt. I don't like to indict myself publicly that way. But—I hadn't planned on starting this way, but I think that the—to state my grave concern with this appointment, Mr. Chairman, I think that the test you set out for diplomacy is the accurate one: true, consistent with the policy of the administration, and a rational expectation that it would be in U.S. interests.

Obviously, all of this is subject to explanation and rebuttal and—by our friend, Mr. Bolton, but I think that my problem with your statements about the U.N. is, I don't think they're true, I don't think they're consistent with U.S. policy, and I don't think—I clearly believe they do not advance U.S. interests. And, you know, you can be blunt. President Reagan was blunt about the Berlin Wall, because it was, in fact, clear to the whole world that it was an odious thing. I think your statements, which I'll go into in a minute, about the U.N. are a little bit like being blunt about NATO. If you had said, which you haven't, to the best of my knowledge, "NATO forces can't keep with us—up with us. The French air force can't fly on our wing," et cetera, et cetera, et cetera. That would be blunt. That be also clearly against U.S. interests to say those things. But it would be blunt. And I would think that's more akin

to my criticism of what you will soon hear of your statements about the U.N. than the Berlin Wall.

I don't believe—well, I should point out, at the outset, Mr. Chairman, and I want to thank you for your cooperation. You have been, as always, straightforward and honorable and fair to both the witness and to the minority. I don't believe this hearing, quite frankly, is ready to be conducted today, because we've not completed the review of certain allegations, none of which go to the integrity, the honesty, the personal conduct of the nominee. When I say "allegations," I'll get into what I mean by that, allegations involving the nominee. They all relate to whether or not he attempted to use his influence unfairly to get certain analysts fired because they didn't agree with his assessments. That's what I mean, at the outset, so the press doesn't think there's anything nefarious about this. That's the issue that's going to be discussed here, among others.

On March 21st, I asked the State Department for access to certain individuals and documents related to an incident involving the nominee and a State Department employee relating to whether or not that person should or should not have been fired. For two weeks, the Department stonewalled. It was only after you, Mr. Chairman, intervened, last Thursday—and we sent repeated letters to the State Department—last Thursday that you intervened, that we received some cooperation.

On Thursday, last, at 1:45 p.m., the Democratic staff was informed that two individuals—we asked for four—would be made available that afternoon, starting at 3:00 p.m. On Friday morning, some of the documents we requested began to arrive, but the committee was not allowed to retain them or make copies of them, but only take notes, further handicapping our ability to review the materials.

Since Thursday afternoon, staff on both sides—this has been on both sides—I asked my chief of staff to correct me—on every interview, there's been a majority member staff person there, so this isn't a—this isn't—the Democrats are asking for it, but this—none of this has been done absent a majority staff person being present.

Since Thursday afternoon, staff on both sides have worked diligently to interview the witnesses and review materials. And so, I'm grateful for your intervention at the time that you intervened, because I was having no success with Secretary Rice. But the committee's work to investigate this matter, which would have proceeded over the past two-week period, was compressed into 90 hours. The staff still only—has at least two more interviews to conduct, and I don't believe that all documents responsive to the request have been provided.

And because many of the documents are classified, they could not be made available to Senators to review unless they happened to be in Washington during this period. Many of us were—the reason it was initially postponed is, many of us were in Rome with the President's funeral. Excuse me. Freudian. I beg your pardon. At the Pope's funeral that the President attended.

This is not a way that we should do business. The Department's lack of cooperation—this is not Mr. Bolton; he did not fail to cooperate, the Department did not cooperate until the last possible minute—stands in marked contrast to the nomination four years

ago for this same position. In that case, involving John Negroponte, the committee reviewed, with full cooperation, and obtained hundreds of pages of documents without delay or resistance. And my friend from Connecticut was a prime mover in dealing with that nomination.

The fact is that, unlike four years ago, Under Secretary Bolton, when he came before this committee, had little background in Arms Controls, and we confirmed him. But there's no question that he comes before us today with extensive experience in U.N. affairs. He served as the Assistant Secretary of State during the first Bush administration, supervising policy regarding the United Nations. And he has written and testified frequently about the subject. And it is precisely the record in his first part of this—the first Bush term that concerns me.

I believe the President is entitled to significant deference in his appointment of senior personnel, and I've —but I have opposed nominees, however, who I believe were hostile to the mission for which—to which they were assigned. For example, I voted against two—one Secretary of the Interior who was—clearly had an animus toward that Department, under the Reagan administration. And I voted against Secretaries of Education appointed by Reagan, because he said he was appointing them for the express purpose of doing away with the Department of Education.

And so, this will—not the first time I have voted against a—if I vote against John—it would not be the first time that I voted against a nominee for—that the President has put forward that's not a member of the judiciary.

And, quite frankly, I'm surprised that the nominee wants the job that he's been nominated for, given his—the many negative things he had to say about the U.N., international institutions, and international law. Now, you've going to have an opportunity to respond to all these kinds of things. They're taken—they're attempted to be in context, but they're—but I'm just going to cite some of the things you said, and they'll be put in context during the question-and-answer period.

You said, there's no such thing as the United Nations —quote, "There's no such thing as the United Nations."

You said, and I quote, that—excuse me—you said, If they removed ten stories from the 38-story U.N. headquarters, quote, "it wouldn't make a bit of difference," end of quote.

You said that if the Security Council were to be made today, that you would have only one permanent member, the United States.

You said that international law really isn't, quote, "It"—that it really isn't law, and that, quote, "While treaties may well be politically or even morally binding, they are not legally obligatory," end of quote.

You said the International Court of Justice, a body created under the U.N. Charter, is a, quote, "travesty and a pretend court," end of quote.

You said that the peace-enforcement operations of the United—of nation and nation-building should, quote, "be relegated to history's junk pile at the first opportunity," end of quote, because they resulted in, as you said, quote, "American personnel and resources being committed to U.N. operations far removed from America's

vital interests," end of quote, even though they wouldn't be there unless we—if we didn't want them there, we could veto the effort.

I want to give you a chance to explain, clarify, and possibly, hopefully, repudiate these and other statements you've made over the years, but, for now, let me point to two things.

First, the logical conclusion of your views is that—in my view, is that if the U.S. Embassy is sacked by a foreign state, or a U.S. soldier tortured, then this country and its citizens have no recourse under international law, because, in your view, there's no such thing as international law. How can that possibly be in America's interest?

Second, it seems to me your views about the U.N. treaties and international law are out of sync with those of the President of the United States and Secretary Rice. Soon after his election, the President stated that one of his priorities for the second term was, quote, "to defend our security and spread freedom by building effective multinational and multilateral institutions and supporting effective multilateral action," end of quote.

The President, right now, is demanding, to his great credit, Syria's full withdrawal from Lebanon, under the authority of a U.N. Security Council Resolution. The administration has finally joined the European effort to convince Iran to forego nuclear weapons. Quote, "We're working closely with Britain, France, and Germany," the President said, continuing the quote, "as they insist that Tehran comply with international law."

The President recently decided the United States, quote, "will discharge its international obligations," end of quote, under decisions of the International Court of Justice by having several state courts, including courts in Texas, give effect to the decision of that court in certain death-penalty cases. Does he know that he's implementing an order that is from a "pretend court"?

The administration strongly endorses the U.N. decision to send 10,000 peacekeepers to Sudan to help secure a North-South peace agreement, a mission your statements about peacekeeping suggest that you'd have trouble supporting.

During her confirmation hearing, Secretary Rice told this committee, quote, "that the time for diplomacy is now," end of quote.

This month, speaking before the American Society of International Law, she said, and I quote, "One of the pillars of that diplomacy is our strong belief that international law is a vital and powerful force in the search for freedom," end of quote.

I suspect that if President Clinton's Secretary of State had made that same statement, you might have been leading the charge that this was an ill-founded statement. I could be wrong. I'm anxious to hear what you have to say.

In the past two months, the President and the Secretary have made clear that there is a new-found commitment to work closely with others, including the United Nations. And I'm hopeful that they're trying to return America to its historic role in building a strong international system that serves our interests, rather than running roughshod over it.

Your views seem, based on what you've said in the past, John, to be contradictory and contrary to the direction the President and the Secretary of State now want to take this administration, which

leads me to believe that it must mean that you no longer agree with those statements, because they appointed you. I wonder, as I did in 2001, about your diplomatic temperament. You have a habit of belittling your opposition, and even some of your friends.

You said that, quote, "Republicans are adults on foreign-policy questions, and we define what we're willing to do militarily and politically by what is in the best interest of the United States." I wonder what you think of the motives of some of us who aren't Republicans.

You once quoted that the head of the International Law Commission—you once quoted the head of the International Law Commission as evidence of the grandiose ambitions of supporters in the International Criminal Court by saying, quote, "That's not the same as knuckle-dragging"—excuse me—"That's"—excuse me—of the International Criminal Court by saying, quote, "That's not some knuckle-dragging Republican from some southern state, it's the head of the International Law Commission," end of quote. I don't think that's the kind of attitude that is going to serve us very well in the United Nations if it continues.

The U.N. needs reform. Lots of it. I work with former Chairman Jesse Helms to promote such reforms. The Helm-Biden amendment was—the legislation was part of that reform. That work's not finished. We need a strong voice in New York who knows the U.N. and who can advance our reform agenda, but we don't need a voice which people may not be inclined to listen to. And I fear that, knowing your reputation, and your reputation known well at the U.N., people will be inclined to tune you out. Above all, we need an able diplomat skilled in working the corridors of a complex international institution. Some have said that sending you to New York would be like sending Nixon to China. I'm concerned it'll be more like sending a bull into a china shop.

Ambassador Kirkpatrick, who served at the U.N. under President Reagan and strongly supports you, may have summed it up best in describing you in the New York Times. She said, "He may not—he may do diplomatic jobs for the U.S. Government, but John is not a diplomat," end of quote.

So we'll want to spend some more time exploring your views on the United Nations and how you approach the job, if confirmed. We also have an obligation to assess your performance in your current job, Under Secretary of State for Arms Control and International Security. The fact is that, on your watch, in areas in which you are responsible, the world has gotten more, and not less, dangerous. Not your fault, but that's a fact. We didn't create these threats, but it's our responsibility to contend with them wisely and effectively. And, in my judgement, your judgement on how to deal with the emerging threats have not been particularly useful.

Over the past four years, Korea has increased its nuclear-weapons capacity by as much as 400 percent. It may now have as many as eight nuclear weapons, which it could test, hide, sell, or sell to the highest bidder. During your 2001 confirmation hearing, you highlighted a danger posed by North Korea 27 times. You were right. But the record suggests that your approach has undermined the efforts to address the growing threat posed by Pyongyang.

Over the past four years, Iran has accelerated its own nuclear program. It's much closer to the bomb than when the President took office. The record suggests you opposed the President's policy, the one finally adopted by President Bush. He's come around to, after several years, a coordinated strategy of carrots and sticks with our European partners. No one can guarantee it will work. We do know that the approach you apparently advocated has not worked.

Over the past four years, the invaluable program Chairman Lugar started to help Russia account and destroy excess nuclear weapons and a complementary program to deal with its chemical arsenal has to withstand efforts by some in this administration to cut it. Now these programs have become mired in red tape, and despite the fact that loose Russian weapons pose one of the greatest potential threats to our security, we still haven't cut through that red tape.

The administration did succeed in convincing Libya to give up its weapons of mass destruction, but, according to press accounts—and I'd like to hear what your view is—that only happened after you were taken off the case. And that success was the result of a policy begun by a previous administration that you roundly disparaged.

Finally, a serious concern has been raised about your attitude toward dissenting views. Specifically, it has been alleged that, on at least two occasions, you sought to have removed from their positions officials who disagreed with your assessment of critical intelligence matters. After all this country has been through with Iraq and faulty intelligence, if that's true, that's not the approach we should be rewarding. You'll have a full opportunity to address these complaints.

John, I have great respect for your abilities and your intellectual capacity. It's your judgement and temperament, as well as your approach to many of these issues, that give me great pause.

Let me conclude with this. After a necessary war in Afghanistan and a optional war in Iraq, Americans are rightly confident in the example of our power. But I've been concerned that many in this administration have forgotten the power of our example. Foreign policy is not a popularity contest. We must confront hard issues. Sometimes they require hard choices that other countries don't like. But, above all, they require American leadership. That's the kind that persuades others to follow. And I'm not convinced this nominee has that as his strongest suit.

I thank the Chair, and I yield back to the Chair.

The CHAIRMAN. I thank the distinguished Ranking Member.

I would mention that when the hearing was originally scheduled for Thursday of last week, our distinguished colleague, Senator Warner, had planned to join us to introduce Secretary Bolton. With the rescheduling of the hearing for this morning, Senator Warner is unable to attend because of commitments in his state. He's asked me to convey to the committee his strong support for the nominee. And I would ask unanimous consent that Senator Warner's statement be included in the record. [The prepared statement of Senator Warner follows:]

Senator BIDEN. Mr. Chairman, may I clarify the point I made? I said "every witness has been interviewed jointly." Three weeks

ago, the Democratic staff interviewed one witness alone, and then, I believe, notified—am I correct?—notified the majority staff, who then interviewed that nominee, which began this ball rolling. So there was one interview, that I'm aware of, that the initial interview did not take place with both majority and minority in the room. That was the only one. I just wanted to clarify the record.

The CHAIRMAN. I thank the Senator for the clarification.

Let me say, at the outset, that we have good attendance this morning, for which the Chair is grateful, and I would ask that Members limit their questions to ten minutes. We will have a ten-minute round, followed by an additional ten-minute round. I would just simply announce my willingness to preside over the committee throughout the afternoon and into an evening session, if that is required, for Members to have opportunity to ask all the questions that they wish to ask. I want to make that clear at the outset, that Members will have that opportunity throughout the morning, the afternoon, and the evening, but I would ask Members to respect the ten-minute time limit.

Now, the Chair will not stop the witness from responding when the ten minutes comes to a conclusion, but I will ask the Senator involved to restrain from further doing business during that period until another turn comes around, in fairness to most Members who have changed their plans in order to be here today and have come at least to do business, to participate in the hearing.

Having mentioned that, I will ask the Clerk to start the clock on my questioning, and I will ask the first ten minutes of questions and then yield to my distinguished colleague, Senator Biden. We'll go back and forth, then, with our questions.

Excuse me, I've jumped the gun. We've not heard from the nominee. [Laughter.]

The CHAIRMAN. And we do want to hear from the nominee. [Laughter.]

The CHAIRMAN. We were so excited about asking you questions, Secretary Bolton—[Laughter.]

The CHAIRMAN. —that we just wanted to get right into it. But, nevertheless, we do look forward to your statement. Please take the time that is required, really, to fully express your views, and then I'll start the clock on my ten minutes of questioning.

Secretary Bolton?

STATEMENT OF HON. JOHN R. BOLTON, NOMINEE TO BE U.S. REPRESENTATIVE TO THE UNITED STATES WITH THE RANK OF AMBASSADOR AND U.S. REPRESENTATIVE TO THE UNITED NATIONS SECURITY COUNCIL AND U.S. REPRESENTATIVE TO SESSIONS OF THE UNITED NATIONS GENERAL ASSEMBLY DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE UNITED STATES

Mr. BOLTON. Thank you, Chairman Lugar, Senator Biden.

I am honored to appear before you today as President Bush's nominee to be U.S. Permanent Representative to the United Nations. I'm grateful for your consideration, and I look forward to discussing the critical leadership role that the United States plays in the United Nations.

I'd like to thank Senator Warner, who would have been here, as you suggested, had the schedule not changed, and my wife Gretchen, who is here with me today.

I do have a longer statement, Senator, if I could, I'd submit for the record, and I'll just read a shorter version of it.

The CHAIRMAN. It will be published in the record in full.

Mr. BOLTON. Mr. Chairman, I am grateful for the opportunities that I have had to work with this committee over the years. This is the fourth time I have appeared before this committee in a confirmation hearing. If confirmed, I pledge to fulfill the President's vision of working in close partnership with the United Nations.

The United States is committed to the success of the United Nations, and we view the U.N. as an important component of our diplomacy. As the President stated before the U.N. General Assembly last September, "Let history show that, in a decisive decade, members of the United Nations did not grow weary in our duties or waver in meeting them."

The Secretary has made this a top priority, as well. She was unequivocal in her remarks, and I quote, "The American people respect the idealism that sparked the creation of the United Nations, and we share the U.N.'s unshakeable support for human dignity. At this time of great opportunity and great promise, the charge to the international community is clear. We, who are on the right side of freedom's divide, have an obligation to help those who were unlucky enough to be born on the wrong side of that divide. The hard work of freedom is a task of generations, yet it is also urgent work that cannot be deferred. Now, more than ever, the U.N. must play a critical role as it strives to fulfill the dreams and hopes and aspirations of its original promise to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, and to promote social progress and better standards of life in larger freedom."

If confirmed, I look forward to working closely with this committee to forge a stronger relationship between the United States and the United Nations, which depends critically on American leadership. Such leadership, in turn, must rest upon broad bipartisan support in Congress. It must be earned by putting to rest skepticism that so many feel about the U.N. system.

Through the course of three decades of public service, both in and out of government, I have learned that this consensus is not only essential, but possible. Working together in a spirit of bipartisan cooperation, I believe we can take important steps to restore confidence in the United Nations.

Mr. Chairman, we are at a critical juncture, and I fully share the sentiments that you expressed in 1997 when you remarked, and I quote, "It is time to decide if we want a strong and viable United Nations that can serve United States' interests, or a United Nations that is crippled by insolvency and hobbled by controversy and uncertainty."

Mr. Chairman, there are four priorities that I believe are important to pursue if confirmed as U.S. Representative to the U.N. One priority is to strengthen and build institutions that serve as the cornerstone of freedom in nascent democracies. Mr. Chairman, we should never underestimate the impact of free and fair elections on

a country. I look forward, if confirmed, to working with relevant U.N. agencies to enable them to contribute further to the growth of democratic institutions in countries freed from the bonds of oppression.

I also look forward to working with you on President Bush's request for $10 million in the fiscal year 2006 budget to set up a democracy fund within the United Nations. I'm grateful to Secretary General Annan for endorsing the President's proposal in his new report in U.N. reform.

While the U.N. has had its successes in the human-rights field, there have been problems, as well, such as the United Nations Commission on Human Rights. For too long, some of the most egregious violators of human rights have undercut UNHRC's principles and its effectiveness. The consequence, as Secretary General Annan has said, is that the Commission's important work has, and I quote, "been increasingly undermined by its declining credibility and professionalism," close quote. We must work with our friends and allies to keep those who would usurp the moral authority of this Commission off of it, and to send clear and strong signals that we will not shy away from naming human-rights violators.

We must work to galvanize the General Assembly to focus its attention on issues of true importance. Sadly, there have been times when the General Assembly has gone off track, such as with the abominable Resolution 3379, equating Zionism with racism. I am proud to have been an active player in getting this resolution repealed.

Mr. Chairman, a second priority, should I be confirmed will be stemming the proliferation of weapons of mass destruction to ensure that terrorist organizations and the world's most dangerous regimes are unable to threaten the United States, our friends, and our allies. As Under Secretary of State for Arms Control and International Security, I have worked hard to promote effective multilateral action to curb the flow of dangerous weapons. As you know, I served as the lead U.S. negotiator in the creation of the G8 Global Partnership Against the Proliferation of Weapons and Materials of Mass Destruction, which will add an additional $10 billion over ten years in Nunn-Lugar-type programs.

In the case of Libya, I had the opportunity to work in close consultation with our British colleagues in diplomatic efforts to secure the verifiable elimination of Libyan weapons of mass destruction. I also helped build a coalition of more than 60 countries to help combat the spread of dangerous weapons through President Bush's Proliferation Security Initiative.

I have no doubt that these efforts played a critical role in enabling the United States to lead the Security Council to pass Resolution 1540, first suggested by President Bush in his speech to the General Assembly in September 2003. This resolution calls upon "all member states to fulfill their obligations in relation to arms control and disarmament, and to prevent proliferation in all its aspects of all weapons of mass destruction."

Resolution 1540 was the first of its kind focusing on WMD proliferation. I am proud that our strong leadership contributed to its unanimous adoption. I'm happy to report that, as of March 15, over 80 countries have submitted reports required by the resolution,

outlining their plans to enact and implement measures to stop WMD proliferation. I look forward to working with Security Council members to achieve 100 percent compliance with the resolution.

A third priority that I would pursue, if confirmed, is supporting the global war on terror. As we all learned on September the 11th, 2001, no one is safe from the devastating effects of terrorists intent on harming innocent people. Confronting and triumphing in the global war on terror remains the central priority of the Bush administration. To win this war requires long-term cooperation with all like-minded nations.

The President is firmly committed to working with the United Nations to make this shared goal of the civilized world a reality. As he noted in his speech to the U.N. General Assembly in September 2003, "All governments that support terror are complicit in a war against civilization. No government should ignore the threat of terror, because to look the other way gives terrorists the chance to regroup, recruit, and prepare. And all nations that fight terror as if the lives of their own people depend on it will earn the favorable judgement of history."

The United Nations has taken positive steps to support the war on terror, but more, of course, remains to be done. In the wake of September the 11th, we have been actively encouraging member states to become parties to the U.N. conventions on terrorism. I have been personally involved, in the past four years, as well, in working to complete the negotiations on a Nuclear Terrorism Convention. We must built upon Security Council Resolution 1368, passed one day after the tragic events of September 11, and which, for the first time, classified every act of international terrorism as a threat to international peace and security.

We must also work together to help member states build capacities to combat terrorism, as outlined in Resolution 1373, passed on September 28th, 2001. This resolution obligates all U.N. member states to use their domestic laws and courts to keep terrorists from sheltering resources or finding safe havens anywhere in the world and to cooperate in investigating, prosecuting, and preventing terrorism wherever it may spring up.

The U.N. Security Council is monitoring compliance with the requirements of this resolution, with impressive results. To date, 142 countries have issued orders freezing the assets of suspected terrorists and terrorist organizations. Accounts totaling almost 105 million have been blocked; 34 million in the U.S., and over twice that amount in other countries.

Overall, Resolution 1373 has been the framework for unprecedented international consultation and coordination against terrorism, including the provision of technical assistance to governments that want to do the right thing, but may not have the specialized expertise necessary.

Mr. Chairman, a fourth priority is addressing humanitarian crises. It is not just the scourge of war we must confront. We must confront the scourge of disease and affliction, such as HIV/AIDS, through strong U.S. leadership in the United Nations system. Along with the President's emergency plan for AIDS relief, a five-year, $15 billion investment, we are strong supporters of the U.N. declaration of commitment on HIV/AIDS and are working to ensure

resources from the global fund for AIDS, malaria, and tuberculosis are available to countries most severely affected by the disease.

I will make it a key priority, as well, to improve programs that have been involved in the tsunami relief effort so that we can enhance and build upon structures and institutions already in place.

More broadly, we must confront the scourge of poverty, which leaves hundreds of millions on the margins of societies scrambling for food or shelter, with little opportunity to improve their lives or those of their children.

We must also make sure that the U.N. acts effectively in promoting the economic and social advancement of all people. Policy reform, institution-building, appropriate technology transfer, and private-sector involvement are critical for sustained economic growth. We will continue to support the contributions of women to economic growth and development, as well as their critical role in the growth of democratic institutions worldwide.

The U.N., in conjunction with U.S. leadership, has recognized that the traditional models of development have been insufficient to achieve development objectives and better the lives of people around the world. The Partnership for Maternal, Newborn, and Child Health, the Global Alliance for Vaccinations and Immunizations, and Rollback Malaria are all examples of how U.N. agencies, such as UNICEF, are working alongside the private sector, charitable organizations, and foundations such as the Gates Foundation, to leverage resources, generate new activities, and impact the lives of millions in developing countries. We support these new and innovative structures that rely less on bureaucracy and more on putting resources into the field, aiding results-based performance standards.

This brings me to the issue of accountability and reform. The administration welcomes the Secretary General's new report on U.N. reform, and we are examining carefully its many recommendations. I hope to work closely with the Secretary General and my colleagues to bring greater accountability and transparency to the United Nations.

On a personal note, I should mention that Secretary General Kofi Annan and I have had a relationship that goes back 16 years, based on mutual respect and friendship, and I was pleased to receive a call from him last week.

The key is to implement changes to the U.N. structure and management, including budget, personnel, and oversight reforms. Scandals such as those that we have witnessed with the Oil-for-Food Program, undermine, not only America's confidence in the United Nations, but the confidence of the international community, as well. They must not recur. And we must never lose sight of the reality that ultimately it is member governments that must take responsibility for the U.N.'s actions, whether they be successes or failures.

Mr. Chairman, let me close by reiterating what I said at the beginning. If confirmed, I will work closely and effectively with this committee in both houses of Congress. The President and Secretary Rice are committed to building a strong, effective United Nations. The United Nations affords us an opportunity to move our policies forward together with unity of purpose. Now, more than ever, the

U.N. must play a critical role as it strives to fulfill the dreams and hopes and aspirations of its original promise to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, and to promote social progress and better standards of life in larger freedom. This effort demands decisive American leadership, broad bipartisan support, and the backing of the American public. I will undertake to do my utmost to uphold the confidence that the President, Secretary Rice, and the Senate will have placed in me.

Thank you, and I would welcome the opportunity to answer your questions. [The prepared statement of Mr. Bolton follows:]

The CHAIRMAN. Thank you very much, Secretary Bolton, for your opening statement.

I'd like to mention that Mrs. Bolton is with us today, on the front row, and we're delighted that you are here, and we appreciate your coming to the hearing.

Now, as I mentioned earlier, and prematurely, we'll have a ten-minute round of questioning, and we'll begin the clock now, as I commence my ten minutes of questioning. Then I will yield to Senator Biden.

Secretary Bolton, as Senator Biden has mentioned in his opening statement, prior to this hearing staff on both sides of the aisle have visited with Mr. Carl Ford. Carl Ford was supervisor for Christian Westermann, who is an INR biological warfare analyst. Now, I mention this because the allegation has been made that, in a speech that you were preparing for the AEI on Cuba, and which, I might mention, was on television this morning in its entirety, that you wished to change some language. Christian Westermann, the analyst, refused to change the language. You were severe in your criticism of him. And so, herein lies at least what appears to be a major flap for the last 90 hours, as Senator Biden has pointed out.

Now, staff has, in fact, interviewed Mr. Westermann and Carl Ford, who will be appearing before the committee, as I understand, tomorrow morning, at our hearing at 9:30, Mr. Fred Fleitz, the Bolton special assistant, who might know something about this, Tom Fingar, the INR Principal Deputy Assistant Secretary at the time, Fulton Armstrong, National Intelligence Office for Latin America at the NIC at the time, Stuart Cohen, Mr. Armstrong's supervisor at the NIC at that time. These interviews took place, aside from the Carl Ford interview, which Senator Biden has pointed out occurred earlier, on April 5, the other interviews on April 7 and April 8, and lasted, in most cases, for two hours, although the Fingar interview was only an hour and a quarter, and 30 minutes devoted to Stuart Cohen.

Now, I mention all of this because, very clearly, there has been at least an allegation that pressure was applied, and, as Senator Biden suggested, making a transfer, that I think is a stretch. But we are very sensitive in this country about reports given on Iraq intelligence and how accurate, or how comprehensive, our intelligence agencies were, whether anyone distorted that, or misused that, or went beyond that intelligence with regard to public policy. Nonetheless, you were talking about biological warfare in Cuba. Your suggestions for change were not accepted. The speech, there-

fore, did not have words that you wanted, but it had the official interpretation. And, as a matter of fact, no one was discharged, although feelings may have been hurt.

I raise all of this, in this context, simply to give you an opportunity to explain, if you can, what the flap is about. In essence, who said what to whom, and for what reason? And if you had it to do all over again, would you do it the same way? In essence, give your side of the story.

Mr. BOLTON. Well, thank you, Mr. Chairman. I think that the couple of points I'd want to stress from the outset is that all of these allegations have been reviewed in the past by the Senate Select Committee on Intelligence, and the committee found that there was no evidence of any indication of an attempt to influence or pressure analysts in their professional conclusions.

Second, with respect to the speech, which was in May of 2002, and was entitled "Beyond the Axis of Evil," it was a discussion of WMD efforts in a number of countries—really had preparations begun earlier in the year, just a few months after September the 11th, when I think we all conclude that, however horrible September the 11th was, it could have been far worse had the terrorists had access to chemical, biological, or nuclear weapons. And it was our feeling in the administration that we wanted to talk seriously to the American public about these kinds of threats.

The intelligence community gave appropriate clearance to declassified language and to the text of the speech itself. The speech was cleared throughout the State Department, including the Office of the Deputy Secretary, throughout the interagency. Assistant Secretaries Ford and Otto Reich used essentially the same declassified language in testimony in March, before the speech; in June, after the speech; and elsewhere.

And I wanted to say, also, Mr. Chairman, as you say, there have been a lot of interviews and transcripts and documents produced. I haven't seen all of them. But I want to say to the committee, right here, unequivocally, I'd be happy if all of that were made public right now. There are problems with classifications. Some of it, I think, we need to be concerned about privacy for people who are, sort of, collaterally involved, the issues that have to be worked out. Mr. Chairman, there is nothing there, there, and I would put it all out on the public record. All of it.

The CHAIRMAN. Well, I would indicate, Secretary Bolton, that State Department and CIA representatives stayed with the materials as they were made available in the Senate Foreign Relations Committee offices. There were a number of pages that were classified, and that, I think, is an important point. But, at the same time, I appreciate your forthcoming desire that all of this be made public. And I suspect that that can be accommodated.

Now, I simply want to know, with the specific allegation of pressure and discharge and those specific thoughts surrounding Mr. Westermann, specifically, what is the case? What happened?

Mr. BOLTON. I never sought to have Mr. Westermann fired, at all. And, in fact, you have e-mail from the Principal Deputy Assistant Secretary of State for the Intelligence Research Bureau the day of the conversation, Tom Fingar; his e-mail to me that day that said that Mr. Westermann behavior was, and I quote, "entirely in-

appropriate," close quote. Mr. Fingar said, referring to INR, quote, "We screwed up," close quote. And he said, twice in a relatively short e-mail, quote, "It won't happen again," close quote.

The CHAIRMAN. Well, I thank you for that clarification. I suspect that we will hear more about it throughout the hearing. But, at the outset, I wanted to raise it, because it appears to me to have been the source, really, of almost half of the controversy about your nomination thus far.

Now, let me get into the second half. What are you going to do about reform at the U.N.? You have mentioned specific desirable aspects, but clearly one of the rationales given by the President, and, even more emphatically, by the Secretary of State, is that you are a person who is going to be able to bring about reform of the institution so it will be strengthened. The United Nations is important for our foreign policy. It's more important if, in fact, it's a strong organization, with greater integrity, in terms of its activities. What do you have in mind as you approach this task?

Mr. BOLTON. I think there are—analytically, there are basically two categories of reform that one can consider. The first category is the reform of governance structures in the U.N., how the member governments of the U.N. carry out their business. The second analytical category, I would call management, budget, and personnel, actual operation, actual delivery of product from U.N. agencies. And I think that there's a lot of work to be done in both categories.

And I mentioned, in my prepared remarks, the widespread feeling, including as shared by Secretary General Kofi Annan himself, that the U.N. Human Rights Commission had come close to completely crashing. That definitely needs to be fixed.

We must address, I think, the most important question, governance question in the U.N. system, the composition of the permanent membership of the Security Council. This is an issue that I faced, myself, going back to the first Bush administration, when Japan made a very strong case for its becoming a permanent member, a case which has grown even stronger over the years, and which Secretary Rice commented on during her recent trip.

There are a lot of very complex and competing claims for change in the composition of the Security Council. It's going to take time to work that out. I think one rule I hope we can all agree on one objective to achieve in working on that structure is that we not make the Council less effective than it is now, and that's going to be, I think, a very arduous task.

I think, just quickly, on the management side, back in the first Bush administration I developed a concept called the "unitary U.N.," which was a way of trying to look at the U.N. system as a whole, not bits and pieces; not loosely structured, unconnected specialized agencies, but looking at the system as a whole to try and rationalize its delivery of services, the research that it carries out, the work of the various specialized agencies and funds and programs that, on an organizational chart, are really quite complex.

These are some of the things I hope to get into, if confirmed, and I think I've had the benefit of, as you mentioned, four years of service as Assistant Secretary for International Organizations, and the chance to work for the U.N. on a pro-bono basis, myself.

The CHAIRMAN. Thank you for those responses. My time is up.

And I recognize the distinguished Senator from Delaware, Senator Biden.

Senator BIDEN. Thank you very much, Mr. Chairman.

There's a number of things, Mr. Secretary, I'd like to discuss with you. I'm going to try to do it in sort of an orderly way.

I will be asking you a number of questions this afternoon, and as long as we go, about the issue of trying to have professionals removed from—I don't think anybody's ever said you tried to have them fired—"have them removed from your portfolio," I think is the term of art. Did you ever ask anyone to remove Mr. Westermann from your portfolio?

Mr. BOLTON. I think, as the interviews that your staff conducted show—and that's one reason why I want to get them all out in public—we believe Mr. Westermann had behaved in an underhanded fashion. And I think I—as my assistant mentioned to your staff, I said to him at the time, "I don't care if you disagree with me, just don't do it behind my back." I mentioned it——

Senator BIDEN. Well, that's not my question. I only have ten minutes, so I don't want you to be a Senator and filibuster me.

Did you attempt to have him removed from your portfolio?

Mr. BOLTON. I mentioned it to Mr. Fingar. I may have mentioned it to one or two other people. But then I shrugged my shoulders, and I moved on. He was——

Senator BIDEN. So the answer is, yes, you did.

Mr. BOLTON. And he was not moved, and I did not——

Senator BIDEN. Okay, and that's all I wanted—I just wanted to make sure we're talking about the same thing.

Let me talk about the U.N. I'll go back to——

Mr. BOLTON. I, in no sense, sought to have any discipline imposed on Mr. Westermann.

Senator BIDEN. Other than removed from your——

Mr. BOLTON. No.

Senator BIDEN. —portfolio.

Mr. BOLTON. No. I said, to at least one of his supervisors, that I specifically had no intention whatever to cause him any ill will, but I——

Senator BIDEN. I'm not suggesting that.

Mr. BOLTON. —had lost trust and confidence in him. And I think in any professional relationship, you need trust and confidence.

Senator BIDEN. No, I got that. I just want to make sure our terminology is—we're all using the same terminology when I talk about this with you this afternoon.

But let me speak about the U.N., if I may, for a moment. As you know, Chairman Lugar and I have been working to improve the Federal Civilian Response to post-conflict reconstruction and stabilization crises that we now face, and will face in the future, and we strongly support the new Office of the Coordinator for Reconstruction and Stabilization of the State Department, which, really, the overwhelming credit should go to my colleague from Indiana. The mission statement of that office outlines, and I quote, "Failing in post-conflict states pose one of the greatest national, international security—and international security challenges of our day. Struggling states can provide breeding grounds for terrorism,

crime, trafficking, and human catastrophes, and can destabilize an entire region."

Now, that's the statement, the mission statement of the office. You have stated, on the record, unrelated to that office, before—and, as a matter of fact, in your capacity—well, I believe the date was in '97. You said, quote, "We should be relegated—what should be relegated to history's junk pile at the first opportunity is this chimerical Clinton notion of U.N.," quote, "peaceful enforcement and nation-building and enlargement. Those unworldly concepts have resulted in American personnel and resources being committed to U.N. operations far removed from vital American interests." And that was in the "Creation, Fall—Rise and Fall of the United Nations" speech I believe you delivered.

How do you define, in that context, "America's vital interests"?

Mr. BOLTON. Well, I don't—I don't think you have that quote accurately, Senator, but I won't slow down——

Senator BIDEN. Well, no, that's very important. I do not want to, in any way, misrepresent what you say. Let's get everything really straight.

Mr. BOLTON. And I would——

Senator BIDEN. Because now—with all due respect, I don't want to—I don't want to put you in a spot to say something you didn't say. "Creation, Fall, and Rise of the United Nations," John R. Bolton—where was this speech made? Pardon me? And what's the name of the book? It's chapter 3 of a book entitled "Delusions of Grandeur." And I want to read it again so we're—

It says, "Traditional peacekeeping, together with the often important role of agencies of the U.N. system play in international delivery of humanitarian assistance can work and should be continued. Although peacekeeping has only been limited—has had only limited use throughout much of U.N. history, it is an option that we should preserve for appropriate use, such as U.N. disengagement observer force along the Golan Heights, between Israel and Syria. What should be relegated to history's junk pile at the first opportunity, however, are"—am I pronouncing it correctly?—c-h-i-m-e-r-i-c-a-l, chimerical?

Mr. BOLTON. Chimerical.

Senator BIDEN. —"Clinton notions of U.N."—internal quotes, "'peace enforcement,'" comma, quote, "'nation-building,'" comma, "and," quote, "'enlargement'" period. "Those unworldly concepts have resulted in American personnel and resources being committed to U.N. operations far removed from vital American interests. These concepts are based on misreadings of what happened in the world and in the U.N. in the late '80s and early '90s," end of quote.

Now, my question to you is—and here's the cover—title of the book, "Delusions of Grandeur, the United Nations and Global Intervention," edited by Ted Galen Carpenter, "Why We Shouldn't Give the U.N. More Power," Cato, 1997.

Now, my question is, to you—and I'm going to run out of time very quickly, obviously—and let me be more precise—the United States strongly endorses the recent U.N. Security Council resolution to send 10,000 U.N. peacekeepers to Sudan to support North-

South peace agreement. Is this an example of an operation far removed from the vital interests of the United States?

Mr. BOLTON. Absolutely not. And, in fact, in the passage you read, the second time you read, you referred—you read what I had written about the effectiveness, the historical effectiveness of U.N. peacekeeping operations, citing the example of the U.N. disengagement observer force along the Golan Heights.

At least part of the distinction I was making there was between peacekeeping, as that term has been historically defined in U.N. operations, and peace enforcement. Traditionally, peacekeeping relies on the consent of the parties to the conflict, the consent to U.N. involvement, and U.N. neutrality, as between the parties, and the very limited rules of engagement for the peacekeepers, essentially being authorized to use force only as a means of self defense.

By contrast, peace enforcement, as envisaged conceptually, would give the—would give U.N. forces a role without the consent of the parties. The U.N. would not act in a neutral fashion, and the U.N. rules of engagement would be much more robust.

Senator BIDEN. Which is——

Mr. BOLTON. The situation in the Sudan is a peacekeeping role, as traditionally defined. We have a historic agreement between the government in Khartoum and the rebels in the south that Senator Danforth and many others worked on. The force to be deployed, pursuant to the recently adopted resolution, I would say, is clearly a traditional U.N. peacekeeping operation.

Senator BIDEN. Now, is that—do you support it, or not? I thought I—I thought you said peacekeeping and peace—what's the other alternative?

Mr. BOLTON. The analytical terms——

Senator BIDEN. It's enforcement, right?

Mr. BOLTON. —that are implied are peace-——

Senator BIDEN. Keeping and enforcing.

Mr. BOLTON. —-keeping versus peace enforcement. And those imply separate kinds of operations. The force to be deployed in Sudan is a peacekeeping force.

Senator BIDEN. And do you support the peacekeeping——

Mr. BOLTON. Absolutely.

Senator BIDEN. If it had been a peace-enforcement operation?

Mr. BOLTON. Well, I think that's a hypothetical, because——

Senator BIDEN. Okay, take Kosovo.

Mr. BOLTON. But it's an important——

Senator BIDEN. Let's take Kosovo. Now, it didn't involve the U.N. It involved NATO.

Mr. BOLTON. Right.

Senator BIDEN. In terms of Kosovo. That was a—would that be—if that had been a U.N. operation, would that have been called a peace-enforcement operation?

Mr. BOLTON. That would have been called peace enforcement, I think, that's correct. And that's—I think that's one reason why it never—it never achieved the approval of the Security Council.

Senator BIDEN. That's true. Now, would you not have supported that?

Mr. BOLTON. I did not feel, at the time, that that was an appropriate action.

Senator BIDEN. Was—what was the U.N. role in Korea? Was that peace enforcement or peacekeeping?

Mr. BOLTON. Well, the—that was very definitely a kind of peace enforcement, but one that the U.N. has only engaged in essentially twice in its history, once in Korea, when the authorization to use force was adopted, because the Soviet Union was boycotting the Security Council in protest of the continued presence of the Republic of China holding the Chinese permanent seat. When the Russians—Soviets realized that their absence from the Council and their inability to veto resolutions was allowing coalition resistance to the North Korean invasion, they returned, and that ended the effectiveness of the Security Council in the Korean incident.

The second, of course, was in the first President Bush's administration, in the immediate aftermath of the Iraqi invasion of Kuwait, when President Bush and Secretary Baker led the successful effort through a series of Security Council resolutions, ultimately resulting in Resolution 678, which was only the second authorization to use force in U.N. Security Council history.

Senator BIDEN. So when you say that—is peace enforcement associated with nation-building?

Mr. BOLTON. No, I think it's very separate concepts.

Senator BIDEN. And so, the peace enforcement and nation-building and enlargement are things we should stay out of, not be involved with, with the United Nations. Is that right?

Mr. BOLTON. I think they're very—I think they're very separate contexts. I was writing, at that point, specifically critiquing the Clinton administration policy, yes, sir.

Senator BIDEN. I'll come back to that.

Thank you very much.

The CHAIRMAN. Thank you, Senator Biden.

Senator Hagel?

Senator HAGEL. Mr. Chairman, thank you.

Secretary Bolton, welcome. Thank you for agreeing to take on a big job if this committee and the United States Senate work its will and send you to that big job. We appreciate what you're doing.

I have been a United States Senator who has strongly supported the United Nations. It's an imperfect institution, like all institutions are, but if the world had not had this body over the last almost 60 years, I don't think we would have seen the kind of progress in the world that we've seen that's occurred in a complicated post-World War II community. Much yet to be accomplished, and you've noted some of those challenges in your statement. But the entire purpose, the focus on the United Nations, as you have also alluded to, was to bring the world community together in common purpose to deal with common challenges in a common-interest way. It hasn't always worked. There have been difficulties. Obviously, reform is a dimension of institutions, every institution, that is always in play.

And I want to start with the reform part of this and then work our way down into a couple of the specific questions I have for you.

You noted in your four principles, which I agree with, where you would focus your priorities, where America should focus its priorities, working with our allies at the United Nations. And you talk about reform. You talk about the Secretary General, who you have

a relationship with. Give me some sense of the larger context of reforming that institution, without getting into a lot of the specifics, because I suspect we will get into those when Senator Coleman's time is here. We will talk about Oil-for-Food and other issues. But I'm interested in your philosophy about the future of the United Nations. How should it be reformed? Less power? More power? More engagement? Less engagement? Give this committee some sense of your own feeling about that issue.

Mr. BOLTON. Well, I think that there is enormous potential in the institution that is often not allowed to be developed, in part because of the attitude of member governments. And this is one of the points, I suppose, will come to a little bit later in some statements I've made over the years. But I alluded to this in my opening statement. I think it's important. The United States puts an enormous amount of resources at the State Department and its missions around the world to working on U.N. matters. And I think that it's because we believe that, as the largest paying member government, that we have a big responsibility for what goes on in the United Nations.

I think, though, even within the United States and in a number of other countries, there's sometimes the temptation to say, "Well, if we, sort of, give a problem to the United States—to the United Nations, it takes it off our plate, and that people can say, 'Well, the United Nations is handling it.'"

Fundamentally, talking about any element of reform is to recognize that the United Nations is made up of member governments, and the United Nations does what member governments want it to do. And reform in the U.N. means member governments have to take their responsibilities seriously. That's something I think that we have historically done here. I think it's important that all member governments do that.

I think that in implementing, then, the policies that we're trying to pursue, that you have to take into account what's possible in the real world, and you have to be realistic about what can be done through, not just the United Nations, but through any institution, any international organization we've set up. And I think that the sustained attention to these kinds of issues is required.

This is nothing that can be overcome in a matter of a few months, or even a few years; this is something that's going to take a lot of work over a long period of time.

Senator HAGEL. Thank you.

Let me ask about a specific area of the United Nations, the International Atomic Energy Agency. I'd like to hear your thoughts about the relevancy, the effectiveness of the IAEA, Director Baradei, what you think of him. I think most who are following your nomination are aware—certainly, this panel is aware—that as we have seen the results of more of our internal intelligence reports, the Senator Intelligence Committee, the recent Silverman-Robb Commission report, the 9/11 Report, what we've seen is that Hans Blix and the United Nations inspectors had it right in Iraq; we had it wrong. I would like you to work your way into that. How could they, the United Nations inspectors, be so right and our Intelligence Committee be so wrong? And that cuts to the bigger

question of the future of the IAEA. Do you support the IAEA? Do you support Mr. Baradei's continuation as director?

Mr. BOLTON. Well, perhaps I could address the IAEA question first, and then try to come to your larger question. I have been, since the first Bush administration, a supporter of the IAEA. I remember the first President Bush, in the hours before giving one of his speeches to the General Assembly, saying how much he wanted to strengthen the hand of the IAEA. It's been a phrase that has stayed in my mind ever since then. And I think we've seen, just in the first four years of this administration, that the level of cooperation with the IAEA on the question of North Korea, before North Korea withdrew from the Non-Proliferation Treaty, was very good.

I think that we have had a number of transactions with the IAEA involving Iran, involving sharing some pretty sensitive information that's been very helpful. We have maintained our contributions to the IAEA. We are—we've had numerous voluntary contributions to the IAEA's work.

Our feeling on the Director General is that we support the longstanding policy of two terms for Director Generals. That's been the policy. We'll—there are no—currently, there are no candidates to oppose him, so we'll have to see how that policy plays out. But we've said repeatedly that's not a policy aimed at him or anybody else, it's a policy that we think is good for the U.N. system as a whole.

On your larger question, I don't think there's any doubt that what we've learned about—what we've learned post-war in Iraq about our intelligence is the kind of lesson that we need to address, and in a very serious way, in a very urgent manner.

I think the Silverman-Robb Commission—and I haven't—I don't want to say I've carefully studied all of it, including the classified portions, but I have read large parts of it, and particularly the parts on Iraq, and I think that the Silverman-Robb Commission really captured quite well many of the failings that, not just our intelligence community, but many of us had.

And I would describe the principal insight that they had that I think is just very clarifying of what the problem was, that reasonable hypotheses about what Saddam was up to and what Iraq's capabilities were became hardened in the minds of the intelligence community over the years into assumptions and then presumptions that were not subjected to repeated scrutiny and verification by hard facts, and that then were not really corroborated in more recent years by hard intel on the ground in Iraq.

So there are two basic failings, among others. One, the belief, the reasonable belief, that Saddam Hussein's inability, for example, to account for large stocks of chemical-weapon agent that he had declared in the aftermath of the first Gulf War, his inability to prove he had destroyed those stocks led to the hypothesis that they still existed.

Senator HAGEL. May I interrupt you? And I apologize for this, but I have very little time left.

Let me ask you, in following along with your point here, How could the United Nations inspectors be right? And why didn't we listen to them? Which cuts right to the question that you answered

about the credibility, and are they important, should we continue to strengthen them? But following along with your point here, how did we miss it, and they told us?

Mr. BOLTON. Yeah.

Senator HAGEL. In fact, I was briefed many times by the U.N. inspectors. And so, how could we miss it?

Mr. BOLTON. I would say two things, if I could. And I see your time is short here.

On the chemical-weapons point, Hans Blix, himself, took seriously the absence of records that Saddam had actually destroyed the chemical weapons. And he said—it was reported publicly, he had said to the Iraqis, "Look, this stuff isn't marmalade. You must have records that you've destroyed it." Now, that—it still hasn't been found. And his conclusion, that the hypothesis that the chemical agents still existed was wrong, was probably right.

On the IAEA, you know, the IAEA was pretty clear that they did not see evidence of a revived uranium enrichment program. And contrary to what some press reports have indicated, I think we believe that that was right. It's very hard to hide an extensive uranium enrichment program. It's much easier in the case of chemical or biological weapons, because of the inherent dual-use nature of that sort of thing. But I don't really think that the IAEA conclusions on the absence of an ongoing Iraqi uranium enrichment program were really disputed by the administration.

Senator HAGEL. Thank you.

The CHAIRMAN. Thank you very much, Senator Hagel.

Senator Sarbanes?

Senator SARBANES. Thank you very much, Mr. Chairman.

Mr. Bolton, what's your position on the Law of the Sea Treaty?

Mr. BOLTON. The administration has submitted the Law of the Sea Treaty as one of its priorities, and I support that.

Senator SARBANES. That's simply because it's an administration position, or does that represent your own view of it?

Mr. BOLTON. Well, I haven't personally read the Law of the Sea Treaty. I don't think I've ever read it, to be honest with you. The issues that—concerning the Law of the Sea Treaty that came within the cognizance of bureaus operating under my supervision this time, the—basically, Law of the Sea aspects dealing with military use of international waters—the Pentagon approved, and I had no reason to dispute them.

Senator SARBANES. Well, now, in an article in a book entitled "Understanding Unilateralism in American Foreign Relations," published by the Royal Institute of International Affairs in London, you called the Law of the Sea Treaty not only undesirable as a policy, but also illegitimate methods of forcing fundamental policy changes on the United States outside the customary political process. Am I correct about that?

Mr. BOLTON. I don't—I don't have the article in front of me, Senator. It was—this was a Chatham House publication?

Senator SARBANES. I assume so, yes.

Mr. BOLTON. Yeah. The issue that I believe led President Reagan to oppose the Law of the Sea Treaty in the first instance was the—were the provisions having to do with the undersea mining issue that were—and that's why President Reagan withdrew American

support for it. Those issues were addressed later during the Clinton administration, and reviewed by people, not including myself. During this administration, a decision on—the decision was that the provisions had been adequately fixed. I——

Senator SARBANES. But you wrote this article in 2000.

Mr. BOLTON. Right.

Senator SARBANES. That's after these problems had been addressed, by your own statement, just now.

Mr. BOLTON. Right. I have not——

Senator SARBANES. Well, if the problems had been addressed, which you just suggested made the treaty acceptable, how could you, at that point, be writing that it was a—not only undesirable as a policy, but also illegitimate methods of forcing fundamental policy changes on the United States outside the customary political process?

Mr. BOLTON. That was my opinion at the time, based on what I knew at the time.

Senator SARBANES. But you just told me that you were —that you thought the problems that President Reagan found had been addressed by that point, correct?

Mr. BOLTON. The analysis——

Senator SARBANES. You were still holding to a position regarding this as illegitimate and undesirable.

Mr. BOLTON. I think what I said, Senator—I hope that I said this—if I didn't, if I was unclear, I apologize—I think what I said was, those who had—those in the Bush administration who reviewed these particular provisions of the charter—and that did not include me, because they were not part of my responsibility—concluded that the issues had been successfully addressed, and that, therefore, they were to recommend to the President that he support the treaty.

I've not independently gone back into that, because I've been busy with other things, frankly. But if it's the opinion of my colleagues in the administration who are expert in these matters that it's satisfactory, I accept that.

Senator SARBANES. What's your view of the NGOs and their involvement in the U.N. system?

Mr. BOLTON. Well, I think that, in terms of delivery of humanitarian services, and in disaster situations, in work in international development, my own experience, in two and a half years of the U.S. Agency for International Development has given me a view that they can be—they can be very effective.

Senator SARBANES. Well, now, in an article you wrote for the Oxford Companion, "The Politics of the World," in 2001, you stated, and I quote, "The penetration into the U.N. system by NGOs has had profoundly undemocratic consequences by giving some, but not all, interest groups a second bite at international decision-making." How do you square that with the—what you just said about——

Mr. BOLTON. I think——

Senator SARBANES. —the role of the NGOs?

Mr. BOLTON. It's two separate issues, Senator. The question of the role of the NGOs goes to—and there's a huge literature on this, both in the academic world and in the policy world—that goes to how decision-making in an organization composed of member gov-

ernments should be made, that the—in my judgement, member governments should make the decisions, member governments should set the policy. NGOs, in democratic societies, have every right, and should be encouraged, to make their voices known within their democratic societies. And through elections, and through all of the political processes that we're familiar with, governments come up with policies. Those policies are then negotiated out by the governments that are members of the international organization.

The second-bite-at-the-apple concept comes when some NGOs that are perhaps disappointed in their ability to influence policy within their own—within their own government, try and come back at it again. They are not accountable to anybody. Nobody elected them. That's what the basic problem of democratic theory is there.

Senator SARBANES. Well, then how would they—I thought, at the outset, you wanted to encourage the NGOs' involvement in the U.N. process.

Mr. BOLTON. I think, as I said—I hope I was clear; let me try it again—the NGOs, as deliverers of services providing humanitarian assistance, for example, in the case of the recent tsunami and other natural disasters, in civil conflicts, their contribution in the longer-term effort of international development, as recipients of grants or contracts by USAID, The World Bank, or the U.N. Development Program—I think these are all very desirable, and should be encouraged. The issue is not their participation in the economic and social and humanitarian operational side of things. It's the democratic theory question about whether they should have influence outside of, and above, member governments.

Senator SARBANES. In other words, their influence has to go through the member governments? Is that the way you see it?

Mr. BOLTON. Well, I think, as a matter of democratic theory, within the United States we have interest groups that cover the entire spectrum, and they can, and should, under our system of liberty, make their influence felt any way they choose, that they can participate in elections, they sponsor seminars, they engage in public education. And out of this process that we're all familiar with comes a United States Government position.

Senator SARBANES. Well, now, it's not just the U.S. Government. You took the further—you made the statement to the U.N. Conference on the Illicit Trade and Small Arms and Light Weapons, in 2001, "We do not support the promotion of international advocacy activity by international or nongovernmental organizations." Is that your position?

Mr. BOLTON. That was a statement that was cleared within the United States Government and reflected our view of what the U.N.'s role in the small arms and light weapons arena should be. That is a reflection of——

Senator SARBANES. Let me broaden it beyond that issue. Is that your position with respect to advocacy activity by international or nongovernmental organizations?

Mr. BOLTON. Senator, that was in the context of a larger statement, which, again, I don't have in front of me, but which explained the circumstances that we faced at that conference, in 2001.

Senator SARBANES. Well, I'm trying to get you to go outside of that particular issue. You're not prepared to do that, I take it?

Mr. BOLTON. Not without the document in front of me, Senator. You know, that——

Senator SARBANES. What's your general position on the NGOs——

Mr. BOLTON. Well, I think people——-

Senator SARBANES. —and advocacy?

Mr. BOLTON. I mean, I think anybody is free to advocate anytime they want.

Senator SARBANES. But you don't think they—you think it counters democratic theory if they do that, not working through the country, is that correct?

Mr. BOLTON. I think—well, I think this is an important question of democratic theory.

Senator SARBANES. All right, now, who speaks for people in undemocratic countries?

Mr. BOLTON. The issue——

Senator SARBANES. If the NGOs can't present an advocacy position because they have to work through their government, who speaks for the people in undemocratic countries?

Mr. BOLTON. Senator, the context—well, I think it's permissible for them to speak for people in nondemocratic countries. The precise context I was speaking of was in democratic countries, where NGOs participate in the broad political process. I'm not confining it to the electoral process. They participate in the broad political process. The result is a policy that the government, of which they are citizens, espouses. And then the question is whether, having participated in that democratic process, they get a second bite of the apple.

Senator SARBANES. Well, now, in the past, the U.S. has been at the forefront of encouraging the United Nations and other multilateral institutions actually to invite and welcome the participation of civil-society groups, albeit outside the formal decision-making process. I take it, from what you're telling me today, you have difficulty with that encouragement.

Mr. BOLTON. I have difficulty when international organizations try to influence opinion within democratic societies. And I think some of the groups, not all of them, have that in mind. That's been very evident in some of their public statements. And I do think this is a—this is an important question of democratic theory. Responsible government, representative government, rests on constitutional structures that define who participates, and how. And, for us, as Americans, those structures are the foundation of legitimacy in government. And I think if those structures are disregarded, we have a potential problem.

Senator SARBANES. So would you welcome—I'll close with this question, Mr. Chairman; I see the red light is on—would you welcome the participation of an NGO in the U.N. process if the NGO was speaking on behalf of peoples in an undemocratic country?

Mr. BOLTON. I would not object to that.

Senator SARBANES. You wouldn't.

Mr. BOLTON. I would not.

Senator SARBANES. Uh-huh. What is it you would object to?

Mr. BOLTON. The second bite at the apple. In other words, the—as I said before—I guess that's about as clear as I can be on it.

Senator SARBANES. Would you welcome an NGO from a democratic country speaking on behalf of the peoples of an undemocratic country?

Mr. BOLTON. I don't have any trouble with that.

Senator SARBANES. Even if it runs counter to the policy of the democratic country?

Mr. BOLTON. I think—I think that's a different circumstance. What I'm talking about is the challenge to legitimacy——

Senator SARBANES. All right——

Mr. BOLTON. —of representative——

Senator SARBANES. —thank you.

Senator SARBANES. —government.

Senator SARBANES. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Sarbanes.

Senator Chafee?

Senator CHAFEE. Thank you, Mr. Chairman, very much.

Welcome, Mr. Bolton. You said all the right things in your opening statement. And one of them, you said that Kofi Annan—Secretary General Kofi Annan had called. I'm curious, did he endorse your candidacy? [Laughter.]

Mr. BOLTON. He said—well, I probably shouldn't get into it, but he said, "Get yourself confirmed quickly."

Senator CHAFEE. Well, I think that's important.

My question is having to do with your confirmation hearing in 2001, and you said that you felt that the admission of Taiwan to the United Nations would be consistent with this administration's "one-China policy." You explained how Taiwan meets the requirements of statehood, and, therefore, entrance to the U.N. And you went on to compare our government's position on Taiwan to our prior positions on Germany and the two Koreas.

The one-China policy has been successful due to consistent and partly ambiguous statements by government officials. A careful balance of words has to be struck in order to help preserve the relationships we have with both countries, and their confidence that current actions on our part are intended to help strike a balance across the Straits.

I would like to know how you would balance these competing interests of wishing to support our democratic ally, Taiwan, and trying to gain various concessions from the People's Republic of China.

Mr. BOLTON. Well, Senator, perhaps I could answer your question by falling back a little bit on the subject of the comments I had made on Taiwan during my time as a private citizen in think-tanks and so on, where I was expressing my opinions as a private citizens on—and without the responsibility of being a government official. And I think I was—in the 2001 hearing, I still had the luxury of being a private citizen, and I was discussing it at that point. I think I can say that this is a good example of something where I've had an opinion, and I've expressed it. I don't back away from the opinion. But time and tide have moved on. President Bush has expressed his view on the relationship between Taiwan and China. He's made it clear the administration has supported Taiwan as ob-

server in the World Health Organization, but that he doesn't go beyond that. And I accept that.

I think when a person comes into the government, either fresh or when you go into a new position, just because you've had an opinion ten years before doesn't give you the chance to say, "Okay, let's start over at square one and talk about my opinions." I'm not a golfer, but I think the metaphor is, you have to play it as it lays. And I know what the President's policy is, and I'm prepared to follow it.

Senator CHAFEE. Well, thank you very much.

As the Six-Party talks commenced with North Korea, you gave a speech that some would say undermined the stated policy of the State Department at the time. And there was a bit of a dispute with Mr. Pritchard and him saying, "Those are your own personal views." Ultimately, he resigned. Can you tell us what happened there? Especially in view of saying that you like to play it as it lies, using the golf metaphor.

Mr. BOLTON. Senator, on that speech, I can assure you that speech was fully cleared within the appropriate bureaucracy and was given in Seoul. People knew it was coming for weeks, and the timing of it. And I can tell you what our Ambassador to South Korea, Tom Hubbard, said after the speech. He said, "Thanks a lot for that speech, John. It'll help us a lot out here."

Senator CHAFEE. Why would Mr. Pritchard take exception to that?

Mr. BOLTON. Probably his——

Senator CHAFEE. His position at the time was Special Envoy for Negotiations with North Korea. He's the point man.

Mr. BOLTON. Probably for the same reason he resigned from the administration. I don't think he agreed with the President's policy. I respect Mr. Pritchard, but I don't think he agreed with the President's policy.

Senator CHAFEE. Was the State Department policy at odds with the President's policy?

Mr. BOLTON. Not at that point, no. I think—and, as I say, the speech was cleared within the State Department and throughout the interagency.

Senator CHAFEE. Well, the ramifications from that dispute were that, at the time, some of the top diplomats in China were saying that United States does not have a negotiating strategy, and they considered the United States their main obstacle—these are their quotes, back at the time—to progress on these Six-Party talks. And one of their diplomats, Chinese—People's Republic of China diplomats said, "How the U.S. is threatening the DPRK, this needs to be further discussed in the next round of talks." He says, "Washington's negative policy towards North Korea is an impediment." So the ramifications of this dispute seem to be impeding our progress as we try and work with North Korea.

Mr. BOLTON. Well, I think that North Korea has taken exception to a number of things that we've said. They took exception to the President putting them in the "axis of evil." Most recently, they took exception to Secretary Rice calling them an "outpost of tyranny." I think that the fact is, though, that, as I say, the speech was in preparation for quite some time. It was known within the

Department of State. Everybody who should have had a chop on it, did have a chop on it. And it was given with the full knowledge and understanding of the Department, as a whole.

I think—I don't mean to underestimate, at all, the difficulty of working these Six-Party talks. It's something that the President is very committed to. We've worked hard on it. We've worked particularly hard with China, which has been the host of three rounds of the Six-Party talks. Secretary Rice, as you know, was recently there, and worked hard with China to try and get the North Koreans back to the negotiating table. It's now been ten months since the last round of Six-Party talks, and we've been prepared, for quite some time, to sit down and resume those talks.

Senator CHAFEE. Well, very good. On the positive side, certainly one of the initiatives you had at the State Department, which you were rightfully praised for, is the Proliferation Security Initiative. And the PSI is a global effort that aims to stop shipments of weapons of mass destruction, the delivery systems, and related materials worldwide. The PSI uses existing authorities, national and international, to defeat proliferation. And you worked in a multilateral fashion on this proposal. Ten other countries—Australia, France, Germany, Italy, Japan, The Netherlands, Poland, Portugal, Spain, United Kingdom—all agreed initially to PSI, and 60 more have signed on since.

But you have said that you are loathe to call it an organization. You call it an activity. And you said, in Tokyo, "Our goal with the PSI is based on an equally simple tenet, that the impact of states working together in a deliberatively cooperative manner would be greater than the states alone in an ad-hoc fashion." And this statement would seem to point to your support of the kind of cooperation a body like the U.N. can foster.

Can you outline your feelings on the best way to set up multilateral agreements?

Mr. BOLTON. Well, I think PSI is an example of a flexible approach to a very serious problem. And, as you indicated, there's no doubt in our minds that international trafficking in weapons and materials of mass destruction can only be addressed in a multilateral fashion. The United States acting alone simply is unable to stop that international trafficking. That's why we began with our original 11-country core group to put together the statement of interdiction principles and then to try and persuade others to accept the PSI.

I think that—and we've had some notable successes, not least of which was the interception of the ship, the BBC China, which I think played a material role in Libya's strategic decision to give up the pursuit of nuclear weapons. And I think the lesson that I derived from PSI and from the G8 Global Partnership is that you can conduct multilateral activity effectively without large bureaucracies. That's not to say that, in some cases, you don't need bureaucracies. The IAEA that Senator Hagel asked me about a minute ago is an example. You need experts in an organization like that to build up their knowledge and conduct operations over a long period of time. But surely you can do this without large bureaucracies that don't deliver effectively.

And so, I think there's always room for improvement in bureaucracy, and the lesson I draw from PSI is, the leaner you make the operation, the more successful you're likely to be.

Senator CHAFEE. And can you make some relationship to how you'll work now with the United Nations, which is a gigantic bureaucracy?

Mr. BOLTON. Yeah, well, I hope—I hope the lesson of PSI is that you can take what many people thought at the time was a pretty controversial idea, the physical interdiction of weapons or materials of mass destruction in international commerce, explain that we were prepared to do it entirely consistently with existing international and national authorities, and rally support for it. I think that's the kind of thing that I had a small hand—I was a junior official at the time in first President Bush's administration, when he and Secretary Baker rallied the Security Council and the international community to the series of resolutions that led to the ouster of Saddam Hussein from Kuwait. But I think that is possible. I think that's what our objective should be.

Senator CHAFEE. Thank you very much, Secretary.

The CHAIRMAN. Thank you very much, Senator Chafee.

Senator Dodd?

The CHAIRMAN. The Chair calls for order. The hearing is adjourned until order is restored. [Whereupon, at 11:12 a.m., the hearing was adjourned.] [Whereupon, at 11:14 a.m., the hearing was resumed.]

The CHAIRMAN. The hearing will recommence.

I now call upon the distinguished Senator from Connecticut, Senator Dodd.

Senator DODD. Does that come out of my time, by the way? [Laughter.]

The CHAIRMAN. The full ten minutes are restored.

Senator DODD. Timing's everything.

Well, thank you, Mr. Chairman. And I have some opening comments, but I'd like to ask unanimous consent they be included in the record, if I may——

The CHAIRMAN. They will be included in the record in full.

Senator DODD. —and lay out some thoughts on this, on the nomination, generally, if we could.

Secondly, let me just say, I think most of my colleagues—I've been on this committee for 24 years. I've enjoyed working with several Members here during that entire period of time. I was trying to recall other occasions in this committee when I've opposed a nominee, and I can't recall one. There have only been a handful. In fact, many of my colleagues on this side, I know, are disappointed from time to time when I've supported nominees of the administration, not because I agreed with their views, but because I've generally embraced the view that Presidents, once elected, have a right to put together their official families, people who share their views. So I—others have a different criteria, but that's generally been my point of view.

So I begin, Mr. Chairman, as I think you do, and others have over the years, with the assumption that if a President sends up a nominee here, that the Presidents begin, with my view, anyway, to be able to have that team, unless there are reasons which would

disqualify an individual under any set of circumstances, not just their views with particular matter of policy; in this case, foreign policy.

I'd ask, as well, Mr. Chairman—Mr. Bolton has made the request, and I don't think it's an unfair one at all—you may want to evaluate how to do this—but I think all of these interviews and e-mails and so forth ought to be made a part of the public record. And I'll make the request. If you want to think about that, Mr. Chairman, I'll—before you want to respond to it, but I'd make the request, because I think it deserves to be out there in the public domain so that people can have a full opportunity to review what's been said, what are in e-mails, what other witnesses—we've interviewed some; I think the staff have jointly—some six different people, who bring a particular set of facts regarding what I think are the most serious allegations about your nomination, and that is the allegation that you tried to have two analysts removed from their jobs because you disagreed with their intelligence conclusions. That, to me, is, in this environment we're in today, Mr. Bolton, I would say, putting aside your views about the United Nations and other things—if that is true, then I don't think you have a right to serve in a high post. I think it would be unfortunate to set the example, in this day and age, when we're trying to get the best intelligence we can, if you tried to remove someone. Whether or not you were successful or not is not the issue. Trying to rob a bank and failing to do so is not—is a crime, in my view. Trying to remove someone, as an analyst, from their job, because you disagree with what they're saying, I think, is dreadfully wrong. And you've got an opportunity to defend yourself here, and I want to get to the bottom of it if we can.

Now, you've made the statement, in response to Senator Biden, that you did not try to—or you did try to remove —or at least you recommended that these two individuals—one we've talked about, Mr. Westermann; the other we'll just call an intelligence officer, because his name should be kept private. Is that—did I hear you correctly when you responded to Senator Biden?

Mr. BOLTON. I don't think so, Senator, respectfully. The way you put it, at the beginning, was that I tried to have people removed because of their—because I disagreed with their intelligence conclusions, and that's not true.

Senator DODD. You thought because they went behind your back——

Mr. BOLTON. I thought in—I thought, in both cases, if I may say so, their conduct was unprofessional and broke my confidence and trust, which I think—I think is important in all professional relationships, especially in ones involving intelligence.

Senator DODD. Let me address that particular point. Now, as I understand it, Mr. Westermann, who, by the way, has a distinguished background, is highly regarded by his peers—and I'll lay that out for the record hearing here, going back and interviewing his superiors and others over the years. As I understand it—and you correct me if I'm wrong, now—that this going behind your back—Mr. Westermann sent an e-mail to your Chief of Staff, as I understand it now, Frederick Fleitz—is that how you pronounce his name?

Mr. BOLTON. That's correct.

Senator DODD. He sent an e-mail in February to your Chief of Staff that tried to alert your assistant that you were probably going to have trouble getting the language cleared that you wanted to include, and suggested alternative language, at that time, to him. Your assistant, Mr. Fleitz, pressed to have the language sent out for clearance. So Mr. Westermann did so, at the suggestion of your Chief of Staff. The submission to the Intelligence Committee made clear the language that you wanted cleared. It was also—contained Mr. Westermann's suggested alternative language. Now, all due respect, how is that going behind your back?

Mr. BOLTON. You know, Senator, a lot of the material that's in the——

Senator DODD. Well, am I correct in my assessment of what occurred, that he did send an e-mail?

Mr. BOLTON. I don't—I don't know what the circumstances were. I've seen a lot of it, after the time. What I did was talk to Mr. Westermann's supervisor. I first called Mr. Ford. He was not in the office that day. I forget the reason why. Carl Ford, the Assistant Secretary, the head of the Bureau. I then asked to speak to Tom Fingar, who was the Principal Deputy Assistant Secretary of the Bureau, the senior career official. And I said, basically—I said, basically, "What's going on here?" And——

Senator DODD. Did you call Mr. Westermann?

Mr. BOLTON. I called—I called him to find—and he—and he basically said he had—he had sent something out into the clearance process without notifying us. So I put this to Mr. Fingar——

Senator DODD. Well, you've made a statement he went behind your back.

Mr. BOLTON. Yes, and——

Senator DODD. Have you checked?

Mr. BOLTON. I did. That's why I asked Mr. Fingar. I didn't know what the facts were. I asked Mr. Fingar, the senior career officer in the Bureau of Intelligence and Research, and he came back a couple of hours later with—he didn't know what the circumstances were, which is understandable, I think—but he came back to me a couple of hours later with an e-mail that said that Mr. Westermann's behavior was, quote, "entirely inappropriate," close quote. He said—meaning—referring to INR—he said, quote, "We screwed up," close quote. And he said, twice, "It won't happen again."

Senator DODD. Let me—let me just—because I think that's important. You said that earlier. Mr. Brannigan, who is a staff member of the Chairman of this committee, had an interview with Mr. Fingar over the last several days, and let me quote Mr. Brannigan's question to Mr. Fingar regarding this very point.

Mr. Brannigan, speaking now to Mr. Fingar, "You said that what Mr. Westermann did was entirely within the procedure. He was never disciplined. It was perfectly normal. That the only failure of his was lack of prudence. And then there is the e-mail to Mr. Bolton. You say it's entirely inappropriate, and we screwed up, and it won't happen again. That seems like a rather different assessment."

Mr. Fingar, responding to this question, in the last 72 hours or so, "Well, I knew I was dealing with somebody who was very upset," speaking about you, sir. "I was trying to get the incident closed, which I didn't regard as a big deal. I knew John Bolton was mad. I assume when people are mad, they get over it, so I did lean over in the direction of, 'Sure, we'll take responsibility.' He thanked me for it. At least as far as I'm concerned in my dealings with Mr. Bolton, that closed it."

That's a different assessment. In fact, what Mr. Fingar is saying is that the reason he said what he did was because you were furious.

Mr. BOLTON. Well, I think the—I mean, I basically thought the matter was closed when I got Mr. Fingar's e-mail saying, "It won't happen again." And I——

Senator DODD. Well, then——

Mr. BOLTON. —take his——

Senator DODD. Let me move you forward.

Mr. BOLTON. May I just add one point?

Senator DODD. Yeah, go ahead.

Mr. BOLTON. The comments Mr. Fingar made the day of the incident, I took to be his opinion at the time. And I think that's the relevant point in time to look at. But I ——

Senator DODD. Yeah, well——

Mr. BOLTON. —but I agree with his point—I agree with his concluding point.

Senator DODD. Well, then Mr. Brannigan asked him again, "Were there any policies or procedures changed as a result of this incident?" Answer: "No."

Mr. BOLTON. Senator, I have no idea what INR's policies are. That's why we gave it to INR, and that's why I asked Mr. Fingar to look into it. And his response back to me was, what happened was entirely inappropriate——

Senator DODD. Well, let me take——

Mr. BOLTON. —and that they——

Senator DODD. —you seven months forward.

Mr. BOLTON. —screwed up.

Senator DODD. Let me take you to September 2000. That's February. So the matter's over with in February, in your mind. And yet in September of 2000, in a conversation that you had with—let me get the quote here if I can—here it is now, in September, with Mr. Neil Silver. Do you know who Mr. Neil Silver is?

Mr. BOLTON. Yes, I do.

Senator DODD. Right. He was the direct supervisor for Mr. Westermann.

Mr. BOLTON. One level up, right?

Senator DODD. Right. Okay? So, in September, seven months later, now, all right? Mr. Silver is in your office. All right? And, again, here—now, this is an interview done in the last few days here by the joint staff of this committee. September 2002, I think. "Neil told me that, at the end of the meeting that he had with Mr. Bolton, Mr. Bolton took him aside and, out of the blue, said, 'And that Westermann fellow, we really would like him removed from his portfolio, and transferred.'"

Mr. BOLTON. This is Mr. Silver testifying?

Senator DODD. Well, this is Mr. Westermann talking about his interview with Mr. Silver. By the way, that is also corroborated in other documents we have here, from this, right here. This is also included, if you will, in the Report on U.S. Intelligence Community's Prewar Intelligence Assessment on Iraq, page 278, paragraph (u), the third paragraph on that page. The analyst said, "Six months later, after the incident, with his new office director, met with the Under Secretary," speaking about yourself, "the Under Secretary asked to have the analyst removed from his current worldwide chemical and biological weapons portfolio. The analyst said he was not removed from his portfolio and did not suffer any negative effects professionally." That's seven months later, Mr. Bolton.

Mr. BOLTON. Yes. And have you interviewed Mr. Silver?

Senator DODD. Not yet. We've tried to. We're going to try interview——

Mr. BOLTON. My recollection is that, for some period of time——

Senator SARBANES. You do think he should be interviewed, right?

Mr. BOLTON. I have—absolutely.

Senator DODD. Yeah.

Senator SARBANES. Uh-huh.

Mr. BOLTON. The—for some period of time, there had been a vacancy. Mr. Silver came in to be the office director, and he asked to come up to pay a courtesy call on me. I didn't ask for the meeting. And he wanted to come up and introduce himself. And I think my schedule was such that several months went by. But he came in September, and my recollection is that he said, you know, he hoped his office would work with the bureaus that reported to me, and asked if there had ever been any problems. And I thought, he had asked an honest question, I ought to give him an honest answer, which I did, and that——

Senator DODD. So in September, it still bothered you.

Mr. BOLTON. It was a—it was a one-on-one meeting. It was a courtesy call. He said, "Have you ever had problems?" And I said, "Yes."

Senator DODD. Yeah.

Senator SARBANES. And did you say——

Mr. BOLTON. But I had done nothing——

Senator SARBANES. —did you say to him you thought Westermann should be removed?

Mr. BOLTON. I thought he should be given other responsibilities. I do recall, very specifically, with Mr. Silver, since he had obviously had no contact with this episode before. I said, "I wish Westermann no ill will. I'm not trying to affect him. I just have lost trust in him."

Senator DODD. Well, let me tell you we've talked in the last few days. Now, you've made the statement——

The CHAIRMAN. Let me just ask——

Senator DODD. Let me just finish on this, if I can, Mr. Chairman.

We've talked to Thomas Fingar, who is presently the Assistant Secretary of State for Intelligence and Research. We've talked to your Acting Chief of Staff, Mr. Fleitz. We have reports, at least, about the Neil Silver conversation. We've also spoken with Carl Ford. We've talked with Stuart Cohen, former Chair of the Inter-

national Intelligence Council and the former boss of the nameless NIO. In every one of those instances, they claim, independently, that you asked for this man, Mr. Westermann, or this NIO, to be removed from their job. Every one of them have said this. These are your people, in some cases, who have said it. I'll quote 'em for you here.

Mr. BOLTON. Senator, and that's one reason why I'd like all these transcripts to be released.

Senator DODD. Well, I've asked unanimous consent they all be laid out there.

Mr. BOLTON. So that the——

Senator DODD. So I'm going to ask you once again, Did you ask for these two people to be removed from their jobs?

Mr. BOLTON. No. I said that I wanted the—in the case of Mr. Westermann, that I had lost trust in him, and thought he should work on other accounts.

Senator DODD. What other portfolio did he have?

Mr. BOLTON. In the case within INR, I think they're——

Senator DODD. What's his portfolio?

Mr. BOLTON. A lot of——

Senator DODD. What's his——

Mr. BOLTON. I don't know what his portfolio was.

Senator DODD. He has one portfolio, biological weapons and chemical weapons.

Mr. BOLTON. If you say so, Senator. I don't—I don't know what his portfolio is.

The CHAIRMAN. All right. And the——

Senator DODD. In the case——

The CHAIRMAN. —Chair would like to ask that we continue this, maybe, in the next round.

And I'd like to recognize, now, Senator Allen.

Senator ALLEN. Thank you, Mr. Chairman.

And thank you, Mr. Bolton, for being here. And I look forward to all the questions, back and forth.

Mr. Chairman, I have a statement I'd like to be made part of the record.

The CHAIRMAN. It will be made in part—made in the record in full.

Senator ALLEN. For those who are watching this hearing, you can cross-examine people in such a way that it makes it act as if it's something more than it is. The—I don't think all of this questions on these individuals, and e-mails, would matter if Members didn't have, really, a disagreement with you, let's say, on what really matters. You are—you have been appointed, or nominated, by the President to be our representative, the United States Representative to the United Nations. And I think we ought to focus on the big picture, and your record of performance on the big picture.

Senator Chafee brought up the admirable leadership you provided in the Proliferation Security Initiative, which garnered 60 nations in this effort. And that is something that showed initiative on your part, obviously essential to get other countries involved in it, and I think that's part of your record of performance, which I find very salutary, that, as you talked in your opening statement about

supporting freedom and democracy, we want to, in my view, advance freedom and justice and, obviously, our security, and when the United Nations can be helpful, they can be; if not, find a method—a way of doing it. And you have done that. As well as the G8 Summit, where you got other countries to match the United States' $1 billion in the Cooperative Threat Reduction, or Nunn-Lugar Program.

You also played a central role in negotiating the Treaty of Moscow, which will reduce operationally-deployed nuclear weapons by two thirds. You also, in previous years, served in a variety of fronts, but one of the best things you did was—is get the United Nations to repeal that odious U.N. resolution that likened Zionism to racism. And that's why I think groups like B'nai Brith and others are supporting you, as well.

You, I think, have the experience, you have the knowledge, you have the background and the right principles to come into the United Nations at this time. There's scandals right now. The Oil-for-Food scandal that I know Senator Coleman has just been a lead in the Senate in addressing. It is important that we have, for the United States, someone who will be advocating, forthrightly and honestly, the views of the American people. I guarantee you, the taxpayers out in the real world aren't so concerned about e-mails back and forth, and personnel disagreements, here, there, and the other; they care about what's going on with the money we're putting in the United Nations. Is the United Nations helpful for the advancement of freedom and justice? Can it be made into an organization more relevant to real people in the real world?

And I think the President, in selecting you, Mr. Bolton, has selected the absolute perfect person. The fact that there has been controversy, the American people, they think that's probably good, because you'll bring a credibility to the United Nations that they sorely need. And I like the fact that you'll advocate our principles, you're not going to be seduced by empty, meaningless, courteous pontifications by international bureaucracies. And I like that. And that's important for the advancement of our ideals, and it—as well as for others in the world.

Now, as has been discussed in a variety of ways, the United Nations—even Kofi Annan has put forward some recommendations to reform and bring greater efficiency to the United Nations. Let me ask you how you would prioritize many of these needed changes at the United Nations, and how do those relate to the interests of the United States?

Mr. BOLTON. Well, many of the governance changes discussed previously—the Security Council, the reform of the Human Rights Commission—these are all things that need attention. But I think, in terms of the management side of reform, one of the aspects that we tried to emphasize in the first Bush administration, Bush 41, under the concept of "unitary U.N.," was to avoid the duplication and overlap and waste of resources that existed in many of the U.N. specialized agencies, funds, and programs, where many different agencies are doing the same thing, and, in effect, duplicating work, and in a very inefficient way. And I think—and I don't want to anticipate questions that may come later, but the Oil-for-Food Program, as it has evolved, has taught us a lot, I think, about the

culture of the bureaucracy at the U.N. And just as we've learned through the Silverman-Robb report, and others, about the culture of some of our practices on the intelligence side, I think Oil-for-Food has told us a lot about the culture of the bureaucracy at the U.N., and emphasized why management reform is needed there.

And I think working with the other principal contributors in the Geneva group—this is the group of countries that supply, typically, more than one—each of them supplies, in the assessed budget, more than 1 percent of that budget—and working with other concerned countries, that this is a real moment of opportunity to eliminate waste and duplication and overlap in the U.N. system, and to concentrate on performance-based evaluation for the services and the activities that the various U.N. agencies are involved in.

Senator ALLEN. Well, thank you. I'd—the American people would never tolerate that sort of fraud and abuse that was in the Oil-for-Food Program in our own government, nor should we tolerate it in any organization that we fund with the taxpayers' money. And I think the concept of accountability and measurement—or, you call it "performance-based"—is very important. I think it—what gets measured, gets better. And to the extent that that can be done with the United Nations, that's helpful.

Let me ask you this, since you worked on some of the proliferation issues. How do you envision the United States working with the United Nations, if possible, to realize a solution to the nuclear concerns that we have with North Korea, as well as with Iran?

Mr. BOLTON. Well, on those two, specifically, when North Korea withdrew from the Non-Proliferation Treaty, we worked in the IAEA Board of Governors and got a unanimous agreement that the question of North Korea should be referred to the Security Council, as the IAEA statute provides. Now, the Council has not taken action on North Korea, because of the pendency of the Six-Party talks. But I think the fact that the Security Council is there as a possibility is an important point to make, not just to North Korea, but to other countries that would attempt to achieve weapons of mass destruction.

In the case of Iran, we have worked hard, at the IAEA, to have the matter of Iran referred to the Security Council, because its pursuit of nuclear weapons, as North Korea's pursuit of nuclear weapons, amounts to a clear threat to international peace and security. And I think one of the important steps that Secretary Rice was able to make, in just her first couple of weeks on the job in providing certain commitments we made to the Europeans, was to receive, from the EU-3 in return, their very clear public statement in a report to their EU colleagues that they, too, would support a referral to the Security Council at an appropriate time if Iran did not make the strategic decision to give up nuclear weapons.

I think that weapons of mass destruction and terrorism, and the confluence of those two things, are the biggest threat to international peace and security that the civilized community faces. And the Security Council should play a role in that. That's the position I've taken within the administration, within this—within this administration from the get-go.

Senator ALLEN. Well, thank you.

Mr. Chairman, I appreciate those remarks, because I think that these are the issues that matter most with the United Nations and for our own security. It will be proliferation of arms, weapons of mass destruction, as well as nuclear proliferation.

Your record is one that is exemplary in that area. Also, that of advocating freedom for all people, regardless of their background and culture, throughout the world, which I think can be very—where the United Nations could be very helpful. If they're not, then we have to find other approaches to doing so. And I think you've shown that, that capability.

Finally, just to follow up—I think it was Senator Chafee, or maybe it was Senator Sarbanes—insofar as Taiwan joining the World Health Organization, you support Taiwan joining the World Health Organization?

Mr. BOLTON. The administration's position has been to support Taiwan becoming an observer in the WHO.

Senator ALLEN. Right. Good. Thank you.

Thank you, Mr. Chairman.

Senator SARBANES. Is that your position?

Mr. BOLTON. Yes. I support that position.

Senator SARBANES. I thought you supported their being a member.

Mr. BOLTON. When I—as I said before, when I wrote, as a private citizen, during the 1990s, that's what I said. And when I wrote it then, I understood it. The President has made his policy on this very clear, and I support his policy.

Senator ALLEN. Reclaiming my time, Mr. Chairman, I'd be, personally, happy if they were a member, but if we can have them as an observer, they certainly ought to be involved, especially with the SARS epidemic. They can be very, very helpful. And the fact that China is so paranoid about it should not be of any consequence when we're concerned about world health.

The CHAIRMAN. Thank you, Senator Allen.

Senator Kerry?

Senator KERRY. Thank you, Mr. Chairman.

With all due respect to Senator Allen, I just don't think that one can dismiss, or should dismiss, how one interprets intelligence and how one operates within a position of high responsibility as somehow not important to the American people. We've just come off the most massive intelligence failure in our history, and we recognize that there are serious questions still outstanding about the degree to which that intelligence was manipulated, or the degree to which a predetermined position determined the outcome of that intelligence. And so, it is vital to the security of the American people, whether or not Mr. Bolton, in his position, was party to the same kind of activities. And that's the question with respect to Mr. Westermann.

The fact is that on September 18th, in 2004, the Bush administration using stringent standards—and I'm quoting from the New York Times—adopted, after the failure to find banned weapons in Iraq, conducted a new assessment of Cuba's biological weapons capacity, and concluded that it is no longer clear that Cuba has an active offensive big-weapons program. And so, that directly contradicted the position that Mr. Bolton took. And, in fact, Mr.

Westermann, was correct. And I think the American people deserve to have people, who are correct, not fired, but rewarded.

So that's what's at issue here. And it is in the interest of the American people to know that their intelligence is being properly sifted and vetted and listened to.

Now, I don't think that's the only reason to have questions and doubts about this nomination. I want to make that clear. It's only one of the issues. It's not the prime issue in my mind. There are much more serious and significant issues.

The ambassadorship to the United Nations is one of the most important, foremost diplomatic positions in the world today. And I think that it is critical that we have someone there who comes with both the respect for that institution and the reputation for diplomacy that is vital to American interests at this point in time.

I think we need somebody who believes in the United Nations, despite its flaws, and believes in that diplomacy and negotiation, and has a track record of effectiveness. And that track record of effectiveness is what we need to measure here today.

There are questions about Mr. Bolton's commitment to the United Nations, and his effectiveness. I'm not going to go in—I'd like to ask unanimous consent that the full text of my opening statement be put in the record.

The CHAIRMAN. Put in the record in full.

Senator KERRY. But, you know, we've seen, certainly, some instance where, when Mr. Bolton wants to, he's effective. I think the PSI is a good effort, and I think there have been some positive advances for our country in that regard. But on two of the most critical proliferation issues facing us, both North Korea and Iran, Secretary Bolton opposed the idea of direct negotiations with each of these countries, even when our allies were asking us to do so. And that's an important part of the diplomatic effort that we're going to have to engage in, going forward.

At a critical moment with North Korea, in a speech that he gave in Seoul, that he attacked Kim Jung-Il, whom we all attacked, we all dislike, we all recognize is, you know, someone we'd love to see removed or in a different—you know, not leading that country; but, on the other hand, at this critical moment, to almost 50 times in one speech personally vilify him, was to almost guarantee the outcome of the diplomatic effort that he was engaged in.

In North Korea, I think Mr. Bolton deserves a lot of the credit for the abandonment of the efforts that the Clinton administration had made that effectively froze Pyongyang's plutonium program. Now, whatever you want to say about the cheating—and we all understood that that was probably going on, including Bill Perry, who was negotiating it at the time—nevertheless, we knew where that plutonium was. We had inspectors in the reactor. We had television cameras in the reactor. Today, we don't.

There's been a huge increase in the nuclear capacity of North Korea, on your watch. And the question, legitimately, ought to be asked why you ought to be rewarded to go to an increasingly important position, given that. In fact, Senator Domenici raised those questions. Threat reduction programs are spread over the Departments of State, Defense, and Energy. I'm not going to belabor the administration's refusal to heed the advice of the Baker-Cutler

Commission to increase funding for threat reduction, but when the committee met last year to hear from Mr. Bolton about threat reduction, the fact is that there's been a failure to dispose of nearly 70 tons of plutonium. That's enough for thousands of weapons. Our colleague, Senator Domenici, said, at that hearing, quote, "Why a program of this much global importance should be blocked by something as basic as liability remains beyond me. I've been amazed that the leadership of the United States and Russia cannot resolve this issue. Failure to resolve this issue is simply not consistent with the urgency that the administration has attached to nuclear proliferation."

Senator Domenici took specific issue with Mr. Bolton's performance. He said, "I submit that Mr. John Bolton, who has been assigned to negotiate this, has a very heavy responsibility, and I hate to say that I'm not sure, to this point, that he's up to it. If he doesn't think it's important enough to solve this issue of liability, then I submit that you ought to get somebody who can."

I also believe Mr. Bolton has made a selective reading of recent events. For instance, he frequently refers to the Libya model of counterproliferation. By his interpretation of events, a proliferating country makes a strategic decision on its own just to abandon nuclear weapons. And he suggests that that's what Iran and North Korea ought to do. Well, it would be wonderful if they did. But that's a distortion of the reality of what happened.

The fact is that the Clinton administration and the British were long involved prior to this administration and engaged in a dialogue with Libya. Libya was prepared to move, some time ago. And the fact is that the Libyan model represented a willingness of the United Kingdom to engage in a patient, frank, and secret dialogue that ultimately resulted in their giving it up. And some people have suggested publicly that Mr. Bolton engaged in an effort to try to scuttle that particular initiative.

So when you add the totality of statements made and beliefs about the United Nations, I think there are serious questions about the nomination.

Mr. Bolton, let me just ask you, Is it fair to say that you really don't respect or believe in the institution of the United Nations?

Mr. BOLTON. No, I think it's very inaccurate, and I'll just give you one example to show why it's not accurate. During the period, roughly, 1997 to 2000, I served, without compensation, as an assistant to former Secretary of State Baker, who, at that time, had been asked by Secretary General Annan to be his personal envoy for the Western Sahara. The U.N. peacekeeping force in the Western Sahara, MINURSO, which is—it's a Spanish acronym—had been created during the first Bush administration, in the late spring or early summer of 1991, but had not been successful. And Secretary General Annan wanted to take advantage of Secretary Baker being out of office to see if he couldn't help resolve the matter. And Secretary Baker called me—I think it was in January of 1997—and asked if I would be willing to assist. He said, "I'm going to do this pro bono, so if you want to help, you're going to have to do it pro bono, too." And I said that I would. And Secretary——

Senator KERRY. But that's—sorry, go ahead.

Mr. BOLTON. Secretary Baker has just recently resigned his position; unfortunately, in my judgement. He devoted an awful lot of time to it.

The reason I worked for him again, for the United Nations, for free was not because I ever expected to use it in a confirmation hearing, or because I expected anybody to give me a pat on the head; I did it because I thought that the U.N. peacekeeping operation in the Western Sahara could bring a resolution to the uncertainty of the status of that territory and get those tens of thousands of refugees who have been in the Sahara Desert for decades——

Senator KERRY. But my question to you——

Mr. BOLTON. —back to their homeland.

Senator KERRY. —is not——

Mr. BOLTON. That's what I worked for.

Senator KERRY. My question to you is not whether or not you have selectively chosen, here and there. As I said a moment ago, there's a selectively to your approach, as there was, evidently, in your belief about the intelligence with respect to Cuba. When it serves a particular purpose, you adopt it; but, generically, over the long history, your writings, your comments, your public statements, your speeches, your interviews about the United Nations have been disdainful of it.

I mean, you have said, "There's no such thing as the United Nations."

You've said, "There's an international community that occasionally can be led by the only real power in the world," and you point to the United States as essentially being the United Nations.

You've said, "If the U.N. Secretary building in New York lost ten stories, it wouldn't make a bit of difference."

You've said that you would have one permanent member of the Security Council, because that's the real reflection of the distribution of power in the world.

You've said that you not only don't care about losing the General Assembly vote, but it actually—you see it as a "make my day" outcome.

How do these statements reflect a respect for the United Nations and empower you to go there and have other people believe you're there to enhance it?

Mr. BOLTON. Well, first, Senator, a lot of those statements are not accurate reflections of what I've said. Second——

Senator KERRY. You said them. Do you deny saying them?

Mr. BOLTON. Yes. I can—I can think of several that are——

Senator KERRY. You didn't say those statements.

Mr. BOLTON. —quoted out of context, and I'd be happy to address them. But my larger point is——

Senator KERRY. Well, they're direct quotes. They're right off tapes. There's—I mean, how is the context out of context?

Mr. BOLTON. Well, for example, the last—I believe, the last one you mentioned had to do with the loss of the U.N. vote, which comes from an article that I wrote in the 1990s at a time when, under the U.N. financial regulations, U.S.——

Senator KERRY. But that's precisely what you wrote.

Mr. BOLTON. Well, and——

Senator KERRY. I can quote the whole article for you.

Mr. BOLTON. —and——

Senator KERRY. —I have it here.

Mr. BOLTON. I would like to put the whole article in the record, because, at the end of the article, what I say is, there is a solution to this problem of the U.S. arrearages that can result in the U.S. not losing its vote. And the solution, if I may just elaborate on it, was to take the very extensive in-kind contributions that the Department of Defense had made to U.N. peacekeeping operations beginning in the early 1990s, but for which we had not charged the United Nations, and, in effect, restate the books of the U.N. to reflect that reality. This is analogous to things that were done for China, Russia, and France, in circumstances over the years, to bring—to eliminate their contested arrearages account. So, in that case, I wasn't say it would "make my day" to lose the vote; I proposed a way to—so as not to lose the U.S. vote.

Senator KERRY. Well, we need to come back to this. My time is up.

The CHAIRMAN. Thank you very much, Senator Kerry.

Now, the Chair would just like to outline the roadmap until we recess.

Senator SARBANES. Another roadmap?

The CHAIRMAN. Exactly. [Laughter.]

The CHAIRMAN. This is the Bolton-hearing roadmap.

Senator SARBANES. I'm not sure we can handle the roadmap we——

The CHAIRMAN. All right.

Senator SARBANES. —already have.

The CHAIRMAN. We will hear from Senator Coleman, in order, and then each of the four Democratic Senators who are here, because you've patiently waited for this period of time. And by 12:30 or 12:40, we'll have been three hours in the hearing. Then we will commence again this afternoon with another round of ten-minute questioning.

Senator Coleman?

Senator COLEMAN. Thank you, Mr. Chairman.

I really want to talk about U.N. reform. I'd like to get, if I can, kind of, the nitty-gritty of—but before I do, I want to just—kind of, for the purpose of clarifying the record, I want to go over a couple of things, just to make sure that I understand them.

We've had a lot of discussion about Westermann. And, for some, the issue is whether you lost confidence in someone, and the ramifications of that. For others, it may be how one interprets intelligence. If I can just walk through it.

As I understand, 2002, you were going to give a speech on weapons of mass destruction in countries on the terrorist list.

Mr. BOLTON. That's correct.

Senator COLEMAN. And, at that point, was that the process is, if you're going to give a speech, you've got to run it through folks to make sure that it's—if there's classified information on that, that that's not in there; if anything has to be declassified—but you run it through a process, and part of that is intelligence services, including those within the State Department, get a chance to review that. Is that the way the process works?

Senator BIDEN. Will the Senator yield on an important point? The speech doesn't have to be reviewed, does it? Only the portions of the speech that cite intelligence——

Mr. BOLTON. There are two—there are two issues here. The first is, in the case—can I say one thing first? This speech was not about Cuba. It was about a whole range of countries—Libya, Syria, Iran, Iraq, and North Korea. The question, in the case of Cuba, arose because the U.S. Government had not said anything publicly about Cuba's BW efforts in a number of years. There was classified information in various publications of the intelligence agencies that discussed that. So to say anything about Cuba, you have to—it was necessary to get agreement by the intelligence agencies——

Senator BIDEN. Right.

Mr. BOLTON. —that they would declassify it. And this is—this is, I want to say, is an entirely legitimate and important step, because the sensitivity of sources and methods that might be involved, particularly at a time, you know, when we just had the arrest and then confession of the spy, Ana Balen Montes, a Cuban spy—the intelligence agencies were going to be concerned that nobody say anything in an unclassified environment that would compromise sources and methods.

And so, the first step, Senator, was, in the case of language about the Cuba BW situation, to see if there—frankly, if there was anything that the intelligence agencies would agree upon to say.

Senator COLEMAN. And your concern with Mr. Westermann was that, in his review of it, he offered his own views, he indicated INR does not concur, added some alternative language, and you found out about that after the fact?

Mr. BOLTON. That's correct. That's what I thought was "behind my back."

Senator COLEMAN. So you——

Senator BIDEN. Excuse me, if I can ask—this is—I'm not taking issue; I just want to make sure—I'd ask unanimous consent that this not be on the Senator's time—and that is, I want to make clear, Mr. Westermann did not have access to your whole speech, did he?

Mr. BOLTON. The question at the time was the declassification. The whole speech was later cleared by the Bureau of Intelligence——

Senator BIDEN. That's not my——

Mr. BOLTON. —and Research.

Senator BIDEN. —question. I just—I'm not taking issue——

Mr. BOLTON. The whole speech wasn't written then.

Senator BIDEN. No.

Mr. BOLTON. It wasn't a speech then, basically.

Senator BIDEN. But if the process—it's really important we're all on the same page and understand the process, to give you a fair shake here—the process is, your staff sends to INR the portion of what you're considering saying about biological weapons relating to Cuba. They do not send the whole speech, right? It's just—it's—in fact, it was basically a paragraph, is that not correct?

Mr. BOLTON. It was language taken from existing intelligence reports——

Senator BIDEN. Right.

Mr. BOLTON. —put together. And this was——

Senator BIDEN. Right.

Mr. BOLTON. —to be—the declassification procedures. This is then, in turn, sent to INR, which is——

Senator BIDEN. Gotcha.

Mr. BOLTON. —the function within the State Department that deals with——

Senator BIDEN. Last interruption——

Mr. BOLTON. —intelligence.

Senator BIDEN. —Mr. Chairman. The only point I want to make is, there was—Mr. Westermann was not commenting on your speech; he did not have a copy of a speech. He had a copy of the material that had been gathered by the intelligence community relative to BW, biological weapons, in Cuba that you might or might not be attempting to use in a public way, and this had to be cleared, correct?

Mr. BOLTON. No, no, no. I mean, had the language been declassified, that would have been the language used in the speech.

Senator BIDEN. No, I got it. But it wasn't.

Mr. BOLTON. And so——

Senator BIDEN. That's the point.

Mr. BOLTON. —it was—but the——

Senator BIDEN. It needed to be cleared, right?

Mr. BOLTON. It needed—it's a two-step process. First was, the language had to be declassified. And, because of the sensitivity of intelligence——

Senator BIDEN. Right.

Mr. BOLTON. —sources and methods, the—what was agreed to be declassified was the only intelligence material that I would use. So, in a sense, had they declassified what was derived from their own reports, that would have been what was in the speech.

The CHAIRMAN. Let me just say, now, that the Chair has felt these questions were relevant, but I'm hopeful that we can stay within our time limit. We're going to have more opportunities. And in fairness to each one of us, we ought to observe that.

Back to Senator Coleman.

Senator COLEMAN. Thank you.

Just to conclude, then. So, Westermann has this piece of this—does he send this request to other agencies with his own notations in it?

Mr. BOLTON. That's my understanding.

Senator COLEMAN. And that—and you found out about that after the fact, and so you lost confidence in him.

Mr. BOLTON. Yeah. I mean, occasionally there's—another way to have done this would be—it's not unheard of; it does happen once in awhile, for the State Department to have one view. If he had had a different—he could have come to my office, to my staff, and said, "Look, let's work this out," and he didn't—that's what caused me to lose confidence——

Senator COLEMAN. This is not an issue of interpreting intelligence, is it?

Mr. BOLTON. It has nothing to do with the substance of intelligence, the analysis, or anything—there's no substantive disagreement here.

Senator COLEMAN. And, in fact, as I understand it, the speech actually was supposed to be given on May 6th. It was ultimately given later. But the information in question, was that actually—that information the language delivered to the Foreign Relations Committee on March 19th——

Mr. BOLTON. Essentially——

Senator COLEMAN. —by Assistant Secretary of State Carl Ford?

Mr. BOLTON. —essentially, exactly the same language, yes.

Senator COLEMAN. So, again, we're not talking about interpreting intelligence here.

Mr. BOLTON. It's not a disagreement about the substance of the intelligence. In fact, when Assistant Secretary Ford testified again before this committee in June, he was—he said that the language in my speech—he said, "That language was our language, the intelligence-community language, not his," meaning not mine.

Senator COLEMAN. Mr. Bolton—Secretary Bolton, is there any question—do you have any question whatsoever about your commitment to the mission of the United Nations in taking this position?

Mr. BOLTON. Absolutely not.

And to finish, in part, if I can, and answer to Senator Kerry, the consistent theme of my writings, consistent theme of my writings, is that for the U.N. to be effective, it requires American leadership. I say it over and over again. I deeply believe it.

My criticisms during the 1990s were, in large measure, because of what I thought was the lack of effective American leadership.

Senator COLEMAN. And in terms of the U.N., itself, it's fair to say that it's legitimate to be disdainful of the United Nations action of comparing Zionism with racism.

Mr. BOLTON. Yeah, I thought—I don't think there's any doubt, that is the greatest mistake the United Nations ever made. And I can tell you, it was very much my view, but also the view of Secretary Baker and President Bush 41, we wanted to repeal "Zionism is racism" because it was the right thing to do, to—it was—it needed to be expunged. But we also knew that many Americans, across the political spectrum, understood "Zionism is racism" to be an emblem of the U.N. When they thought of the U.N., they thought "Zionism is racisim." And repealing that resolution was a prerequisite to getting past the—in the minds of many Americans, the idea that the U.N. could be useful for anything. So it had a very important operational role, as well.

Senator COLEMAN. And, in fact, you know, as we kind of move to the present time, the Secretary General, himself, has said the U.N. needs reform. And I wanted to repeat what Senator Hagel said. I'm going to make the same comment. I strongly believe in the United Nations, but I think it's very legitimate to raise—to criticize the United Nations that has Libya, at one time, as the Chairman of the Human Rights Commission, or a Human Rights Commission that has Zimbabwe or the Sudan or Cuba, as part as the Human Rights Commission. They've been working the last couple of weeks, right now. And in 2005 we're finally hearing discussion from the Secretary General that maybe something—not "maybe"—that something is wrong. Does—when Cuba or Zimbabwe

or the Sudan are part of the Human Rights Commission, do you think that undermines the credibility of the United Nations?

Mr. BOLTON. I do. And I thank Secretary General Annan does, as well. I don't think there can be any question about it. That's why we need reform.

Senator COLEMAN. And let me focus, in the time I have in this round, a little bit on Oil-for-Food. You made the comment that it taught us about the culture of the bureaucracy. And let me back it up. You have a scandal, and one could argue about the amount of dollars, but it's all in the B's, with billions, that Saddam was able to put in his pocket because the Oil-for-Food Program was in effect. And it's pretty clear, from the first Volcker report, that Benon Sevon, who was in charge of the program, Kofi Annan's personal point person in charge of—was on the take from Saddam Hussein. It's pretty clear, from the Volcker reports, that Secretary General's Chief of Staff destroyed three years' worth of documents. It's pretty clear from the OIOS audits that were done, that what you saw was massive mismanagement, massive mismanagement.

You made the comment that it taught us about the culture of the bureaucracy of the United Nations. What did you mean by that?

Mr. BOLTON. Well, I think—in terms of some of the specifics, I think it's important, from the administration perspective, that we wait for the final Volcker report, and we wait for the results of the investigations of all six of the—I think it's six congressional committees that are looking—that are looking into the matter. But I know, going back to my own time serving in the first President Bush's administration, that the potential of the United Nations is often sadly diluted by the encrustations of bureaucracy that have grown up over the years. And it's very important that, in order to be able to justify the large amounts that administrations every year request for Congress to appropriate, that we can make the case that we are acting to make the United Nations a more efficient and uncorrupt organization. And the United Nations, itself, is obviously concerned. The Deputy Secretary General Louise Frechette, said, a few weeks ago, "We hope we never get another Oil-for-Food assignment." I, personally, disagree with that. There may come a time when we want the United Nations to undertake something like this.

We had—in the first Bush administration, we imagined the Oil-for-Food Program, as set up under Resolution 706 and 712, as very different from the program that was actually carried out. Saddam Hussein rejected 706/712. If it had, it would have been an even larger U.N. operation, because we didn't want to have the distribution of humanitarian assistance inside Iraq, in Iraq hands. We wanted it in U.N. hands.

But if you can't—if you don't have the basic support and belief that the United Nations will function in an uncorrupt and effective fashion in the Congress of the United States, we'll never have the opportunity to do something potentially even bigger than the Oil-for-Food Program. So this is—this, to me, is an urgent matter.

Senator COLEMAN. And reform really has to be in two parts. There's both the structural reform nature of the Security Council who's involved—who are the members—Human Rights Commis-

sion, other things like that—but then there's also the management side.

I'm going to just read a list of areas where it would be—it's clear to me that the U.N. has to improve: performance measurement, program management, procurement, evaluation, monitoring. Are there—can you respond to those? And are there things that are needed, in terms of a comprehensive management strategy that the U.N. should be looking at, or that we, in Congress, should be urging the U.N. to look at?

Mr. BOLTON. Well, I think both of those are true. It think one thing that you might find interesting is, if you went back to the Thornburg report of 1993, when, again, the first President Bush persuaded former Attorney General Thornburg to become Under Secretary General for Management at the U.N. And after President Bush lost the '92 election, Dick Thornburg was—his one-year appointment was not extended. I guess that's the way I should put it. But before he left, he produced a report on his year experience at the U.N. and the kinds of management changes that he would recommend and that he would have endeavored to carry out, had he been there—had he been able to stay. And it makes for—it makes for good reading today.

I'm not saying that there aren't good people at the U.N., who work hard. And, in fact, the current Under Secretary General for Management, Cathy Bertini, is an American citizen and a longtime friend of mine. She's worked herself to the bone. But it requires a sustained effort of a long period of time, and I am very optimistic that, with the Secretary General, himself, weighing in, we've got a major chance of success here.

Senator COLEMAN. I'd like to continue that discussion in the next round, and also talk about the role of Congress.

Just one other thing for the record. There was a comment made that you didn't respond to. Is it your belief that, in the Clinton administration, that North Korea froze its nuclear development program?

Mr. BOLTON. I think the evidence is overwhelming that, while the United States and others were, sort of, looking down a soda straw at the plutonium facility, the plutonium storage—the spent-fuel storage and reactors at Yongbyon, the North Koreans had embarked on an aggressive procurement program to acquire uranium enrichment capability that would take them on a different road to nuclear weapons. And the intelligence is far from clear, there's much that we don't know. The only, I think—but one—the only real question is, How early in time did the North Koreans begin violating the agreed framework? It's something that we talked about in 2001, Senator Kerry, as you remember.

Senator KERRY. Yeah, let me just make clear, if I can insert, I didn't suggest they froze the nuclear program. I said the plutonium program. Everybody knew the uranium program was on the side.

The CHAIRMAN. Thank you very much, Senator Coleman.

Senator Feingold?

Senator FEINGOLD. Thank you, Mr. Chairman.

Secretary Bolton, in your testimony you indicate that, if confirmed, you will make it your objective to provide sustained and decisive leadership to create a stronger, better, more effective U.N. In

the same spirit as Senator Kerry's opening remarks, I'm trying to square this idea with your past statements, which really do suggest that you view the U.N. as a deeply flawed institution. And I agree with you, with that part of your assessment. It can sometimes serve as a useful instrument for U.S. policy. But, otherwise, you appear to believe that the U.N. is, at best, irrelevant, and, at worst, harmful.

Now, I believe that we cannot effectively fight the terrorist threat before us without a strong multinational commitment to doing so. I also believe that getting the rest of the world to invest in what is our top priority, fighting terrorism, means that we probably have to convince them that we are also invested in their top priorities, like fighting poverty, fighting poverty in the developing world. But you have suggested that the United States should engage with the United Nations only when our vital interests are at stake.

Secretary Bolton, I think we have a vital interest, all of the time, in sustaining an effective institution where states can engage in the bargaining and the give and take necessary to sustain some sense of a shared global enterprise.

My first question is sort of a case in point. I understand that just last week in a public discussion among various countries at the Commission on Human Rights, a United States delegate objected to some language in the annual torture resolution. In particular, the delegate objected to language stressing that, quote, "Each state shall take effective measures to prevent acts of torture and other cruel, inhuman, or degrading treatment or punishment in any territory under its jurisdiction," unquote.

The delegate argued that, while the United States has an obligation under the Torture Convention to take effective measures to prevent torture, there is no obligation, no obligation, to take effective measures to prevent cruel, inhuman, or degrading treatment in the text of the treaty. Apparently, the Government of Pakistan was the only government present that actually supported this United States view.

Do you believe that the United States delegate took an appropriate, or even accurate, position in this case?

Mr. BOLTON. Well, Senator, my honest answer is, this is the first I've heard of it. I don't—I'd have to—I'd have to look at the words of the convention, and I'd have to understand what the nature of the debate was. And I will endeavor to do that and maybe try and get something over the lunch hour. I'm not——

Senator FEINGOLD. Well——

Mr. BOLTON. —I'm not familiar with the——

Senator FEINGOLD. Secretary, I gave you the words. The words state, "Each state shall take effective measures to prevent acts of torture and other cruel, inhuman, or degrading treatment or punishment in any territory under its jurisdiction." Our delegate, our representative from the United States, did not adhere to that position. That's very simple and straightforward. It's not a language issue. I want you to tell me whether you believe that this is in the national security interest of the United States to take this kind of position.

Mr. BOLTON. Senator, it's hard for me to believe that it is, but I think that—but that's my opinion, sitting here today.

Senator FEINGOLD. Let me switch to another issue involving issues concerning the U.N. in the past. We recently observed the 11th anniversary of the start of the Rwandan genocide. Much has been written about the decisions made by U.S. policymakers in the spring of 1994, when the Rwandan genocide began. I'd like you to comment a bit, if you could, on the manner in which the United States chose to use its influence at the U.N. in response to the emerging crisis, and on the manner in which the U.N. reacted to developments in Rwanda in 1994. Do you think that the U.S. and U.N. policymakers made mistakes in their responses? What should they have done differently?

Mr. BOLTON. Well, I think there were mistakes all around, both on the part of the member governments and on the part of the United Nations. And I think that this is a case where the fallacy of false concreteness applies with particular force. I don't think that this is something that the United Nations, alone, was responsible for. I think the member governments had to take that responsibility.

Now, there is a lot of debate, and I've read articles on both sides about, logistically, when there was awareness of the genocide, what steps could have been taken, what our military could have done, that I think are unresolved. But, while there were clearly failures within the U.N. secretariat, I think that it's ultimately the Security Council that's responsible. The Security Council deployed the force into Rwanda, not the secretariat.

Senator FEINGOLD. I want to pursue this more. I'm interested in how you think we should have done things differently. If you are confirmed, you would be at that Security Council.

Mr. BOLTON. Yeah.

Senator FEINGOLD. There are situations in Africa, at this moment, that some would argue—in fact, our previous Secretary of State referred to it as genocide. What would you have done differently? Give me some sense of what you would do in these currently situations differently to try to avoid this kind of disaster.

Mr. BOLTON. Well, I think the question, if you look at the contrasting situations in Burundi and Rwanda at about the same time, the mission of Ould Abdullah, the former Foreign Minister of Mauritania, in Burundi, was actually much more successful in working the politics inside Burundi and preventing the kind of tragedy that occurred inside Rwanda.

I don't think that the dispatch of a U.N. peacekeeping force, alone, is indicative of—necessarily, of success or failure. And I think, obviously, what happened inside Rwanda was a failure on multiple levels.

Senator FEINGOLD. Let me try one more time. If you had been United States Ambassador to the U.N. at that time, knowing all that you know now, what action would you have taken?

Mr. BOLTON. I'm not sure that I can honestly answer that, Senator, because we don't know, logistically, whether it would have been possible to do anything different than what the administration did at the time. It is—I think you have to ask the predicate question, What could have been done in the years beforehand that might have avoided the triggering of the genocide, itself? Once it started, as I say, there are serious people who argue that the bulk

of the genocide was, and would have been, concluded before any outside presence could have been brought to bear. And I don't—I know there are disagreements with that. I think it's not something I have the capability to——

Senator FEINGOLD. Mr. Secretary, in theory, you could be sitting at that table very soon. I must say, your answer is amazingly passive considering what happened ten years ago and what may be happening in Sudan at this point.

Mr. Secretary, how do you think Secretary Powell's dramatic 2003 presentation to the United Nations regarding Iraq's weapons-of-mass-destruction programs affected United States credibility at the U.N. and in the international community? And what lessons can we draw from that episode?

Mr. BOLTON. Well, if I could just add one word on the earlier point, on Sudan, I think the administration has taken substantial effort. It was a very extensive diplomatic project to get the agreement between north and south that's now been signed, and the dispatch of the U.N. peacekeepers. And I think that's the kind of activity that was—that might have made the difference in Rwanda. It's very hard to go back and secondguess, especially given the information that people had at the time.

In terms——

Senator FEINGOLD. I don't—let me just say, I don't think our actions to date—this administration's actions with regard to Sudan rise to that level, or even approach the efforts that need to be taken. But if you'd answer the question regarding Secretary Powell?

Mr. BOLTON. Well, I think, unquestionably, the failure to find weapons of mass destruction in Iraq has led some people to question our goodwill and our credibility. We have worked hard, in the case, for example, of Iran and North Korea, to assure other governments that the information that we have is the best that there is available. And I think that—for those who deal with weapons-of-mass-destruction issues, that there is an understanding that the circumstances, the threat that we see from North Korea and Iran, is as real as is humanly possibly to know. But I also agree with the Silverman-Robb Commission conclusion that there is too little that we know about North Korea and Iran. That absence of information doesn't make me feel more comfortable, however.

Senator FEINGOLD. That's a general answer, but I want to know, specifically, your reaction to the spectacle of Secretary Powell having presented this incorrect information to the world at—in the United Nations, and what consequences that has had.

Mr. BOLTON. I felt very sorry for him, after the fact. And I think it has had consequences. I think that there's no adverse consequences. There's no way of getting around it.

Senator FEINGOLD. One more question. Are you arguing—back to the Darfur issue—are you arguing that the administration has taken any effective action to stop genocide in Darfur?

Mr. BOLTON. Well, I think the actions that have been taken have focused largely on locking in the North-South Agreement. I think that's critical, because the—what's happening in Darfur is not a subset of the North-South dispute, but that North-South dispute, as you know, went on for years and years and years. The question

of the accountability of the government in Khartoum is critical, I think, to getting the situation in Darfur resolved, and it's why, contrary to what some have said, we did have, and pushed vigorously for, a mechanism to bring accountability. But we also pushed for the deployment of AU forces into the Darfur region, which was logistically the only option that we had available. And it would have been helpful, I think, if some of our colleagues on the Security Council had been more forthcoming on that score.

But this is something that the President has been—paid very close personal attention to. It's a matter—it was a matter of highest priority for Secretary Powell, and it is for Secretary Rice.

Senator FEINGOLD. I know my time's up, but let me just finish by saying, I happen to think that, as important as the North-South Agreement is with regard to Sudan, and it was very important that we focus on it, too often it's used as a reason not to address the Darfur issue, rather than as a foundation for dealing with it. So the notion that somehow this has been effective, in terms of putting in a situation to stop the genocide in Darfur, I think, is simply untrue.

Mr. BOLTON. No, but I—if I could, I think I agree with you on that point, Senator. I'm not saying that working about—worrying about the North-South situation is an excuse for not doing anything in Darfur. I'm saying that if the North-South Agreement were to come unstuck, we would lose the advantage of that agreement and make it even more difficult than it's been to do anything about Darfur.

Senator FEINGOLD. Well, that's a red herring. I asked about whether we've taken any effective action with regard to Darfur, and you did not indicate that we had, so I'm taking that as a no.

Mr. BOLTON. But, if I could, because I think—if I could just continue the answer—I think that we have worked, in the Security Council and diplomatically, and certainly applied pressure to the Government of Khartoum. It's one of the reasons why we wanted the resolution on sanctions adopted by the Security Council, and why the Council's decision to adopt that resolution was so important.

I don't think we're satisfied. I don't want to leave the impression that we're satisfied that the situation has been addressed adequately. We've made some progress, but there is no dispute, Senator, that much more needs to be done.

Senator FEINGOLD. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Feingold.

Senator Boxer?

Senator BOXER. Thank you, Mr. Chairman.

Senator Dodd is right when he said that we don't often vote no. I, myself, went back to the record. I've voted no three times out of hundreds that have come through this committee, ambassadors and the rest, in the Bush administration. So this is a serious moment for a lot of us. And I know it's difficult for you, Mr. Bolton, but—but we are where we are.

Mr. Chairman, I'm bewildered by this nomination, given the situation in the world, where the President has gone around the world to try to rebuild relationships, Secretary Rice has done that.

Mr. Bolton, I respect your commitment to public service—I do—and the good things you've done, among a whole list of things that maybe I didn't think were as good as some. But I have spent the last month extensively reviewing your writings, your public statements about the United Nations. And my overall assessment, Mr. Bolton, is that you have nothing but disdain for the United Nations.

Now, you can dance around it, you can run away from it, you can put perfume on it, but the bottom line is the bottom line. And I—as Senator Biden said in his opening, it's hard for me to know why you'd want to work at an institution that you said didn't even exist. You said, "It doesn't even exist." And you want to work there.

Now, there's a three-minute tape I would like to show, and use those three minutes of my time, because I think the American people need to see you away from this hearing, where you're parsing your words, and see you at this conference, where you were talking about the United Nations, Global Structures Convocation, Human Rights, Global Governance, and Strengthening the U.N. So I'd like us to watch that for the next three minutes and also make a point that I have all your whole statement here. They're brief. Everything you see here is not taken out of context at all. And I just think it's important for people to see this. So if we could roll that, it would be great. [Presentation of video:]

Mr. Bolton [video]: Let me start off with what may seem a somewhat radical——

Senator BOXER. Louder, please.

The CHAIRMAN. Turn the volume up.

Senator BOXER. Louder.

Mr. Bolton [video]: —if we could consider potential roles for the United Nations——

Senator BOXER. More.

Senator BIDEN. Get it all the way up.

Mr. Bolton [video]: —that proposition is, there is no such thing as the United Nations. There is an organization, which is composed of member governments. It does have an entity called the Security Council, which is principally responsible for international peace and security under the charter. But there is no "being" out there called the "United Nations." There is simply a group of member governments, who, if they have the political will every once in awhile to protect international peace and security, they're able to do it.

The point that I want to leave with you in this very brief presentation is where I started, is that there is no United Nations. There is an international community that occasionally can be led by the only real power left in the world, and that's the United States, when it suits our interest and when we can get others to go along. And I think it would be a real mistake to count on the United Nations as if it's some disembodied entity out there that can function on its own. When the United States leaves, the United Nations will fall. When it suits our interest to do so, we will leave. When it does not suit our interest to do so, we will not. And I think that is the most important thing to carry away tonight.

Second, if you think that there is any possibility in this country that a 51,000-person bureaucracy is going to be supported by most

Americans, you'd better think again. The secretariat building in New York has 38 stories. If you lost ten stories today, it wouldn't make a bit of difference.

The fact of the matter is that the international system that has grown up—and, again, I leave out the World Bank and the IMF, because I do think they're in a separate category—has been put into a position of hiring ineffective people who do ineffective things that have no real-world impact, and we pay 25 percent of the budget.

The League of Nations was a failure, because the United States did not participate. The United Nations would be a failure if the United States did not participate. And, in fact, I remember as vividly as if it were yesterday, right after Iraq invaded Kuwait, Jim Baker said to me, "We're going not make this United Nations work. We're going to find out whether it's a League of Nations or the U.N."

And that's the fact. And if you don't like it, then I'm sorry. The United States makes the U.N. work, when it wants to work, and that is exactly the way it should be, because the only question—the only question for the United States is, What's our national interest? And if you don't like that, I'm sorry, but that is the fact. [End of video presentation.]

Senator BOXER. Mr. Chairman, the reason I wanted to show that is many-fold. First, I think there's a little bit of revisionist history going on here, in terms of the nominee's attitude toward the United Nations. I mean, I watch this, just as a human being, forget about the Senate part, and I see an anger, a hostility. Who would ever dream of saying, "If ten floors of a building were to disappear"? I mean, I wonder if you thought about the fact that 1400-plus Americans work in that building, who chose to in that building because they believe it's a worthy thing to try and bring peace to the world?

So I just feel that this nominee could do lots of other things for President Bush, I'm sure, and do them really well, but I don't see this. It just doesn't make sense.

And I guess, you know, this comparison that Secretary Rice made when she endorsed you and announced your appointment, she compared you to Jeanne Kirkpatrick and Daniel Moynihan. And I'd like to show you this comparison and see whether you think some of the things you said were inappropriate, wrong, or whatever.

This is what Dr. Rice said, "Through history, some of our best ambassadors have been those with the strongest voices, ambassadors like Jeanne Kirkpatrick and Daniel Patrick Moynihan."

And this is what Jeanne Kirkpatrick said, in 1981, "I do not think that one should ever seek confrontation. What I have every intention and hope of doing is to operate in a low-key, quiet, persuasive, and consensus-building way."

And this is what you say, "The Secretariat building in New York has 38 stories. If you lost ten stories, it wouldn't make a bit of difference." You said, "There is no United Nations." "If we were redoing the Security Council, I'd have one permanent member, because that's the real reflection of the distribution of power in the world."

Now, do you disagree—now, do you disagree with the statements that you made?

Mr. BOLTON. Well, the tape that you just showed, and some of those statements, come from a panel discussion—I think it was in 1994—before the World Federalists. The World Federalists believe in world government. And I do not.

Senator BOXER. I'm not interested in them. I'm interested in you.

Mr. BOLTON. I was talking to that audience at the time, so that's what I'm trying to explain.

Senator BOXER. Well, you don't say different things to different audiences.

Mr. BOLTON. I was—no, I don't. What many of the World Federalists believe is that the U.N. is the nascent world government coming into being. And I don't agree with that, either. So what I was trying to do to that audience of World Federalists was get their attention, and the comment about——

Senator BOXER. So you don't——

Mr. BOLTON. —the ten stories was a way of saying there's not a bureaucracy in the world that can't be made leaner and more efficient. I was——

Senator BOXER. Well, that isn't——

Mr. BOLTON. —trying to get their attention.

Senator BOXER. —what you said. You said, "It wouldn't be missed." We can look at—you know, what wouldn't be missed? Talk to us about that.

Mr. BOLTON. I think a reduction in personnel is something that every manager and every government organization, every international organization should strive for, and that was the metaphor I was trying to come up with, as I say, to get their attention.

The question about—as the—you cut off the middle of my presentation in your showing of——

Senator BOXER. Well, I asked——

Mr. BOLTON. —the tape.

Senator BOXER. —unanimous consent to put the entire statement in the record.

Mr. BOLTON. I appreciate that.

The concept that I was addressing there is the problem of false concreteness, where many people say, "Well, the U.N. did that," or, "The U.N. did that." "The U.N. failed here," or, "The U.N. succeeded here." And in the vast majority of cases, it's not a question of the U.N. qua U.N. succeeding or failing. It's a question of whether the member governments of the United Nations have made the correct decision. And that problem of false concreteness is something that I think is a very real problem. It's a——

Senator BOXER. Mr. Bolton, I don't mean—I don't mean to cut you off, but you're getting away from the point. I read everything in here. You didn't talk about there being—you need to fire certain people. You say, "The point I want to leave with you in this very brief presentation is where I started, there is no United Nations. There is an international community that occasionally can be led by the only real power left in the world, and that's the United States, when it suits our interest and when—and when we can get others to go along. And I think it would be a real mistake to count

on the U.N. as if it's some disembodied entity out there that can function."

Now, the point is, that's what you want to leave these people with, and we will put this in the record. So if this afternoon—I want to be fair to you. I honestly do. There is nothing in there that I believe would change, in any way, your main points here. But, you know, I'm looking over the building, the secretariat building. The 36th floor where the Office for the Coordination of Humanitarian Affairs is located, that is the office that coordinates U.N. assistance in response to emergencies, like the recent tsunami that devastated part of Asia. Maybe they have too many people working there? Should they maybe fire the receptionist who's not good, just like we could do that around here, or you could in your office? That wasn't the stuff of what you were talking about. You said, "If there were ten floors gone."

And then I wonder if you were talking about the 31st floor, the U.N.'s Department for Disarmament Affairs, which works to strengthen the disarmament regimes with respect to weapons of mass destruction and promotes disarmament in the area of conventional weapons.

I wonder if you were talking about the Office of the Special Representative for Children in Armed Conflict that works to stop the use of child soldiers.

So the point is that what we saw here, I think, is the real John Bolton. You know, basically, this is who—what you believe. And for you to be going go the United Nations, when everyone knows you said these things, you know, "Hi, I'm John Bolton. I've come to the U.N." It's a very tough thing for those at the other end. And I think it would be a very tough thing for you, when you put so much of your passion and your anger into bringing down this particular institution.

Is my time up? I will save the rest. I'm sure you're delighted to know that.

Thank you. [Laughter.]

Mr. BOLTON. No, but I think that—the Chairman's very courteous decision at the beginning was that I could answer the question even if the red light was on, and I will just say, in 25 words or less, the passage that you left out of the tape is my description of President Bush and Secretary Baker's very effective creation of the coalition after Saddam Hussein's invasion of Kuwait, in 1990, and their use of the Security Council to repel the invaders.

Senator BOXER. Well, if I——

The CHAIRMAN. The entire statement——

Senator BOXER. —if I might say——

The CHAIRMAN. —will be put in the record.

Senator BOXER. —everyone should read it. It has nothing to do with your—what you're leaving the people with. It is a small part of this. It is not the main body of this.

The CHAIRMAN. I thank the Senator.

Senator Obama?

Senator OBAMA. Thank you, Mr. Chairman.

Mr. Bolton, thank you very much for appearing here. I know this is right before the break, so just bear with me.

First of all, I'd like unanimous consent to place my written statement into the record.

The CHAIRMAN. It will be placed in full.

Senator OBAMA. You know, I was reflecting on the fact that some of the most distinguished Americans, Democrats and Republicans—Daniel Patrick Moynihan, George H.W. Bush, Henry Cabot Lodge—have served in the position to which you're now seeking confirmation. There's one particular person that I would like to mention, not only because he's an Illinoian, but because I think he speaks to how important this position can be, and that's Adlai Stevenson.

I think some people may be aware of the fact that Adlai Stevenson served in this position during the Cuban Missile Crisis. And, as we all know, it was Stevenson's presentation to the U.N. Security Council that proved to the world that the Soviets were moving intermediate-range missiles into Cuba. He used charts and photos to build a compelling case, declared to Soviet Ambassador Zorin that he was prepared to wait until hell freezes over for Zorin's response to the U.S. charges.

You know, what many people don't recall is that Stevenson's presentation came on the heels of what might be considered a substantial intelligence failure on the part of the U.S. Government. A year earlier, Stevenson had been misled by the White House and the CIA into publicly stating that the United States was not behind the Bay of Pigs invasion. And you probably are aware of the fact that Stevenson almost resigned over that incident.

The reason I think that this is worth keeping mind is that, during the Cuban Missile Crisis, we were able to succeed diplomatically because of the stature and integrity of the Permanent Representative to the United Nations. In fact, President Kennedy said—I'm quoting here—"The integrity and credibility of Adlai Stevenson constitute one of our greatest national assets." And, as a result of that credibility, Stevenson was able to get tough, isolate the Soviets, be blunt, and convince the world that we were right.

I, personally, think we're facing a similar situation today with the rest of the world questioning our intelligence capabilities and nuclear proliferation threats from Iran to North Korea that may require action by the Security Council. We have to be able to convince the world that we're right.

And so, you know, we had occasion to meet in my office, and I very much appreciated our dialogue. You know, my overall impression is that you are extraordinarily capable, extraordinarily intelligent. And I have to say that most of the provocative statements that I've heard are ones that—some of them, I probably subscribe to; others, which, you know, I take as being part of an academic exercise or, you know, the process of speaking in panels. You're outside of government, you're speaking your mind. I don't hold each and every one of these statements against you. The overall portrait, though, is of someone who may not be in a position to do what Stevenson did, which is persuade the world that America is right, and not simply partisan.

And I have to say, there's one quote in that tape that particularly disturbed me, and that was, "subscribe to the notion that we will lead when it suits our interests," the implication being that

when it's convenient for us to engage in the United Nations, we shall do so; and when it's not convenient, we won't. As I think Senator Feingold mentioned, if that ends up being the standard, then it's going to be pretty hard for us to gain the kind of cooperation that we need on important issues like the war on terror.

But let me focus just on a couple of specific questions that may help clarify the record here.

I thought that you made an interesting statement, one that I was—I actually wanted to get the precise transcript on—in your assessment of the Silverman-Robb report, because you said that the principal problem that you gleaned from the report was that reasonable hypotheses became hardened in the minds of certain administration analysts, intelligence officers, and so forth, that those then turned into presumptions that remained, despite the fact that they were not corroborated by hard facts. I don't have the precise statement in front of me, but I think that was a pretty accurate—I tried to write it down as fast as I can, because I thought it made a lot of sense. Would you say that's an accurate——

Mr. BOLTON. I think that's a fair characterization.

Senator OBAMA. Okay. I think that the concern that—the concerns that have been raised with respect to these e-mails going back and forth and your relationship with Mr. Westermann and so forth is not a bunch of cheap shots. It's not bureaucratic infighting that we're trying to disclose. What—it has to do with whether this is an example exactly of what you said the Silverman-Robb report warns against, which is that you had a particular perspective, you had an intelligence analyst who was concerned that your perspective was not quite right, and that, in that context, you were interested in shading or shaping the analysis to fit your reasonable hypotheses. That's, I think, the reason that we're concerned. Applying your test, that we don't want our intelligence to be not corroborated by hard facts.

And so, I understand that you're going to get the record of all the statements that have been made available. At this stage, since you haven't had a chance to review them all, I guess I would just ask you, If the record indicates that you were seeking to reject hard facts because they didn't neatly fit into a speech that you were making on behalf of the United States Government, is it fair to say that that would be something that this panel should be concerned about, and that that might undermine your capacity to be a credible advocate for the United States in the United Nations?

Mr. BOLTON. Yeah, I think failure to pay attention to reality and facts, however unpleasant they are, is an extremely undesirable characteristic. In this case, I don't remember what the alternative formulation was. It was not anything having to do with the substance of whatever it was; it was the fact I didn't think I had been dealt with squarely.

Senator OBAMA. Fair enough. I just want to pinpoint, though—it may be that there's a dispute on the facts. But what I want to do is establish a common principle, which is that we want our intelligence analysts to give us information that's based on their best assessment of the facts, even if it doesn't fit our hypotheses. Is that a——

Mr. BOLTON. I absolutely——

Senator OBAMA. —fair principle?

Mr. BOLTON. —I absolutely agree with that.

Senator OBAMA. And if we have a situation where the higher-ups in our foreign-policy community are squelching dissent—albeit internal—squelching dissent that might impede the American people from getting the best possible intelligence information to the people who are in decision-making positions, then that could potentially hamper our ability to fight the war on terrorism.

Mr. BOLTON. We have to have the facts as they are, whether they're pleasant or not.

Senator OBAMA. Okay.

Mr. BOLTON. There's simply no doubt about it.

Senator OBAMA. We don't have time before the break to make this determination. I think one of the things that we'll want to pursue, then, after the break, is whether that is, in fact, what happened here. My understanding is, you don't feel that's what happened here. I think some of the panel, based on the interviews we've seen, feels that it is what happened. But I just wanted to establish the principle that it would be troubling if we are discouraging analysts from giving us the best possible information.

Let me just move to a couple of other points. I have to watch out for my time here.

I want to talk to you a little bit about Iran, because that's obviously an area where, along with North Korea, we're going to have a lot of interest in making sure that the international community joins us in expressing concern and impeding the development of nuclear weapons there. What's your assessment, at this point, of our administration's position with respect to the European efforts of diplomacy with Iran and the fact that it appears, at least, that the President's made some contradictory statements with respect to whether or not we should be engaging in Iran?

And, finally, just let me close the loop by saying, What do you think the Security Council's role in this overall process should be?

Mr. BOLTON. Well, I think, from the outset of our focus on Iran, there has been agreement between the United States and the EU-3 on the overall objective. And that is to say, it was unacceptable for Iran to have a nuclear weapons capability. There had been, for the past year and a half, roughly, tactical disagreements between the EU-3 and the United States about how to proceed. There had also been discussions that we had conducted with Russia, in terms of the fueling or the Bushehr reactor in Iran, and discussions we've had with Japan and China on their interest in access to Iran oil and gas reserves. And one of the things that I think has troubled us from the outset on this is that Iran has split all of these different powers that I've mentioned, among which I think there really is broad agreement on the unacceptability of Iran achieving a nuclear-weapons status.

Now, it had been our view, and remains our view, that the Iranian effort to achieve nuclear weapons constitutes a threat to international peace and security, which is the triggering threshold for Security Council jurisdiction.

What the President and Secretary Rice have accomplished in the past two months, I think, is a substantial closing of the tactical gap with the Europeans, and indirectly with the Russians, on that

point. Having made a number of modifications in our position, we achieved from the European—the three European foreign ministers, I think, a pretty clear statement that utilization of the Security Council at some point in dealing with the Iranian nuclear-weapons program was something that they would be willing to undertake.

The issue about the Security Council, from the outset, has been exactly what role it would have. And we have, over the course of the past year, roughly, exchanged thoughts with the three European countries, with Japan, with Russia, and with China, over how the Security Council might engage if the issue with Iran's nuclear-weapons program got on the Council's agenda. It was not a question simply of automatic resort to sanctions. There is a—I think, a large measure of additional sunlight and pressure that's brought to bear by having Iran to try and answer in the Security Council, and that's been one of the reasons why it's been our view that it needs to get to the Security Council at some point. That's why we've been pressing in the IAEA Board of Governors for that referral.

Now, I think the ball is really in Iran's court at this point, that the Europeans have delivered the message about the what the President and the Secretary have said, they've made it clear that they need to see something from Iran, in terms of demonstrating that it's prepared to make the strategic decision to forego to the pursuit of nuclear weapons. I think there's some feeling that it's unlikely we will get a major substantive response from the Iranians before their elections in June. I don't know whether that's right or not. That's the feeling of many people. And that it may be that we're going to have to wait for some period of time after the elections.

So, we may be in something of a period of indeterminancy, but I do think that the President and the Secretary have achieved a significant success in closing the tactical gap that existed.

The CHAIRMAN. Thank you very much.

Senator OBAMA. Thank you very much, Mr. Chairman. I'll seek to pursue this a little bit longer next round.

The CHAIRMAN. Thank you, sir.

Senator Nelson?

Senator NELSON. Mr. Chairman, am I the only thing standing between us and lunch? [Laughter.]

The CHAIRMAN. Yes.

Senator NELSON. Thank you, Mr. Chairman. I'll be brief.

Mr. Bolton, I'm sure we would agree that it is important for us, the United States of America, to have the best representative for America to represent the interests of the U.S. in the world body, the United Nations. And I think ambassadors such as Ambassador Negroponte and Ambassador—former Senator John Danforth, were forceful and effective advocates of U.S. interests in the United Nations. And what I worry about in your confirmation is that your history of somewhat inflammatory rhetoric and your speaking style is going to create an incentive for other nations to oppose us at the U.N.

Would you comment, please?

Mr. BOLTON. Well, I hope that would not be true, Senator. I think—as I believe Senator Lugar said in his opening remarks, I think you have different styles of speaking, depending on different circumstances. In close, tense, hard negotiations, I think you're pursuing one approach. I think if you're trying to engage in public diplomacy, you may engage in another approach.

You know, I can speak as a former Assistant Secretary of State for International Organizations. It's hardwired in me that the Permanent Representative in New York needs to follow instructions. And many of the statements that are made on the record in New York are actually written here in Washington, written and cleared around here in Washington. And I don't anticipate that's going to change.

I think this is a heavy responsibility. I have no doubt about it. If confirmed, it would be a major task for me. But I think that, looking at the record that I've achieved in other diplomatic areas—in the negotiation of the Proliferation Security Initiative, the negotiation of the Treaty of Moscow that President Bush and President Putin signed in May of 2002, the successful withdrawal from the ABM Treaty, the repeal of the Zionism is Racism Resolution, the G8 Global Partnership, and other things—that that is a—that is an indication of what is possible in New York.

Senator NELSON. Well, let's talk about that. Your job, for the last four years, has been arms negotiator. What success can you point to with regard to those negotiations in one of the major interests of the United States? And that is the nonproliferation of North Korea?

Mr. BOLTON. I think that the policy that the President has pursued to have the major regional powers surrounding North Korea engaged in what we now call the Six-Party talks, as opposed to having the United States engaged bilaterally with North Korea, is precisely the right way to go. We've been trying now for two years to persuade the North Koreans that no one accepts that they are to have nuclear weapons. The North Koreans have been refusing to negotiate. They have clearly not made the strategic choice to give up the pursuit of nuclear weapons. And, as I said a few moments ago, Secretary Rice, in her recent trip to Asia, I think, stressed, in China, South Korea, and Japan, the importance that we attach to getting North Korea back to the negotiating table.

Senator NELSON. Mr. Bolton, over the course of the last four years, has North Korea increased in its nuclear capability and/or increased its possession of nuclear warheads?

Mr. BOLTON. There are some estimates to that effect, but I don't think we know for sure. The original estimate of North Korea having sufficient fissile material for one to two plutonium-based nuclear weapons was in, actually, 1991 to 1992, based on open sources. What we don't know is how many—how much fissile material for plutonium weapons they now may have, or whether any of it's been fashioned into weapons.

The major development, I think, in the North Korea matter, the tectonic shift that occurred, came in the summer of 2002, when all of our intelligence agencies concluded that North Korea had been engaged, for some period of time, in a production scope procurement to acquire a uranium enrichment capability, given them a

separate route to nuclear weapons. We don't know a lot about that, but it's a very troubling development, because a lot of this is simply—involves processes that we don't know much about. We don't know what the real North Korean capacity is. And that's one of the reasons why President Bush has made the Six-Party talks the priority that he's had, why he's had any number of discussions with the Chinese leadership about the importance of pursuing it.

Senator NELSON. And the Six-Party talks are stalled, and we are getting nowhere, and the nuclear clock continues to tick, and, increasingly, North Korea gains the capability as a nuclear power, and we've seen that they have already had a history of peddling any kind of weapons system. And if we keep going on and don't draw to a successful conclusion, whether it be Six-Party or one-on-one negotiations, it's not a very good result for the United States. What makes you think that the current policy will change the North Koreans' minds over the next four years?

Mr. BOLTON. Senator, I don't disagree at all with your assessment of the North Koreans and their propensity to proliferate weapons and technology of weapons of mass destruction. That is one of the most disturbing aspects about that government. We know, already, that the revenues that they obtained from the proliferation of ballistic-missile technology, for example, they used to support their nuclear-weapons program. So—and it was the North Korean activity, in large part, that led to the idea that became the Proliferation Security Initiative. That's why, over a year ago, I think, Dr. Rice was asked, "How long do you anticipate the Six-Party talks will go on?" And this was over a year ago. But she said, "As long as they're productive."

The real issue here, at the moment, is whether North Korea is going to come back to the table, because, obviously, if they're not there negotiating, we're not making much progress. And I don't—you know, I don't—there's no deadline or anything like that, but I also think it's manifest that if we are not making progress, at some point you have to look at other possibilities.

We've been—I don't mean to run on this answer; I'd just say one more thing—we've been very grateful for the effort the Chinese have made to make the Six-Party talks effective. They're not the problem. The problem is North Korea.

Senator NELSON. I wanted you to run on, and I wasn't going to interrupt you, because I wanted to hear your answer as to why you think your job, as a negotiator, has been successful with regard to North Korea over the last four years.

And, Mr. Chairman, thank you very much for the opportunity. And I told you I'd stay, not only within, but less than the allotted time.

The CHAIRMAN. Thank you, Senator.

And the hearing is recessed until 2:00 p.m.

[Whereupon, at 12:52 p.m., the hearing was adjourned.]

AFTERNOON SESSION

The committee met, pursuant to notice, at 2 p.m. in room SH–216, Dirksen Senate Office Building, Hon. Richard G. Lugar, chairman of the committee, presiding.

Present: Senators Lugar, Chafee, Allen, Coleman, Sununu, Sarbanes, Dodd, Kerry, Feingold, Boxer, Nelson, and Obama.

Also present: Senator John Warner.

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee is called, again, to order. Secretary Bolton, it may have been a lapse on my part this morning, but there have been requests that you be a sworn witness, so if you would rise now, I would like to swear you in.

Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. BOLTON. I do.

The CHAIRMAN. I thank you, sir.

We will commence another round of ten minutes for each Senator, and I will begin now and ask the clerk to start the clock running on these questions.

STATEMENT OF JOHN R. BOLTON, UNDERSECRETARY OF STATE, DEPARTMENT OF STATE

The CHAIRMAN. Secretary Bolton, do you believe that U.N. reforms should include a look at the internal structures of the United Nations to see whether there are opportunities to streamline them and their procedures? There are five committees, for example, that report to the General Assembly. The suggestion has been made that, perhaps, the second and third committees—those that deal with economic and social issues on the one hand, and social and humanitarian and cultural matters on the other—might be combined and that's a more obvious choice, perhaps, but have you given thought, getting into the nitty gritty details of the U.N. structure, during this time the Secretary General has called for a general reform, and you've mentioned specifically this morning Security Council reform, I ask if the committees or other structural situations you would like to lay before us in laying down this record today?

Mr. BOLTON. Mr. Chairman, this is really, I think, a very important point about internal U.N. procedures. You know, the Charter sets up the Economic and Social Council as one of the principle organs of the United Nations, along with the General Assembly, the Security Council and the Trusteeship Council. The Economic and Social Council, or ECOSOC as it's called, has oversight responsibility for all the U.N. specialized agencies, or at least the principle specialized agencies that deal with economic and humanitarian affairs. So, that you have a situation where the work of the second and third committees of the General Assembly, in very large measure—not entirely, but in very large measure—overlaps what ECOSOC does. And as with all of the six principle committees of the General Assembly, the second and third committees are committees of the whole, so that the—all 191 members—are involved in their work. I think a question of what to do with the, first, the overlap between the responsibility, the second and third committees is important to take a look at, and then second, to see what might be possible with respect to ECOSOC. In the first Bush Administration, we made an effort to revive ECOSOC that I'd have to say was only partially successful, at best.

That's one example. Another example would be the fourth committee of the General Assembly, which deals with special political and decolonization questions. Decolonization is not exactly a major topic of debate these days, and one would have to ask whether the fourth committee, in its present form, should not be reviewed as well.

Mr. CHAIRMAN. I thank you for those constructive suggestions, and I know maybe other members will want to follow up in that area of reform.

Let me comment that I appreciated your response to the senior Senator from Maryland, Senator Sarbanes, on the Law of the Sea issue. It is one that I have raised with you prior to the hearing, in which you have given extensive answers that are not identical, certainly follow very much what the Secretary of State has given to the Committee in her testimony. And my question, more recently, the Council for the State Department, specifically, I raise the Law of the Sea question in the context of this hearing because some critics of the Law of the Sea have contended that—in the event that we ratify the treaty—our sovereignty would be compromised, that we would, in fact, become part of a United Nations organization that, in fact, taxes might be levied on the United States through the United Nations, through the Seabed Commission, or through other aspects of this. And, in essence, that the Law of the Sea situation embroils us in the sort of world governments business that you were discussing this morning, as opposed to facilitating our military—as we've heard testimony from the Joint Chiefs of Staff, the Chief of Naval Operations, and, for that matter, specific endorsement of the President of the United States who asked us to ratify that treaty as one of five treaties that he felt was especially important.

I mention all of this in preface to ask from your own experience as a person involved in the United Nations or from the outside, in the State Department or so forth, do you see any potential entanglement of the United States with the Law of the Sea Treaty, and loss of sovereignty to the U.N. or to any other world body?

Mr. BOLTON. No, I don't see that the Law of the Sea Treaty implicates the United Nations in any material respect, and those that have gone over the question of the seabed conclude that there's no risk of taxation or anything like that. As I say, my own review—and that of the bureaus that report to me—was on the importance that our military attached to it. I will say, perhaps one related point—a number of people have asked about the relationship of the Law of the Sea Treaty to the Proliferation Security Initiative—and you know, I don't think that if the Senate were to ratify the Law of the Sea Treaty and it were to, the President were to make the Treaty, that it would have any negative impact whatever on PSI. One of the things that PSI's Statement of Interdiction Principles says that there clearly is that any actions taken pursuant to PSI would be done in accordance with existing national and international authority. And of course, all of our other core group members of PSI are states party to the Law of the Sea Treaty, we would not ask them, obviously, to do anything that would violate their obligations, so in effect we built that into the PSI base, as it were.

The CHAIRMAN. I appreciate the question, the Committee is continuing to pursue the Law of the Sea Treaty, because of the request of our Joint Chiefs of Staff and the Department of Defense. There are a lot of other reasons to do so, obviously, in terms of our international cooperation, as well as our fishing industry, and others who have testified, but in terms of national defense—and that is what we're talking about today, and I say security and international relations—I wanted to raise the question, I thank you for your responses.

Let me ask, in the event that the United States takes issue with the United Nations—from time to time there are motions that come before the Senate, indeed we did not have a chance to dispose of these amendments last week, and the State Department authorization which may or may not have been an appropriate time to do so—but there were amendments suggesting reduction of dues to the U.N., or generally, a reduction of our support altogether. What is your view as you hear arguments about the dues reduction? Dues withholding, impounding and so forth? Can you give us any overall view? You must have thought about the problem of finance, our responsibilities, either pro or con, in terms of whether we do more or less.

Mr. BOLTON. I think that as a general proposition, the United States should pay its assessed contributions. I think that's what the expectation is. During the first Bush Administration, President Bush followed through on President Reagan's commitment to repay the arrearage that had been built up in the 1980's over a five year period at the rate of 20 percent a year, which we were not entirely successful in doing for a variety of reasons, but that was the position we took, and I supported that internally.

At the same time, there have been circumstances—and again, I recur to the first President Bush Administration where the financial issue has been important—and I can think, specifically, of the case in 1989 when the PLO was trying to become a member of the World Health Organization, as the WHO charter requires statehood as a precondition, the PLO was, in effect, trying to create facts on the ground, and Secretary Baker, we were in pretty tough shape. I have to say, Mr. Chairman, the PLO was basically winning that fight and we were basically losing, just before the World Health Assembly in May of 1989, Secretary Baker issued a statement at the time that said if any U.N. body changed the status of the PLO, he would recommend to the President that we withhold our assessments. And, obviously, Secretary Baker would not have made such a statement unless he had conferred with his boss. That was dispositive in convincing the members of the World Health Assembly not to admit the PLO, and in fact, we achieved both of our objectives—we kept the PLO from achieving state status, but we also avoided having to cut our assessments—which I think almost certainly would have happened if we had failed diplomatically, and Congress had responded.

The CHAIRMAN. I thank you for those responses.

I now turn to my distinguished colleague, Senator Biden, for his round of questions.

Senator BIDEN. Thank you. Mr. Chairman, I would suggest that Mr. Bolton be sworn.

The CHAIRMAN. He had been sworn.

Senator BIDEN. Oh, he has been, great, thank you very, very much. I apologize for my being late and not knowing that.

Let me make two comments, if I may, at the outset.

Senator SARBANES. Was he sworn at the outset of the hearing?

The CHAIRMAN. He was sworn about fifteen minutes ago.

Senator SARBANES. Presumably, though, that covers the morning's testimony as well?

The CHAIRMAN. Yes.

Senator BIDEN. Let me say at the outset—with regard to the Intelligence Committee having already investigated these matters about whether or not pressure was put upon, or attempted to be put upon, as alleged, on government officials who, with whom the nominee has thought either went behind his back or went around him, or just simply disagreed with him—the Intelligence Committee did not look at that. What the Intelligence Committee did, they started to look at that, and when they were assured that had nothing to do with Iraq—it had to do with Cuba—they ceased their investigation. And so, our staff—yours and mine—went to the Intelligence Committee, got the Intelligence Committee records. Now that does not mean that the allegations made subsequently are true or not true, it just means it was not—was not, emphasized—was not thoroughly investigated by the Intelligence Committee. So, we're not repeating, we're not repeating work that has already been done, that's the first point that I'd like to make.

The second point I'd like to make is that there are—as we mentioned this morning—at least one witness that we have not had an opportunity, because he's been out of the country to have majority or minority staff interview him, and that—as we mentioned this morning—that it would be essential that we have that in order to give, as well, Mr. Bolton the opportunity to either corroborate or disagree with whatever Mr. Silver would say, and I have not—nor has anybody to the best of my knowledge—spoken to Mr. Silver. And there are, there is at least one other witness that I'm aware of that we have not had an opportunity to interview. I'm assuming we get to interview these people very quickly, and now that Mr. Silver's being made available, hopefully that can be done today, but until those witnesses have been interviewed, there will be no possibility—in my view—to end the hearing. I expect we can do that—if they're made available today and tomorrow—to do that in a timely fashion, because these interviews have all taken place just since you intervened, Mr. Chairman, last Thursday. And, as evidence of the fact that we're not trying to slow anything up, they were done during the weekend, and they were briefed during the weekend, and we're not even fully—the entire Committee staff hasn't been, I mean the entire membership of the Committee—has not had the opportunity to read all of that, and we have yet to agree to go forward. So there's no attempt to slow this up, I just want to make it clear. There's at least one, and probably two additional witnesses staff must interview.

And if I can, I'd like to take three minutes, Mr. Chairman, to kind of lay out what our collective concern is here. And that is, to review, a very serious matter. Namely that Mr. Bolton, the allegation is, sought to have intelligence analysts removed from their po-

sitions—not fired—removed from their positions. And the obvious reason for that is, we saw how intelligence was—at least alleged—to have been not fully vented during the Iraq, the lead up to the war in Iraq; we've seen how it has been, was fundamentally flawed, and there were no weapons of mass destruction, and there is a—stating this bluntly, Mr. Bolton—a concern that your ideological predisposition relating to some of these issues is one that has clouded your judgment. That's what we're talking about here, and that's what we're investigating.

And this is what we know from interviews thus far. We know that in—I say we know, we believe based on interviews that were conducted—that February of '02, Mr. Bolton summoned a line analyst from the Bureau of Intelligence and Research into his office, and according to this analyst, Mr. Bolton got quite angry and red in the face. Mr. Bolton berated him for allegedly taking action to rewrite language for a speech he wanted to give that had been transmitted to the CIA for clearance by the Intelligence Community. Then it's alleged Mr. Bolton threw him out of his office and summoned his boss, the acting Assistant Secretary. We know that Mr. Bolton—it was stated to us—that Mr. Bolton then asked the Assistant Secretary, Mr. Fingar, to remove the analyst from his position. We know that some days later—when he returned from being out of office—Mr. Bolton asked the Assistant Secretary, Carl Ford, who's Fingar's boss, to remove the analyst from his position. We know that several months later Mr. Bolton, once again, asked the new Office Director in the Bureau of Intelligence and Research at the State Department, to remove the analyst from his position. We know from the interviews that sometime in the summer of '02, Mr. Bolton got into his automobile and drove out to CIA headquarters. He had an appointment with Stewart Cohen, then the acting Chairman of the National Intelligence Council. We know from Mr. Cohen that Mr. Bolton asked him to remove the National Intelligence Officer for Latin America from his position. The dispute here is whether Mr. Bolton was asked by Mr. Cohen—well, I won't get into that now. And we know this much—Mr. Bolton deserves an opportunity to be heard in these matters, and we have a responsibility to review them. As I said earlier, the idea that government officials might be suppressed from dissenting views in intelligence matters is a very, very serious matter in these days.

Fortunately, neither of the two men who are alleged to have been asked to be removed from the position by Mr. Bolton, neither of them were removed, their bosses protected them from the attempted intervention, but there is a danger that such action can cause a chilling effect, an effect that may ripple across the Intelligence Community, and thereby contribute to the politicizing of intelligence.

No, I want to also make it clear who Mr. Westermann is, the fellow we're talking about. Now, I realize we only have ten minutes here, I hope we are able to expand the rounds so that we can have some continuity in this pursuit. Mr. Westermann is a senior analyst from the State Department's Bureau of Intelligence and Research. He served 23 years in the United States Navy as a combat officer, with an intelligence subspeciality. Several tours made use of his subspecialty including two as an Arms Controller, inspecting

the Soviet Union. His last tours were on detail with the Arms Control and Disarmament Agency, the State Department Bureau of Non-Proliferation, and then INR. He retired from the Navy in 2000 with a rank of Lieutenant Commander, was hired by INR as a GS–14 analyst, the top grade for any analyst, in January of 2001. He got every within-grade pay raise for which he was eligible and received outstanding job performance evaluation during ever year of his employment at the Department of State. He's received numerous awards during his tenure as a Navy officer and at the State Department. He received an Honorable Discharge from the Navy, and he was awarded the Defense Superior Service Medal from the Secretary of Defense, for exceptionally meritorious serve in the United States Navy. He served under hostile fire, and he's been responsible for men's lives. He was hand-selected by Jack Daley, Vice-Commander of the—Commandant of the Marine Corps—to serve as his assistant and also serve as Special Assistant to Ambassador Ralph Rowe, the Arms Control and Disarmament Agency. He received meritorious honor award from the Department of State, as well as awards for his work on terrorism, his involvement in the operation Iraqi Freedom, and for his efforts to combat proliferation throughout the world.

It is unusual for me to read this background. But obviously, there is a question here of credibility, and I want to make sure that we're not talking about some new bureaucrat, hired on by a department. This is a man with a distinguished, distinguished background.

And the same in Tom Fingar, his boss, on Westermann, he has—according to the Assistant Secretary of State this morning, let me read for the record what Mr. Fingar says about Mr. Westermann. Question of staff, "Did INR keep Mr. Westermann on the account because you had confidence in his ability to perform the job?" Fingar, "Yes." Staff, "So, there was nothing about the incident in February when Bolton tried to have Westermann removed from his job that caused INR management to lose confidence in Mr. Westermann as an analyst, or in his integrity as an employee of the State Department?" Fingar, "None whatsoever." Staff, "Do you have the impression of how Mr. Westermann is regarded both by his colleagues, within INR, and by his colleagues in the larger Intelligence Community with whom he interacts." Fingar, "By everything I know, he's highly regarded. Certainly the NIO, the National Intelligence Officer, for Strategic Systems who then picked up the WMD account, Bob Walpole, pled with me, twisted my arm, over an extended period, for me to persuade Christian," that's Westermann, "to accept the invitation that he had been extended, that had been extended to Westermann, to become the Deputy National Intelligence Office for BW/CW." Staff, "Is it fair to say that it was an offer that would be made only to someone who is held in high esteem by the National Intelligence Officer?" Fingar, "Absolutely. The position would have been the Intelligence Community's ranking analyst on CBW."

I realize my time is up, but I'm going to come back at the appropriate time, Mr. Chairman, and go into some considerable detail as to what appeared to be different interpretations, and different assertions relative to what Mr. Westermann did, and the reason why,

one of the reasons asserted by Mr. Bolton as to why he lost confidence, is accurate, and what he did, or didn't do, after he reached the conclusion he no longer had confidence in Mr. Westermann, and the NIO Officer whose name we cannot reveal because he is in a covered position right now, I'm also, I'm going to speak to that as well.

I'm sorry to take this preliminary time to lay this out, but I want to make it clear. The two men of three that we are talking about here, are men who have impeccable reputations, and have made assertions fundamentally at odds with what Mr. Bolton is saying, based upon the testimony taken by staff, to the best of my knowledge and recollection as made available to me by staff. I thank you.

Mr. CHAIRMAN. I thank you, Senator.

Senator Chafee.

Senator CHAFEE. I thank you, Mr. Chairman. Maybe I'll yield some of my time to have Mr. Bolton at least respond in some way to Senator Biden before I ask a question.

Mr. BOLTON. Thank you, Senator, go ahead. I'll try to respond to your questions, I'm sure Senator Biden will ask me again.

Senator CHAFEE. I'll give you the opportunity one more time——

Mr. BOLTON. Okay, well then, I'll just say one thing. Thank you, by the way.

The report from the Senate Select Committee on Intelligence on pages 277 to 279 covers the Westermann question, and I'll just quote from the conclusion of the Senate Select Committee on Intelligence, who was dealing with stories about five individuals, one of whom was Mr. Westermann, and the SSCI said, "None of these individuals provided any information to the Committee that showed that policy makers had attempted to coerce, influence or pressure analysts to change their analysis or that any intelligence analyst changed their intelligence judgments as a result of political pressure."

Senator BIDEN. Will the Senator yield for a brief comment?

Senator CHAFEE. A brief comment, yes.

Senator BIDEN. The Select Committee on Intelligence possesses only a handful of documents, they interviewed only the INR analyst, Mr. Westermann, the Select Committee did not interview the analysts's supervisor, or people under the Secretary's office. They did not review any original documents from the Department except two electronic messages sent to the Select Committee by a member of Undersecretary Bolton's staff as a part of a process for a fact-checking of a draft report. And the staff of the SSCI itself, agrees that their review is limited for the simple reason that the main focus of their effort was prewar intelligence about Iraq.

Mr. BOLTON. If you'll give me one more chance to respond, that's why I said this morning: Let's make all this public. Let's put all these interviews, let's put everything out. I'm ready.

Senator BIDEN. I agree. I would ask unanimous consent we do that.

The CHAIRMAN. Unanimous consent is granted, given the fact that obviously the Committee would not wish to declassify material, we would exempt those persons and those documents that have classification. But those things that are a part of the open——

Senator BOXER. Mr. Chairman, Mr. Chairman, on this point——

Senator DODD. Some of those documents came up here "unclassified" and have now been stamped "classified." So, some of the very—we would have to go back in, we'd have to look at some of these things that go back and trace this a little bit to make sure we're not excluding documents from the record that otherwise would have been allowed a few days ago.

The CHAIRMAN. I would respond to the member by saying the members who are cleared and staff who are cleared would be able to examine those documents, but the request was for general public publication, and I'm indicating those documents that are not classified would be published.

Mr. BOLTON. If we could go beyond that, I think there's some of the classified documents I would see to have declassified, frankly.

Senator BIDEN. It should be. It should be. There are State Department documents, you could help us in that regard by contacting the State Department, and we have no authority to declassify documents they send to us classified. We can, immediately, and with your permission, Mr. Chairman, release the transcript of and the notes on all the interviews conducted by each of the individuals we have interviewed. We can so that. But we cannot declassify memos sent to us, or documents sent to us by the State Department, that they marked classified.

Senator DODD. Let the record show these were unclassified documents until we made the request.

Senator BOXER. Mr. Chairman, parliamentary inquiry, if I might?

The CHAIRMAN. Yes?

Senator BOXER. I'm just trying to get a word in because Mr. Bolton, to his credit, says he wants everything on the table. That means we need some time here to interview some of the folks that are deeply involved before we have a vote on this nominee, and I'm just saying I hope that, as you work with our ranking member here, you will allow us that opportunity, because there are a couple of people—one is in New York—it's hard to get to these people, but since Mr. Bolton himself says it all should be on the table, I think we all agree we're going to need a little time to—not a lot of time—just to find a couple of these people who feel that they have been in a situation where pressure was put upon them by Mr. Bolton, and we need to question them.

The CHAIRMAN. Well, the Senator makes an excellent point. Let me just say from the standpoint of the Chair that we have attempted to move as expeditiously as possible to make available, not only to Senators, Senator's staffs and that would be members of staffs who are not part of the official Senate Foreign Relations Committee, Republicans, Democrats. Mr. Bolton has been available. I'm hopeful that Senators have some sense of reason about this because we clearly could get into a study period——

Senator BOXER. No, I know.

The CHAIRMAN [continuing]. That was extensive, and I think in fairness to the President, who needs to have an Ambassador to the U.N., to our witness today who aspires to that position, and to the American people who anticipate that we ought to be doing our job. I appreciate there have been extenuating circumstances of the very important funeral services for John Paul II, which has led to our

initial postponement of the hearing which would have occurred last Thursday, until today. We have another hearing tomorrow for Carl Ford, which I gather—because of the nature of the witness—will be back into these issues which are circulating today. So, I would hope that members would avail themselves at least to the calendar day today and tomorrow to exhaust whatever their curiosity might be. But I'm hopeful we can pursue, at least, a decision. I think that's very important. And I think most of the American public anticipates that we will do that.

Senator BIDEN. On that point, Mr. Chairman, I want to make it clear. The best of our knowledge is only two witnesses we have had to interview, they are both in the employ of the State Department, they're both able to be made available by the State Department. My staff tells me the one, Mr. Silver, whose name has already been invoked, is not available until tomorrow afternoon, we have been under the assumption—we're prepared, I'm not taking issue with that, but just so you know—it's not us delaying that. We thought it would be today, it won't be until tomorrow, and there's one other witness—who I'd rather not name at the moment—we let Mr. Bolton and you know, I'm not sure whether he is under cover or not, I don't think he is, but I don't want to make a mistake, who is a State Department employee as well. They are the only two witnesses at this moment, to the best of my knowledge that the minority is seeking to interview, and they're both within the employ of the State Department, I think both are in country, if I'm not mistaken.

Senator DODD. Just one caveat again, there's a third one, Mr. Chairman, who would be someone who is under cover, and it would be highly inappropriate for that individual to testify in a public setting, but has expressed a willingness to testify if he is so directed, in a closed session.

Senator BIDEN. Two different issues, I don't want to confuse this, Mr. Chairman. One, is interviews that have not taken place yet; two, is additional witnesses among those were interviewed who may or may not be asked to call or Secretary Bolton may or may not wish to have called. The State Department may conclude they want Mr. Silver called, because he corroborates what Mr. Bolton said. We may ask Mr. Silver to be called if, in fact, he says what he think he is going to say, but don't know. And so, but right now, the only two additional witnesses seeking to be interviewed by the minority are both State Department employees. And among those who have been interviewed it is possible, although there is no plan at this moment, to ask that one of them testify as Mr. Ford is testify. That could all be done immediately, it could be done quickly, this is not next week, or two weeks or three weeks down the road. This is all able to be wrapped up very clearly, and Mr. Bolton's answer to much of what we have—when we get a chance to go through it—may satisfy us there's no need to call anymore witnesses.

The CHAIRMAN. Well, everyone has had discussion for the moment of the situation, and let me just indicate that I think we'll want to consult with all members of the Committee, I've attempted to be as accommodating as I could for requests that are coming, but I would just have to say to Senators—and I'm one of these Sen-

ators—having read all the material that has thus far been exhumed, 150 pages from the State Department, additional measure from the CIA, the interviews with these five people, and maybe six—that I am not impressed with the gravity that is being suggested. Now, I appreciate an important argument is being made, namely the Iraq failure of intelligence, and the question of whether this activity by Mr. Bolton a while back shows some manifestations of something that was very, very serious, Iraq. But, that is a matter of judgment of Senators, so we will all read everything, we will try to get the people as rapidly as possible, but at some point, we're going o try to bring this to conclusion, and so I hope the members understand that, that there is a disagreement over how grave the alleged offense may have been, and finally—even if it was substantial—whether that would influence the Senators' vote for or against Mr. Bolton.

So, we will try to make available all of the record that is not classified, we will try to make available the classified persons and/or materials as rapidly as possible. I know Mr. Bolton and the State Department will cooperate in attempting to expedite that situation. And we know we have ahead of us, still, questions this afternoon, and then another hearing tomorrow.

Having said that, we're back to Senator Chafee, to reclaim him time.

Senator CHAFEE. Thank you, Mr. Chairman.

But continuing on the same theme—maybe you could detach yourself, if possible, from this furor about influence over individuals and the threatening of their positions, if you could detach yourself—how serious are these accusations? What do you think, in the abstract?

Mr. BOLTON. I think, fundamentally, there's nothing there. The issue here has nothing to do with intelligence analysis, has nothing to do with the substantive positions taken by either of the two individuals in question, has nothing to do with whether they agree or disagree with me on what I said about Cuba's BW efforts—it has nothing to do with the political construct about, the allegations about political pressure on analysts dealing with Iraq, it has nothing to do with that at all. It has to do with a question of straightforward behavior, and open and honest dealings. And, you know, as I said earlier this morning—when you lose trust and confidence in somebody in a professional environment—it's a problem, especially when it's in the intelligence area. I didn't see to have these people fired, I didn't seek to have discipline imposed on them, I said, "I've lost trust in them," and are there other portfolios they could follow, it wasn't anything to me that I followed at great length, I made my point and I moved on.

If I can just address on thing that we referred to, this other analyst at the CIA whom I'll try and call "Mr. Smith" here, I hope I can keep that straight, you know, the other analyst, "Mr. Smith," I'd never even heard of him, I didn't know who he was until after the Heritage speech. When I heard that somehow he was saying he hadn't been involved in the clearance process, as a member of the National Intelligence Council—as I say, I'd never heard of this individual, I didn't know his name, I frankly didn't understand what the National Intelligence Council did. I checked with the CIA and

they said they had, indeed, they had cleared the speech with the National Intelligence Officer for Science and Technology, who has cognizance over biological warfare issues, and therefore was the right NIO to clear. When I heard all of these things, and I said, "I'm a State Department person, I don't fully understand, I want to go out and talk to the gentleman," who at that point was the Chairman or maybe it was the Acting Chairman of the National Intelligence Council and find out what this instrument was. So, I went out to basically pay a courtesy call on Mr. Cohen, and it's true—as Senator Biden has found out—that I drove my own car out there, I have to make a confession here, the CIA is sort of more or less on the way home for me, and from time to time when I've gone out there I have driven my own car, I've had my meetings and then, I hate to say this, but I left and went home, I didn't go back to my office. So, I went out to pay a courtesy call, and my recollection was that the bulk of the meeting was composed of Mr. Cohen explaining to me what the NIC did, and told me what their publications were and how it had been created, and gave me some background on it.

I also knew that in the weeks and months previous thereto, dealing with this "Mr. Smith," Otto Reich, who is the Assistant Secretary of State for Western Hemisphere Affairs, had told me and told other he had very grave problems with Mr. Smith, on a range of issues—Cuba BW being one of the least of his concerns. And dealing, not just with Cuba, but with other matters—and that he had told Mr. Cohen, he thought—he was not satisfied with Mr. Smith's performance. And I think I said to Mr. Cohen, Stewart Cohen, in the course of the conversation, that based on what I had seen in my limited area, that I agreed with them. And that was it, I had one part of one conversation with one person, one time on Mr. Smith, and that was it, I let it go.

Senator CHAFEE. I'll try and rephrase my question. If you remove yourself, the personal involvement, and the facts of personally being involved in this incident, incidents, I think the accusation from your opponents is that you're trying to influence people to try to change their assessments, which they didn't believe—to change their assessment, essentially falsifying evidence with the threat to their job, but do you see it that way, and how serious do you feel these accusations are? Not to you personally, but just as someone that's applying to be the Ambassador to whatever, in this case, the United Nations, but it could be for any promotion.

Mr. BOLTON. I think that is part of the allegation, it's false, I have never——

Senator CHAFEE. How serious? If it were true.

Mr. BOLTON [continuing]. Tried to do that. I think it's, intelligence analysts should give their honest assessment, I have tried in four years in this job—in fact that's something that I've seen in the press—I've tried in four years in this job to get as much intelligence as I could from as many different sources as I could. I brought in, from the CIA, and put on my staff, an intelligence analyst, precisely so that I would have better access to the broader Intelligence Community. I welcome—I probably met dozens, scores, maybe hundreds of intelligence analysts in the course of my four years; I've got out to NSA, I've gone out to CIA, I've met with peo-

ple involved and intelligence activities at the Los Alamos and Sandia and Lawrence Livermore laboratories, I've talked to them in my office—I welcome the interchange, I respect the positions they take, I think it's critically important to the formation of American Foreign Policy, and I've never tried to change anybody's position through any kind of improper influence or pressure, that's not my style. My style is to say, "Here's what I think, what do you think?"

Senator CHAFEE. Okay, thank you. I'll change tacks a little bit, in the morning session you—I believe, correct me if I'm wrong—said you didn't necessarily criticize the United Nations through the years, it's been our role, the United States' role, do I have that right?

Mr. BOLTON. Yes, that's correct.

Senator CHAFEE. And then said we did not exhibit good leadership in the nineties, do I have that right?

Mr. BOLTON. That's correct.

Senator CHAFEE. Can you be more specific about failure through the nineties?

Mr. BOLTON. Senator, through roughly the late 1980's, I think it is fair to say that the Security Council was grid locked by the Cold War. In fact, grid locked almost from its formation in 1945.

In the mid and late-10980s, as what was called "new thinking" developed in Soviet foreign policy, the possibility that that grid lock could be broken in the Security Council began to be apparent. And it was—as is almost always the case in the Security Council—what became possible there was a reflection of changes in the larger geostrategic environment, so that in the Soviet Union, as I say, new thinking was beginning to play out and policy makers began to look at their foreign policy through the interests of the Soviet Union, as opposed to the prism of Communist philosophy. And, they began to say, "What exactly are our interests, from a Soviet point of view, in Angola? Why, exactly, are we subsidizing Cuba, through the barter of oil at well below market prices? What is this," and, to be candid, "What is this from a Russian point of view that's really involved here?" So that in the late-1980s, a number of new peace keeping operations became possible in areas that had been cockpits of Cold War conflict, and I can think specifically of the case of the link between Namibia and Angola. Whereby very effective diplomacy of the United States and others—myself not involved, I should say—we were able to work out in Angola the withdrawal of Cuban forces, and a—the first election, the first free and fair election in Namibia on a multiracial basis. This was an example of the Soviet Union—as it was still there, through Russia—playing out a normal nation's foreign policy. And the real test of that occurred at the time of the Iraqi invasion of Kuwait, when I remember distinctly Jim Baker, I think, was hunting in Mongolia, and instead of coming home, he went to Moscow, and he and Shevardnadze worked out a very important statement in opposition to Iraq's invasion of Kuwait that was the fundamental basis for the cooperation between the Soviet Union, as it was still then, and the United States in the Security Council. It was the first, really, major manifestation of the end of Security Council grid lock after the Cold War, and the whole series of Iraq-related resolutions in the

Council. It was a very optimistic time, and I think I mentioned earlier, we set up other peacekeeping operations—MINURSO in the Western Sahara in the late spring/early summer of 1991—and I think this optimism was misread by many people, unfortunately, to believe that somehow the United Nations was back in 1945, and that a lot of the constraints that, unfortunately, still existed, had disappeared. And that, that led to the United Nations being put into a lot of situation where, frankly, there was no clear political resolution in sight, member governments didn't provide adequate support, the United Nations didn't have adequate guidance, and it did not contribute to a resolution of threats to international peace and security.

In many respects, the handing over of these kinds of disputes to the U.N. was a way for some policy makers to say, "That's off my plate," and I think it was dereliction in the responsibility of member governments to do that. And it led to, what many people called, failures by the United Nations. That's why—I come back to my point about false concreteness—there's failures by member governments. And not directly due to mistakes by the Secretariat, but by policies that the member governments have created.

I think now we've got a—both the opportunity and the responsibility—in a way, I can see almost going back to the days right after the successful resolutions in Iraq in the early 1990's, and seeing if we can't avoid the mistakes that were made. It's always easy in hindsight to see the mistakes, we should at least try to benefit from them—that, at least, is the attitude that President Bush brings to this question about how to move the U.N. forward.

Senator CHAFEE. Thank you very much.

The CHAIRMAN. Thank you very much, Senator Chafee.

Senator Dodd.

Senator DODD. Thank you, Mr. Chairman, and let me—again, if I can—Mr. Chairman, I want to thank you, first of all, for your comments this afternoon on how we ought to proceed, I think all of us here have no problem with that whatsoever, this is not a delaying tactic at all, but really trying to get to the bottom of issues, and I——

Senator BIDEN. By the way, if we wish to delay, under Senate rules we could call for the hearing to end right now. Because the Senate's in session, you can't go two hours beyond the Senate's in session. I offer that as evidence of the fact that we have no desire to delay this.

Senator DODD. I think you for that, I'll agree with that. Secondly, I want to thank you for your statement this morning, your opening statement, Mr. Chairman, as always, just excellent. And ones that I couldn't agreement with more—I think, your closing words here because I think they, in a sense, go to the heart of what our colleague from Illinois raised with his questions at the end of the session this morning about this particular point, it's causing some of us to have some real concerns about. And that is the—and I quote from your opening comments here this morning—"diplomatic speech by any high-ranking administration official has policy consequences. It should never be undertaken simply to score some international debating points to appeal to U.S. public opinion, or to validate a personal point of view." And you quoted President Ken-

nedy, once saying, you quoted him, "The purpose of foreign policy is not to provide an outlet for our own sentiments, or hopes, or indignation. It is to shape events in the real world," end of quote. It's an excellent statement to have as we talk about the subject matter. So, I want to make that statement again.

The point is, there's nothing at all wrong, for any official—Mr. Bolton, or anyone else, for that matter—to stand up and give a speech, and say what they believe to be the case. I believe, in this particular case, the issue was about Cuba at the time, I believe, that Cuba has biological weapons—has every right in the world to do that—you may disagree with it. The problem occurs when a Mr. Bolton, or anyone else in the government gets up and says what the U.S. believes. And you go to the Intelligence Community to get corroboration. And that's what this is really all about. And, let me, just so that it's on the record, I'll ask unanimous consent that this language be included in the record. What Mr. Bolton wanted to say, in February of 2002, is the following, "The analysts," that's the Senate Intelligence Committee Report, excuse me, this is the proposed cleared text from the Senate Intelligence Committee.

Senator BIDEN. That's the actual language from the Senate Intelligence Committee looking into this matter, in their report. This is what they said.

Senator DODD. The sentence would say, "The United States believes that Cuba has a developmental offensive biological warfare program and is providing assistance to other rogue state programs." The text also call for international observers.

What was approved, what Mr. Westermann suggested, he said, is "The United States believes that Cuba,"—that was the, ultimately approved, this was what was ultimately approved. What was ultimately approved was, that "Cuba has, at least, a limited offensive biological warfare research and development effort. Cuba has provided dual-use biotechnology to other rogue states. We're concerned that such technology could support BW programs in those states. We call on Cuba to cease all biological applicable cooperation with rogue states, and to comply fully with all of its obligations under the Biological Weapons Convention," end of quote. And there are various—it may not sound like a big difference to those who have just heard this—but there are significant differences.

One is, of course, what the U.S. believes, and that's the important point here. And the salient differences are one, limited, the word limited, which is not insignificant; "research and development," instead of "developmental program," which would have implied a far more structured activity; "Cuba has provided dual-use technology that could support BW programs," that's a carefully caveated phrase, obviously. Rather than just "providing assistance to other rogue states," and it deleted any reference to inspections that the U.S. government believes it would be ineffective, and does not warrant a greater precedent for inspections there. So, there is a difference, a significant difference, that's important to note.

Let me say also as well, I think some of my colleagues may have made this point as well. If this were a one-time event, you might be upset about it, but I don't think it would warrant, necessarily, taking the time of this confirmation out of the confirmation proc-

ess. All of us have been in situations where staff or others have said or done things that we've disagreed with, and we might have said or done things in retrospect that were probably not terribly wise. The question is, is there a pattern here, Mr. Bolton? And that's what's worried many of us here. And so that's why we raise these issues.

Again, this morning, we're quoting here, I'm quoting from these interviews that occurred just a few days ago. Mr. Fleitz, "All I can remember, and this is from Mr. Bolton," I'm quoting him now, "is that he spoke to Mr. Fingar to express his concern over what happened, and said that Mr. Westermann had lost his confidence, and he should have been given a new portfolio." Mr. Fleitz again, "When Silver was there, Bolton relayed the fact that he had lost confidence in Mr. Westermann, and asked that he be given a different portfolio." That's in September. Mr. Fingar, I mentioned this morning, is Assistant Secretary for State, for INR, again, being interviewed, "Bolton said that he wanted Westermann taken off his accounts." He said, that is, Fingar said, "He's our chemical weapons/biological weapons specialist, that is what he does. He expressed again," Mr. Fingar speaking, Mr. Bolton says, "He expressed again, as I remember it, that he was the President's appointee, and he could say what he wanted." End of quote, Mr. Fingar. Let me add here, I'm going to ask you whether or not you recall saying this at all, but Mr. Fingar, when asked, Mr. Fingar what Mr. Bolton had to say about Mr. Westermann, Mr. Fingar said, and I quote him again in the interview several days ago, "That he was the President's," talking about you, "that he was the President's appointee, that he had every right to say what he believed, that he wasn't going to be told what he could say by a mid-level INR munchkin analyst." End of quote.

Again, then there's several others here, it just seems to me here, you've got a number of people now who believe that you're, you were so upset with what Mr. Westermann was doing, that you wanted him removed, and that's my concern—even if you were right about the substance, in this case, it's not the case, I think it ultimately proved that the INR's assessment was a more appropriate assessment on what Cuba's situation was—but even if you were right and they were wrong, the point that Senator Obama made this morning, the point the Chairman made in his opening comments—it is deeply disturbing to me in the environment we're in, where it is so important for us who sit on this side of the table, for those of you who sit on the side of the table you're on—that we have factual information coming from our Intelligence Community. And if, at any point, we begin to suspect that that information is being tailored to serve, what Senator Lugar talked about this morning, a personal point of view, then I think it's dangerous. And that's why we're spending so much time on this.

Mr. BOLTON. May I respond?

Senator DODD. Absolutely.

Mr. BOLTON. Senator, he wasn't straight with me. And that's what I expressed——

Senator DODD. This is good, but tell me about the process in this, now I understand the process, you tell me where I'm wrong. That your office says to them, "This is what we want to say, the three

sentences," and then, then, it would come back to Mr. Westermann anyway, at some point, to make a determination as to whether or not that was right or not. Where's the backstabbing here? If, in fact, in sends the language he would suggest to you, how is that backstabbing you?

Mr. BOLTON. Senator, I don't know the ins and outs of the process, I don't pretend to, it is what staff does, I'm not an expert on it. That's why, as I said this morning, and I don't really have anything to add to what I said this morning, but it's why I went to Mr. Fingar and said, "What's going on here?" And at the time, the day of the incident, Mr. Fingar said that Westermann's behavior was, "entirely inappropriate," he said, "we screwed up," and he said, twice, "it won't happen again." That's, I didn't try to have Mr. Westermann removed——

Senator DODD. Do you recall saying that to Mr. Fingar? That you were the President's appointee, that you had every right to say what you wanted to?

Mr. BOLTON. I don't, no, I don't recall the conversation in any substance, what I wanted to know was what, what exactly happened. I wanted to know why this process was happening the way it was, I wanted to hear from somebody at the top of INR, and that's what Mr. Fingar said back to me. But I did not, look, I didn't try to have disciplinary action imposed on Westermann, I just didn't feel that he had been straight with me, and I don't know what INR did, apparently they didn't do anything, and I haven't complained about it since then. I made my point, and moved on.

Senator BIDEN. Will the Senator yield? Mr. Secretary, you say you don't know this clearance process for a speech, after all these years?

Mr. BOLTON. I don't, no, no, no. What I said was, that, I thought what Senator Dodd was asking was, who had done what to whom at the staff level, and I don't know, no, I don't know that——

Senator BIDEN. I thought you were asking how something gets cleared in a speech. You send it to your guy at INR, the INR guy then sends it to the CIA, the CIA then circulates it throughout the entire Intelligence Community.

Mr. BOLTON. Right.

Senator BIDEN. Each of those people, including the guy who heads up INR, get back to them and say, "this is good, or bad, or indifferent," then it gets back to you. That's the process, right?

Mr. BOLTON. I think, as I've learned now, that's what the process is, it's also possible because INR is part of the State Department that INR could have—at a staff level—come to us first before they had done that. I thought that he had gone behind my back, that's why I asked Mr. Fingar, and I thought Mr. Fingar's response that the behavior was entirely inappropriate supported——

Senator DODD. You heard, you know what Mr. Fingar says today?

Mr. BOLTON. I knew what he said at the time.

Senator DODD. But most recently you know what he said, we went over that this morning, let me tell you what Mr. Westermann said, because he was asked by the Committee in the last couple of days. He's quoting again, he said, "He's," meaning by that you, Mr. Bolton, "was quite upset that I had objected, and he wanted to

know what right I had trying to change an Undersecretary's language, and what he would say, or not say, on something like that. And I tried to explain to him a little bit of the same thing about the process and how we clear language, and I guess he wasn't really in a mood to listen. And he was quite angry, and basically told me that I had no right to do that. He got very red in the face, and shaking his finger at me, and explained to me that I was acting way beyond my position, and for someone who worked for him. I told him I didn't work for him." He goes on to talk about waving your finger at him and so forth. His recollection is not you saying to him "you went around my back, you should have come to me," and so forth, which I think they did in the e-mail exchange, but his point is, you didn't say that, you said he had no right to correct your language, you were the Undersecretary, he's just a mid-level analyst. Who's he to be telling a Presidential appointee what to say?

Mr. BOLTON. That's why I called Mr. Fingar.

Senator DODD. But did you say this or not?

Mr. BOLTON. I don't recall saying that, what I recall saying is that he was out of line and that he had gone behind my back and I said, "I don't care if you disagree with me, I just think you shouldn't do it behind my back."

Senator DODD. Well, let me ask you again about the, because, as I say, if this were one event, you know, I'll be the first one to tell you, you probably shouldn't have done this, but I wouldn't spend thirty seconds on this issue. But what concerns me is that there's the second incident that we have involving the "Mr. Smith," as you've called him, our unnamed intelligence officer.

The CHAIRMAN. Would you summarize this?

Senator DODD. I'm sorry. Well just, again, you know, the question arises because, again, we've had testimony from this individual, from people at the agency that, in fact, you, you and Otto Reich both went out to the Agency and raised the issue about whether or not this individual was going to be removed as an intelligence officer for Latin America, did that or not, happen?

Mr. BOLTON. I went out to the Agency to meet with Mr. Cohen to get a, an understanding of what the NIC was, and to follow up on trying to get a better understanding of what the clearance process was, and I mentioned—as I said before—that I had lost confidence in Mr. Smith, and that I knew Otto Reich had been out there before on a much larger series of concerns, I can't really speak to those concerns, because they weren't in my area of responsibility.

The CHAIRMAN. Well, thank you very much.

Senator DODD. Well, Mr. Chairman, just so the record is clear, Mr. Cohen was visited by Otto Reich at the office, Friday afternoon in 2002, Reich wanted to make the case for removing the NIO from Latin America from his position, he presented two lines of argument and said he was speaking, not only on his own behalf, but on behalf of Mr. Bolton. Mr. Reich has said this again in public, publications, that that was what he was there for. A week later, Mr. Bolton called and asked to meet Mr. Cohen as well, traveled to the Agency on his way home or whatever, the case is here, Cohen did not recall specifics, but believed his intent was clear.

This is Mr. Cohen, now, I mean, this is all these people lining up here. At some point you've got to say, "This is not enemies of yours that are doing this," Mr. Cohen said intent was clear, namely, he wanted the NIO removed. Cohen described both meetings as "amicable." But you wanted him removed. That's what worries me. Exactly the point Barack Obama made about credible intelligence, the point the Chairman made in his opening comments. It's a significant issue, this—in all due respect to the Chairman—I think this is the most profound question. I, frankly, kind of agree with a lot of your statements about the United Nations, candidly. I think you've been on the mark with many of them. I might disagree with some of the rhetoric you've used, but I don't have a substantive problem with that. My problem is this: we're suffering terribly when the Senate, we sent the Secretary of State to the United Nations to make a case for the presence of weapons of mass destruction, it was wrong. Terrible information. We were damaged terribly by that. If this is true that you tried to remove an analyst because you disagreed with their conclusions about this, that is going to hurt us further at the—that's my concern.

Mr. BOLTON. If I could just say, I have never done anything in connection with any analyst's views. Nothing.

Senator DODD. Thank you.

The CHAIRMAN. Thank you, Senator Dodd.

Senator Allen.

Senator ALLEN. Thank you, Mr. Chairman.

Mr. Bolton, a lot of this has gotten off to this tangent of this speech, and I find it interesting this fascination of the process of speech composition. But I do like to have it somehow relevant to the major issues that you will address as Ambassador to the United Nations, and I have a hard time determining how this has anything to do with advancing freedom and Democracy, Senator Dodd mentioned he agreed with all of your statements, your advocacy, your characterization—maybe he doesn't like some of the adjectives, I like adjectives, I like your adjectives as well, that you used—but regardless, the issue is stopping proliferation of weapons of mass destruction, the issues are reducing Russian nuclear warheads, advancing freedom, and of course, efficiency and accountability in the United Nations. And trying to figure out once—and I'm glad to hear that we're going to read all this testimony, and I hope it's done quickly so that we're not off on too long of a detour off the main track here, and I think that we shouldn't be slowing up a vote on a tangential issue, at best—I'm trying to discern the essence of this concern, and it seems to me that at the end of the day, it's going to come down to, and Senator Biden who I have a great deal of respect for, is talking about whether it clouds your judgment or not, and the question of credibility, and I think it's probably going to come down to differing interpretations of your loss of confidence, or trust, in some of these individuals, and you're saying you never tried to have them change positions, but you lose confidence in people. I think all of us, from time to time, may have that, realized that some people who are advising us, you say, "Wait a second, this isn't researched properly," and that's normal. I'm wondering how much it really matters. Now, all it's gotten down to, and I hate to get into it, but seeing how this tangent, or this

issue, is important to some members on this Committee—the issue is Cuba's biological capabilities, and how they might be transferring it to rogue states. It would be helpful to say which rogue states these are, because I remember we had a briefing on it, and it was, it wasn't absolutely clear, but we knew they had biological weapon capability, and they had, actually, a fairly good bio/tech infrastructure in Cuba. And then the question wasn't just the biological and the pharmaceuticals, but which ones of those could be dual-use, and which countries, which are also countries which are on the State Department's list of those that are sponsors of state terrorism, which were involved.

Now, so you can through all of that, and which states we're concerned about, but ultimately, would you characterize—in your view—the difference between what you were proffering, as to whether or not that could be stated, versus what was an approved statement. And, granted, there were some qualifications, Senator Dodd said that there's a qualification here, there, but in essence, was there all that much of a difference from what you wanted to say, I know there's a lot of questions in there, but I just wanted to allow you to give your point of view of this particular detour.

Mr. BOLTON. I think that the main point was that we realized in late 2001, as I say, within a couple of months after September the 11th, that the United States government had not said anything publically about Cuba's BW effort in some time, and that, in the wake of September the 11th, where the terrorist attacks has awakened all of us, unfortunately, to how much danger we were in, and how much it would have been worse if the terrorists used biological, chemical or nuclear weapons, we had to have a discussion—a public discussion—in the United States about the nature of the threat that we faced. And I wouldn't have been surprised, frankly, if the Intelligence Community had said, "We're not going to agree to declassify anything about Cuba," because the nature of the sources and methods was potentially so sensitive that it was simply too risky to do. And this was all in the context of the arrest and then confession and conviction of Ana Belan Montes, a Cuban spy, who had been the senior Cuba analyst in the Defense Intelligence Agency, and it's a frightening thing when you think about it, what she could have been transmitting back to Cuba and what—and I'll just say this in an abstract sense, if somebody knows, some other country knows a little bit about what we know, their ability to conduct denial and deception activities increases remarkably. So, I felt it was important to discuss this issue, and based on what the Intelligence Community had already written, we started a process to see what would come out. And I was satisfied with the end result—Senator Dodd quoted a series of differences, I don't recall, I didn't really, frankly, get into the back and forth, it was done at the staff level—but I felt that the language that I used, which turned out to be—I felt the language I used on the Cuba BW effort was about right. And it turned out that——

Senator ALLEN. Are you talking about the—Senator Dodd quoted the language which was approved, which I assume that you espoused in this speech, is that right?

Mr. BOLTON. That's correct, yeah.

Senator DODD. If the Senator would yield—I quoted the language that Mr. Bolton wanted to use, and what was approved, and what the differences were between what he wanted to say, and what was actually approved to be said, and the difference is significant.

Senator DODD. I'm going to ask Mr. Bolton to say, and there may be—whether you want to call them nuance differences, or qualitative difference, or significance—I would like you to share with us whether you think that what was ultimately approved, which I assumed is what you said in your speech, I don't think there's any question in that regard, but how would you characterize the differences in what was approved, versus what you had proffered as a general concept to include as part of the speech?

Mr. BOLTON. Well, this was sort of a moving process, and I'm not sure exactly where it was, but I was content to have, I wanted to say what was accurate. I didn't want to go through what we're going through now, and that's why we went through this extensive clearance process, and I'll tell you—the thing that probably I'll never forget all of this—when I gave this speech at the Heritage Foundation and it got attention the next day, I talked about a lot of other countries, Cuba was what got attention, but I was sitting, reading the morning Washington Post the day after the speech, reading through the story about the speech, and I came to the very last paragraph, and what it says is, "As it happens, Bolton was not the first official to make a public statement on the subject. Carl W. Ford, Jr., Assistant Secretary of State for Intelligence and Research, used identical language in March 19 Congressional testimony, that largely went unnoticed." So, that's the language we're talking about, it was used several times by a number of different people, Assistant Secretary Reich, I think, used it, I used it, Assistant Secretary Ford——

Senator KERRY. Which language? Can we get that clarified?

Senator ALLEN. There's the language that—fair enough—it's the language that we're referring to as again, similar to what Senator Dodd——

Mr. BOLTON. It's essentially the same, right? It's essentially the same.

Senator ALLEN. And, do you find that to be—how would you describe the difference between what you said in that speech—which apparently was the same as what others had said in previous speeches, folks just pay attention when you speak, folks listen—which is good, we expect them to in the United Nations. Especially when you're representing Americans, but how would you characterize the difference from what your inquiry was, or your proffered language, versus what was approved?

Mr. BOLTON. I think that there were some language changes, but that basically what we were, what was eventually cleared was to make the point that Cuba had a research and development effort. And I think that was the point to be made, and I was happy to be able to make it.

Senator ALLEN. Do you see any reason why this discussion on crafting speeches and the process of speeches will have any impact on your ability to assist and lead the United Nations to greater reforms and efficiency, or stopping the proliferation of weapons of mass destruction?

Mr. BOLTON. I don't think it will have any impact one way or the other, to tell you the truth, the process of clearances is an important process, and I think when you're speaking on behalf of the United States, you should speak with all of the equities in the government covered, that's what we tried to do in this speech, that's what I've tried to do in all of my speeches.

Senator ALLEN. Well, I think we all will, and in fact, any intelligence we receive, regardless of party, in the future we're going to all look at it with greater scrutiny after the information and decisions made on evidence before the military action in Iraq. But I agree with you, I don't see where this nuance difference in crafting a speech, stating the same things that have been stated by others, will have any impact whatsoever on your ability to lead this country, and lead also, the United Nations toward greater reforms while representing our values and principles.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Allen.

Senator Kerry.

Senator KERRY. Thank you, Mr. Chairman.

Let me make it clear that this language that's being referred to, that other people have said, is the approved language. That's what Carl Ford said, the approved language. Carl Ford did not say what you were proposing to say, which was corrected by the review process. Now, a moment ago you said, the reason that you did the corrective process was to avoid all of this. That's not accurate. The reason you did the corrective process is because it's standard operating procedure that anything that involves intelligence that is to be spoken by a national public official, goes to the Intelligence Community for review, correct? It's normal procedure, correct?

Mr. BOLTON. If it involved intelligence, yes.

Senator KERRY. The clearance procedure——

Mr. BOLTON [continuing]. Is much broader than just clearance in the Intelligence Community.

Senator KERRY. I understand that. But this paragraph by normal operating procedure of the department, had to go and be cleared, correct?

Mr. BOLTON. Let me try and separate, we've got two different things that's being, that are being talked about here. The first was that the language that we talked about had to be declassified. Now, had it then, once declassified, then——

Senator KERRY. What I'm getting to is the judgment, the substance, the assessment.

Mr. BOLTON. Right.

Senator KERRY. You were proposing to say the words, "A developmental, offensive, biological warfare program," and "is providing assistance to other rogue state programs," implying that the developmental offensive biological warfare program was developmental—not research—but developmental, and being provided to other rogue state programs. Now, substantively, the analyst who worked with you disagreed with you, and you knew that. You knew that ahead of time. In fact, your own staff Chief Fleitz, in the interview with the Committee, said very clearly that—I think I have it hear—right here. You summoned Mr. Westermann to your office on February 12, after you learned that he'd expressed INR's objection

to parts of what you wanted to say. And Mr. Fleitz, who is your Chief of Staff, requested that Mr. Westermann bring his comment, along with the original language that you proposed, up to your office, and he did so. And Fleitz said, I quote Fleitz, "Well, I sent an e-mail to Mr. Westermann, as I had said, and when he came up to the front office, I had instructions from Mr. Bolton to bring him into Mr. Bolton's office, and Christian went into Mr. Bolton's office, and I accompanied him. And Mr. Bolton looked at the e-mail, or the document, and he said something like, 'What gives? What did you do?' But he didn't defend what he did, he argued on the substance of what we had asked to be declassified." So it was not procedural, as you said this morning. He disagreed with you on the substance of what you were saying, correct?

Mr. BOLTON. Let me just say, I——

Senator KERRY. Is that correct or isn't it?

Mr. BOLTON. I don't remember the conversation, what I remember was——

Senator KERRY. You don't remember whether he disagreed with you on the substance?

Mr. BOLTON. I don't remember enough about the conversation——

Senator KERRY. Well, how can you say that it wasn't substantive, then, that it was procedural, if you don't remember.

Mr. BOLTON. I think it was procedural. For me, he had——

Senator KERRY. What do you mean, for you it was procedural? Either it involved substance, or it doesn't.

Mr. BOLTON. For me it was procedural.

Senator KERRY. I see. The substance of whether or not Cuba had a developmental program, versus the substance of whether it's research and how they're helping rogue states is procedural, not substantive?

Mr. BOLTON. The process that I was concerned about was to get an honest assessment within the Intelligence Community of what could be declassified, and I felt that by the method that Westermann had used, he was not being straightforward with me. That's why I, I wanted to be sure, that's why I called Mr. Fingar.

Senator KERRY. Mr. Bolton, let me go to that right now. Well, that's really at the heart of this. You're smarter than that. And you know what substance is, you know what process is. What you didn't like was the fact that he disagreed with you.

Mr. BOLTON. Simply not true, Senator.

Senator KERRY. Well, let's get to that. On February 10th, this is when this took place. And your Chief of Staff is the one who asked him to go get the clearance. He was following the normal standard procedure as requested by your Chief of Staff, and you already knew he disagreed with you.

Mr. BOLTON. I did not——

Senator KERRY. But he'd expressed that.

Mr. BOLTON. I had no idea.

Senator KERRY. He then followed the instructions of your Chief of Staff, now your Chief of Staff said it was necessary to do it in a hurry. Now, if he follows procedure, he sends it over to INR for clearance. INR's going to come back, to the CIA, excuse me. And they're going to come back to him and request his opinion. He sim-

ply sent his opinion along at the same time, knowing that they would come back to him, in order to expedite your request. Now, he did nothing that was outside of the normal procedures of the State Department and of the clearance process.

Mr. BOLTON. Mr. Fingar, at the time, said what he had done was entirely inappropriate.

Senator KERRY. Why was it inappropriate?

Mr. BOLTON. I went to, first I called Carl Ford, the Assistant Secretary, and——

Senator KERRY. What was inappropriate about putting his opinion that he was going to be asked for anyway?

Mr. BOLTON. Then I called Mr. Fingar to say, "What is going on here, can you explain this to me?" And I recall Tom saying, basically, "I don't know anything about it," basically, "I'll check and get back to you," and later in the day, he sent me an e-mail that said, "We screwed up, Westermann's behavior was entirely inappropriate," and he said twice, it won't happen again.

Senator KERRY. Well, let me just say that the formal process of the State Department is that when there is a proposed text, if it is derived from intelligence information, it gets submitted to the State INR bureau and that was done. The INR then sends the proposed text to the demarche coordinator in WINPAC, which is the DCI's Weapons Intelligence Non-Proliferation and Arms Control Intelligence Center, that's what he did. WINPAC then sends the proposed text to over a dozen Intelligence Community offices, one of which would have been Mr. Westermann, for his opinion, only he sent it right up front, including any relevant National Intelligence Officers for their review and clearance. The Intelligence Community considered whether the proposed would expose sensitive intelligence sources and methods, and whether, if it cites U.S. intelligence, it is consistent with U.S. intelligence analysis.

Now, this is not a one-time incident. Which is what disturbs us.

Senator BIDEN. Would the Senator yield—the whole Intelligence Community reached the same conclusion.

Senator KERRY. The whole Intelligence Community came to the same conclusion as Mr. Westermann, a 23-year veteran of the Navy, who had no other purpose here except to be accurate. And you, and this will come up more, were not in accord with this judgment.

Now, subsequent to that, you said this morning, that you had this one confrontation with him, and you dropped the matter. This was February. But, in fact, with the Mr. Smith/NIO officer, you had another confrontation on this issue of intelligence, why? Because the speech that you wound up giving to the Heritage Foundation caused a stir, Senator Dodd was going to have a hearing, in the process you sent that speech around, or you were planning a statement that was going to be made to the Committee, you sent that statement around to the various Intelligence Community entities to get it cleared, and it couldn't get cleared. Because you were making statements in that testimony that were not in accord with the judgments of the Intelligence Community. In the end, you didn't appear, and the hearing didn't take place, because the Secretary didn't allow your appearance, I believe, and subsequent to that, in July, you didn't let it drop, you in fact, went out there in

your own car, and expressed your displeasure with the Intelligence Community that wouldn't ratify your judgments which were, in effect, wrong. Now, that's an accurate reflection of a timetable and a sequence of events here, is it not?

Mr. BOLTON. It is not.

Senator KERRY. Well, tell me where we're wrong. You didn't go out in July? Let's just review it. Did you go out in July, in your car?

Mr. BOLTON. I don't recall when I met with Mr. Cohen.

enator KERRY. If I tell you it was, in fact, in July, would you accept that?

Mr. BOLTON. I don't have any reason to accept it or reject it, I just don't know.

Senator KERRY. Maybe you could check your calendar, but for the purposes of this, we'll say it is July and I believe the record will show it is July. Now, the purpose of going out there was to complain, which you did, did you not——

Mr. BOLTON. That was not the purpose.

Senator KERRY. Well, it's what you did.

Mr. BOLTON. The purpose of the meeting with Mr. Cohen was a courtesy call on him in his capacity as Chairman——

Senator KERRY. But you hadn't let the matter drop, it was in your head, and you raised your displeasure with the Intelligence judgments, correct?

Mr. BOLTON. I wanted to find out more about what the NIC was, because I didn't, I had never encountered it before.

Senator KERRY. Well, could you tell me, and the Committee, what the process issue was, then, that you were unhappy with? Particularly with the NIO officer? What was his process violation?

Mr. BOLTON. Mr. Smith had said that the speech was not cleared by him. And I didn't know who Mr. Smith was. So, I talked to the person who was at the head of WINPAC, and I said, probably something like, "What's the National Intelligence Council?" And he said, "That's who it is, you ought to come out and talk to him." And I said, "Did you clear the speech with the National Intelligence Council?" And he said, "Yes, in fact, we did. We cleared it with the National Intelligence Officer who has cognizance over BW programs worldwide, the National Intelligence Officer for Science and Technology. And this is a case where we sent this thing out to INR and out to the Intelligence Community, I didn't ask anybody in particular to clear it, I didn't know who was supposed to clear it. We wanted INR to perform its function of liaison with the Intelligence Community, and we thought they had, and then somebody else raises his hand and says, "Hey, I didn't clear that speech." So, I wanted to find out what the purpose was.

If I could just mention one other point here, on the question of whether or not I testified. I'd like to, I think you've got this, I'd offer it for the record if you don't have it, a letter to Senator Dodd from Secretary Powell, dated July 23, 2002, it says, "Dear Senator Dodd, This is a follow up to our conversation after a June 5 briefing on my recently completed Moscow trip. At that time I acknowledged your concerns on Cuba and bioterrorism. My decision to send Assistant Secretary Ford to testify was based on the purpose of the hearing as expressed in your letter, and in my judgment regarding

the most appropriate witness for the purposes of your hearing, which focused on intelligence findings. At that time, I agreed to make Undersecretary Bolton available, to discuss separately, the policy implications behind Cuba's biological capabilities. Undersecretary Bolton stands ready to appear before the Foreign Relations Committee for this purpose. The Department puts a high value on its relationship with the Committee, and will work to accommodate your oversight responsibilities. We look forward to working with you, and other members of the Committee. Sincerely, Colin L. Powell."

Senator KERRY. I respect the letter, but it doesn't do anything to address the fact that the Intelligence Community did not, and would not, clear the testimony that you proposed.

Mr. BOLTON. May I then quote Assistant Secretary Ford's testimony at the June hearing, and he is addressing the question of how is it that he used the words that turned out to be in my speech. So, I will quote Assistant Secretary Ford——

Senator KERRY. But that doesn't——

Mr. BOLTON. This goes directly to your question, Senator. "Mr. Ford, the history of the words on BW in that speech were, as I understand it, Secretary Bolton invited the Intelligence Community to provide him with some words that he could use in a speech on BW. He was very careful, I think, not to suggest words to the Community for clearance, he asked them, 'What do you think? What do you say?' So that they came up with the lines in the speech, and presented those back to INR to take back to Secretary Bolton for his use. As I understand it, his speech was postponed. I wasn't aware of this. I had a requirement on short notice to come up and brief the Committee on CW/BW worldwide. Apparently those words that had been approved for Mr. Bolton were picked up by my staff to insert in my presentation to the full Committee, and so that I then presented that information that had been cleared by the IC. When it came time for Mr. Bolton to give his speech a month or two later, he then took the same language that had been approved earlier by the Community, and stuck it into his Heritage speech. But those words were our words, the Intelligence Community's words, not his."

Senator KERRY. There's no question about that, nobody is, Mr. Chairman, nobody even questions that. That is one of the great sidesteps of all time. I asked you about your testimony before Senator Dodd, whether or not it was cleared. You still haven't answered it, it was not cleared, was it?

Mr. BOLTON. The testimony was never finished, I——

Senator KERRY. But it was never cleared, that's why it wasn't finished.

Mr. BOLTON. I'm not sure I ever saw a draft of it.

The CHAIRMAN. Well, thank you very much, Senator Kerry——

Senator KERRY. Oh, what about Cohen, what did you say to Mr. Cohen?

Mr. BOLTON. I said—as I testified earlier—that I went out to see Mr. Cohen to pay a courtesy call on him, to get a better understanding of the National Intelligence Council, I won't——

Senator KERRY. Well, what did you did say to him about the personnel that you wanted removed?

Mr. BOLTON. I said, I was aware that Assistant Secretary Reich had been out to see him a short period before that, and that Assistant Secretary Reich had very substantial concerns with Mr. Smith, and what I said was, that in my dealings with him I had, his behavior was unprofessional, and that I had lost confidence in him and supported Mr. Reich.

Senator KERRY. Well, let me just say, Mr. Cohen says he didn't recall many of the specifics of the Bolton meeting, but believed his intent was clear, namely that he wanted the NIO removed. That's Mr. Cohen's recollection.

Mr. BOLTON. My recollection is that I—as I've just——

Senator KERRY. And your Chief of Staff said the same thing.

Mr. BOLTON. As I've just said, that his behavior had been unprofessional and that I'd lost confidence in him.

The CHAIRMAN. Gentlemen, we can sit here——

Mr. BOLTON. I'm sorry, Mr. Chairman.

Senator KERRY. May I just take one moment? Thirty seconds, Mr. Chairman. This is reading from Mr. Fleitz's interview, where he said, "Did Otto Reich share his belief that Fulton Armstrong should be removed from his position? The answer is yes. Did John Bolton share that view?" Mr. Fleitz said, "Yes."

Mr. BOLTON. As I said, I had lost confidence in Mr. Smith, and I conveyed that. I thought that was the honest thing to do.

Senator KERRY. You lost confidence because you didn't agree with him.

Mr. BOLTON. No, absolutely not, Senator, confidence because he was claiming a process foul that was inaccurate and untrue.

Senator ALLEN. Mr. Chairman, when I was asking Mr. Bolton what was the difference from what he was proposing to talk about insofar as Cuba, and their biological capabilities with rogue states. And Senator Kerry said, we all agreed on what he said, what was the difference, and you characterized it as "not much of a difference." What you're trying to do is just point out that concern, and wanted to have approved language. You characterized answers to my question that there really wasn't much of a difference in what you wanted to say, or proffered as a concept, versus what was actually enunciated in the Heritage Foundation speech, isn't that correct?

Mr. BOLTON. I think that's basically correct.

Senator BIDEN. Mr. Chairman, it's important, the facts here. Let's say, the Select Committee on Intelligence, reporting on the U.S. Intelligence Community's prewar intelligence assessment on Iraq, the very report that Mr. Bolton quoted, is saying they had cleared, they had investigated this issue on page 277 said, "The analyst," referring to Mr. Westermann, "The analyst told the Senator Intelligence Committee," this is a quote from the report by our Intelligence Committee, "The analyst," Mr. Westermann, told the Senate Intelligence Committee staff, that "the text of the Undersecretary's speech contained a sentence which said the U.S., not Mr. Bolton, the U.S. believed that Cuba has a developmental offensive biological warfare program, and is providing assistance to other rogue state programs. The text also called for international observers of Cuba's biological facilities." End of quote. That is fundamentally different than what got cleared. What got cleared was "The

United States believes that Cuba has a limited offensive biological warfare research and development effort. Cuba has provided dual-use biotechnology to other rogue states." Very different than saying it has provided offensive biological warfare program, and is providing assistance to other states. Fundamentally different.

Senator ALLEN. Dual-use means dual-use.

Senator BOXER. Computers could be called dual-use, you know that, Senator. We work on that all the time, there's big difference.

Senator BIDEN. The Intelligence Committee paragraph reference I would ask be placed in the record at this point, as well as the language that was ultimately approved to be able to be used by Mr. Bolton in his speech.

The CHAIRMAN. Both will be put in the record.

The Chair would just observe, the Chair has heard this language at least four times, at least that amount. So, fair enough, so we proceed on to Senator Coleman.

Senator COLEMAN. Thank you, thank you Mr. Chair. I will spend about three minutes on this, and seven on the work I hope you're going to be doing, that any ambassador to the United Nations has to be doing.

I do want to say that I appreciate and respect the sensitivity of all my colleagues on this issue. The reality is, when Colin Powell testifies before the United Nations and talks about biological weapons and other things, and they're not there—that hurts all of us. And so, what you're facing, Secretary, is a great, legitimate sensitivity on these issues. But then you've got to get past that and say, "So, what do we have?" And, number one, you've said it again and again, did you threaten any analyst because of their views? The answer to that has been "No."

Mr. BOLTON. No.

Senator COLEMAN. Consistently. What you have here is a question of process. You're concerned about the process being that the INR, this analyst sent it out and it had his comments in there, he had alternative language in there, he had a number of things in there, you didn't see that, it then went out to the Intelligence Community, came back to you, and you questioned that process. And you were angry about that. Is that fair to say?

Mr. BOLTON. I was concerned about that, that's exactly right.

Senator COLEMAN. So, what we have is a, and the other issue is the issue of pattern. As a former prosecutor, I know about patterns, what you have here is you have two incidences where you were upset with analysts, but in each instance you're saying it was not over substance, it was over process. They had different substance than you, but your issue was process, is that correct?

Mr. BOLTON. Precisely.

Senator COLEMAN. So, in the end, it's management style.

Mr. BOLTON. Precisely.

Senator COLEMAN. And the question that we have to decide in casting our vote is management style, it's going to move us one way or the other.

Let me get to the other issue, because I think it's important. My colleague, Senator Obama, raised an important question, but I don't think it's the question, at least, that I want, that I think we have to answer, the U.S. has to answer. He talked about, in this

wonderful history of United Nations ambassadors and I believe he said something to the effect of, "We have to convince the world we are right," the importance of having the credibility and the stature to do that, the integrity to do that. I really think that the question is that the U.N. has to convince the American public and the world that it's credible. That's the issue right now. Credibility of the United Nations. And whether it's Oil-for-Food, and the 56 U.N. audits that talked about the millions, the millions that were ripped off from the, the hundreds of millions from the Iraqi people, the billions that Saddam put into his own pocket, whether it's the sex abuse—brutal, horrible sex abuse in the Congo, child rape, prostitution—and whether the U.N. acted quickly enough to deal with that. Whether it's sexual harassment, and the question of whether the U.N. acted quickly enough, and in fact, in that instance, originally those allegations, the individual who was eventually removed, originally his position was supported by the Secretary General, and only after the world press brought it to everyone's attention, was there reversal. And so I would maintain that the question is and the challenge that I'm going to ask you is what are you going to do and what should we do to help the U.N. continue, if you are in a position where its credibility is restored. What I'm looking at, and I think something that you have here, is a culture of impunity. If we're not a community for Benon Sevan, white washing of U.N. officials accused of sexual harassment, U.N. peace keepers accused of abusing women and girls, can only be held accountable by their own government. So, my question for you is, help me understand what is it that the U.N. has to do to regain credibility, and then what is it that we in Congress, what is our responsibility? What is our opportunity to turn this around so that we have a credible organization that can be a partner in dealing with international crisis and dealing with peacekeeping.

Mr. BOLTON. I think it's a very difficult undertaking to try and change a organizational bureaucratic culture. It's probably one of the most difficult managerial tasks you can undertake, but I referred earlier today to Dick Thornberg's report at the end of his year as Undersecretary General for management, and one of the things that he tried to do with the very strong support of the first President Bush, was create in the United Nations system an effective analog to what we call "Inspectors General" in the federal government. It was a concept that was completely foreign to the United Nations at the time, although there were outside auditors in existence, there was nothing really like the IG system as we have it. Now, ultimately in the early 1990's an office was set up, the Internal Oversight Office. It did not have the kind of independence and support that our statutory Inspectors General do in this country, and if you read the, I think in both interim reports by the Volcker Investigative Commission, you'll see criticisms by the Volcker Commission of the lack of independence, lack of support for the internal investigative office, and the general lack of independence of internal audit functions, which is closely related, although somewhat more limited, to the broader mandate that IG's have. I really think that this is sort of the tangible, concrete reform that we can, that we should be looking at to enhance the sense of responsibility that I think most U.N. employees have. I think that

most want to do the right thing, if they knew what the right things was, but having an effective IG is certainly, I can say as a government official myself, having an IG out there is a very important tool, I think it would serve us well in the United Nations, that's the kind of thing we've got, that suggestion, as I recall in the late 1980's and the early 1990's came largely from Congress, because of Congress's experience in the years before that of creating a statutory IG system, but I think that's an example of something both the Congress, that's an idea that came from Congress, and from other sources too, but that we were then not as successful as we should have been in getting implemented, that's something to look at right now.

Senator COLEMAN. And I'm sure that Congress is going to be involved in this discussion, we've got a big stake in this, I mean, the IOS you're talking about, they don't have independent budgetary authority. They're dependent on the folks who they investigate to get their budget authority. Benon Sevan was able to stop the IOS from submitting reports to the Security Council. We don't have, there aren't ethical guidelines in terms of, in the issue of procurement, either for the procurers or the contractors, there are not a series of guidelines, there aren't a whole range of kind of basic stuff that we would insist, that in Congress we would insist that is happening. And I know the Secretary General has raised these issues, and I applaud him for that, the question is, how do you get it done? And what do we do to keep the pressure on to make sure it gets done?

Mr. BOLTON. I have one other suggestion on that, and I know I've raised this with a number of you when I've met with you in preparation for this hearing, and that is, based on my experiences as Assistant Secretary for International Organizations during the first Bush Administration, I really think that there's an enormous benefit to getting elected officials, American elected officials, up to New York, to talk to senior officials in the Secretariat, talk to ambassadors from some of the other countries, you know, we have a tradition, alternating between the House and the Senate that, on a bipartisan basis, two members of Congress are part of the delegation to the U.N. every year, and five years ago, Senator Helms took the Committee for, what I believe—correct me if I'm wrong—the first hearing of the Senate Foreign Relations Committee ever outside of Washington. So, if I get confirmed here, and I can persuade the Chairman, that might be something, and I also think having members go up there—I think it's important for U.N. Secretariat officials to hear from elected Americans, people like yourselves who are responsible to actual voters—I think it's a very salutary experience, and I think it would be a big help to me in my job if I get confirmed, frankly.

Senator COLEMAN. I would hope, Mr. Secretary, that my colleagues would have their staff look at the 56 audit reports that were released by the ILC. Management failings extending every basic management skill needed to effectively manage a program, achieve the program's results. Failings included budget planning, execution, coordination, strategic planning, communication, procurement, inventory, controlled cash management, accounting for assets, documents justifying expenditures, information technology,

human resource management. I think the job is almost overwhelming, it needs to be done, though, and we need a strong voice. And we need someone, and I applaud you for this, we need someone who has raised some of these concerns, who has been critical of the United Nations in the past, but has a commitment, then, to working with this organization so that it is lifted up, and then in the end has the kind of transparency and accountability and credibility that is needed if it is to be a partner with us, to work with us to deal with some of the challenges in the world today.

Mr. BOLTON. I think that's the President's clear intention.

Senator COLEMAN. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Coleman.

Senator Boxer.

Senator BOXER. Yes, Mr. Chairman, Senator Coleman, you're very eloquent, and it would be great to lift up the United Nations, it's tough to do it if you think it doesn't exist. So, that's what I'm trying to grapple with. You know, Senator Allen, you said that we're taking a detour here as we go into these questions about the pressure put on independent intelligence analysts when you don't like the answer you get from them. I think it's quite central to this particular nominee. Mr. Bolton, you seem to be the only person involved, because we have testimony here from several people, who is minimizing what you did to Mr. Westermann. Who, as Senator Biden has pointed out—and he did it in detail—is a real hero. Serving this country under fire in Iraqi Freedom, 23 years in the Navy, etc. Now, maybe you were unaware of his bio when you called him a "mid-level INR munchkin," but maybe you should apologize to him at this point. Calling a war hero who served 23 years, who was under fire, referring to him in that fashion, I just think that's outrageous.

Now, that in itself, it's unfortunate, but it's certainly not enough to disqualify you. But I think what is enough to disqualify you from this position is that, it seems that there is a pattern, when you can't get the answers that you want, because you want to build a case, I think of an imminent threat against America by a country you think is an imminent threat, but the intelligence officials don't agree with you, then you seek retribution and you get very upset, and then when we ask you about it, instead of just coming out with it, and saying, "God, I was frustrated! You know, I thought I had the information, I thought it was documented," you tell us, "No, it had nothing to do with that. It was procedural," and the words you used, "he wasn't," Mr. Westermann "wasn't straightforward with me." And then we find out, that in fact what Mr. Westermann did, was completely appropriate. And that what he's supposed to do is send out your words for comment, and he expedited the process, and then when you found out that it was, in essence, a turn-down, and whatever Senator Allen says, is a huge difference between dual-use and actually giving people help with the program—it's like night and day. I worked on that with, I think, the good Senator, on making sure that, for example, that our computers can still be exported, because sometimes they accuse of in the State Department that they're "dual-use." But what happened is, you went absolutely wild. This is what Mr. Westermann said, "He was quite upset that I had objected, and he wanted to know what right I had

trying to change an Undersecretary's language. And what he would say, or not say, or something like that, and I tried to explain to him a little bit of the same thing, about the process of how we clear language, and I guess he really wasn't in the mood to listen, and he was quite angry, and basically told me I had no right to do that. He got very red in the face and shaking his finger at me, and explained to me that I was acting way beyond my position and for someone that worked for him. I told him I didn't work for him, I worked for Mr. Ford," and it goes on and other people come forward and corroborate this story, and then we have the Mr. Smith story where you just happened to get in your car and drive out, by happenstance, raise the subject when we know Mr. Reich had already spoken for you on Mr. Smith in a previous occasion. So, there is a pattern here, which is very disturbing, which is why we're going to try to get some more people here to keep on putting the puzzle together. Frankly, if you had just ponged up and said, "You know, I was angry, I was upset, I wanted to make a much stronger case against Cuba, and I think they bent over backwards and weren't fair to me," I would have more respect. But trying to say it's some kind of process, it's upsetting.

Mr. Chairman, I can't concentrate. Senator Biden, I'm sorry to interrupt you, I can't make this case. But I want to move on because, again, Secretary Rice, in her strong endorsement of you, compared you to Jean Kirkpatrick and compared you to Senator Moynihan, and I want to take you through this. Again, I say "No comparison." Jean Kirkpatrick said, "U.N. votes matter, because they effect widely held views about perceptions of power, about effectiveness and about legitimacy." And, here's your quote in the Washington Times. "Many Republicans in Congress, and perhaps a majority, not only do not care about losing the General Assembly vote, but actually see it as a 'make my day' outcome."

I think there's a big difference here between Jean Kirkpatrick who say that U.N. votes matter, and yours who say, when we lose it, it's a 'make my day' outcome. It sounds a little bit like "bring it on" and we know what happened after that.

Mr. BOLTON. I think we're actually talking here, Dr. Kirkpatrick is talking about the circumstance that she faced in the early 1980's at the United Nations when following the adoption of "Zionism is Racism" resolution in 1975, there were—really throughout the 70's—but in the years after that as well, the attitude in, among many policy makers in Washington of a sort of, I'll use the colloquial, "Boys will be boys," in New York, and that the votes in the General Assembly didn't matter. She, I think, quite correctly, argued—and it was really American policy throughout the Reagan and Bush Administrations—to take these votes very seriously.

The point I was making in the passage you've quoted there—which we also discussed earlier today—was that there were some people in Congress, the argument was we were about to lose our vote in the General Assembly, because under the U.N.'s financial regulations, we were about to fall two years in arrears. And some people were saying we had to pay up the full assessment, even though many in Congress were not satisfied, or we'd lose the vote in the General Assembly. What I said there was, that's not very appealing to many people in Congress that I know, that would be a

situation that would just further affirm their lack of desire to participate in the U.N. and I didn't want that to happen, and I propose——

Senator BOXER. I'm sorry to cut you off, but my time is a-wastin' here. You know, what you're doing is saying, "Yeah, I said that, but I meant about one specific thing," you know, you don't say that here, and Jean Kirkpatrick doesn't say that here, so let me move on to another quote, because I think this comparison was made by Dr. Rice and I don't think anything could be further than the truth. I've got a lot of these. This one is, Daniel Patrick Moynihan, "International law can actually enhance the national security of the United States." You've been compared to him, this is what you say, "It is a big mistake for us to grant any validity to international law, even when it may seem in our short-term interest to do so, because, over the long term, the goal of those who think that international law really means anything, are those who want to constrict the United States." So, do you see a difference here between the two statements: "International law can actually enhance the national security," and yours that international law really constricts the United States.

Mr. BOLTON. I think there is a difference, I will say that Senator Moynihan was somebody with whom I was fortunate to have a number of conversations after my confirmation to the IO job, which he helped expedite, and we had a number of conversations, really, literally, in the months before he died on the international criminal court where I think his view and mine were actually the same, but on the this subject, I think he had a different view.

Senator BOXER. Okay, that's fair, good, because I want to ask you about some of these international laws here, since you say, you make this sweeping statement that they constrict. Here are some examples of international law, and I wonder if you can tell us if you feel that they constrict us, or whether they actually are good things, and if you don't know about them, I've got some details on them.

Convention on the Prevention and Punishment of the Crime of Genocide. Do you think that's a law we should be a party to? An international law that we should be a party to?

Mr. BOLTON. Absolutely, and you know, of course, Senator, we're dualist countries, so the terms of the Convention on Genocide were enacted as positive law by Congress.

Senator BOXER. So, you agree with that and so you do believe in this case that international law does not constrict us.

Mr. BOLTON. In this case, the terms of the Convention on Genocide were enacted by Congress as positive law, since we are a dualist country.

Senator BOXER. So you believe that this particular law does not constrict us.

Mr. BOLTON. No, I favor this one.

Senator BOXER. You do not think it constricts us.

Mr. BOLTON. Right.

Senator BOXER. So, your broad statement was overly broad. How about the Treaty on the Non-Proliferation of Nuclear Weapons?

Mr. BOLTON. I support that.

Senator BOXER. And you don't think that international law constricts us?

Mr. BOLTON. You know, if I could just make the philosophical statement here, that this issue of what international law amounts to is something that legal theorists have talked about, I wrote about it in Advaine, in Law Review articles and others, the fact is that this is something legal theorists will debate for a long time, they've been debating it for centuries already. I acknowledge in my capacity as an American official that the United States does, and should, follow international law. The question of whether international law is law in the same sense as municipal law is a philosophical question I've written on, I've given my opinion, I think you've all got the articles, that's not the same as what we're talking about here, which is concrete.

Senator BOXER. I don't know anyone who thinks that it's the same as municipal law, but I think what I think——

Mr. BOLTON. "Municipal law" is the term of art used for "National law." National law versus international law.

Senator BOXER. Yes, I understand. But, what I wanted to say to you is this: You've been compared to Ambassador Moynihan, you have said different things on international law, and you've said you disagree with him on international law, so we have a list here, we'll come back to it later, but the first two, you would agree, we should be a party to, and it doesn't constrict us, so your statement that you made was overly broad.

Mr. BOLTON. I never said we shouldn't agree in bilateral or multilateral treaties that are in America's interest. And the first, well, the sign just got taken down, but the first three or four that I was able to read, I support all of them.

Senator BOXER. Good.

The CHAIRMAN. Senator Boxer, you——

Senator BOXER. I'll just end with the quote, "It's a big mistake for us to grant any validity to international law, even when it may seem in our short term interest to do so, because over the long run, the goal of those who think that international law really means anything, are those who want to constrict the United States." And I'm glad to hear that you agree with some of those, at least, that I had up on the chart, because I wouldn't want you to think that I, for example, are trying to constrict the United States, America, because I support those treaties as well. Thank you.

Mr. BOLTON. And I have said and written that the United States should honor the treaty obligations that it undertakes.

Senator BOXER. Thank you.

The CHAIRMAN. Thank you very much, Senator Boxer.

Senator Nelson.

Senator NELSON. Mr. Chairman, I'm going to defer to Senator Obama, he's been sitting here patiently, so if you'd come to me after him.

The CHAIRMAN. Very well, Senator Obama.

Senator OBAMA. Thank you very much, Mr. Chairman.

Let me just pick up on a point that was made by my colleague from Minnesota, his suggestion that the question is not whether the world believers we're right on these issues. In the first Gulf War, we had to convince nation after nation to help the U.S. put

boots on the ground, Senator Baker and his team were able to convince the world that we were right with respect to repelling Saddam Hussein from Kuwait, and that capacity to do so made our soldiers safer, reduced the burden on our taxpayers, so I'm just curious as to whether you would endorse the notion that in military actions that we take across the world, we don't need the world's approval in order to protect our interests, but that putting together coalitions, effective coalitions, can be helpful and serve our national security interests.

Mr. BOLTON. Absolutely.

Senator OBAMA. The second point I guess I want to make, is that I am, like Senator Dodd, I think, who mentioned this earlier, am actually with you on seeing what we can do to reform the bureaucracy of the U.N., and some of the litany of wrongs that Senator Coleman listed have to be addressed. And I look forward to seeing how the State Department and the permanent representative to the United Nations can do so. But I just want to make clear, you've made quite a bit of hay about the notion that the United Nations is really just a building, and it's member states that have to be held accountable for how we function. That isn't to say that we don't correct internal bureaucratic bungling on the part of United Nations officials, but that there's a false concreteness when we say, "The United Nations is responsible for this," or responsible for that, but in fact, it's whether the member nations are willing to commit to certain courses of action that makes the U.N. effective or not effective, is that an accurate assessment?

Mr. BOLTON. Right, actually it was Senator Clinton who used the building metaphor in her speech at Verekunda, I didn't——

Senator OBAMA. Fair enough. But you understand, it's the same point.

Mr. BOLTON. It's the same point, yes.

Senator OBAMA. I just think it's important that, as we go forward in terms of these reforms, I think it would be fair to say that we don't want to apply false concreteness when it comes to the Oil-for-Food program, and sort of suggest that somehow it's the United Nations as an institution as opposed to its member states that are entirely responsible for the flaws of that, it makes more sense for us to examine our relationship with the member nations as well as our own actions to figure out how we're holding the behavior of what we call the United Nations responsible for failures in the field. Would that be an accurate statement?

Mr. BOLTON. Yeah, I agree with that entirely, the point I was trying to make earlier, perhaps not clearly, is that the original Oil-for-Food program, during the first Bush Administration, was embodied in Resolution 706 and 712, and it kind of played a very intrusive U.N. presence throughout Iraq in terms of the distribution of supplies.

Senator OBAMA. Right.

Mr. BOLTON. Saddam Hussein rejected that.

OBAMA. Right.

Mr. BOLTON. And, in fact, the program went through a number of iterations in the Security Council which Saddam repeatedly rejected until he finally found a version that he liked. And I think that the fact that he finally found a version he thought he could

exploit, could only be, the responsibility for that—the responsibility for the consequences of that—can only be laid at the doorstep of the member governments of the Security Council.

Senator OBAMA. On the Security Council. Fair enough. We actually agree on that.

Let me move on. I'm going to read a statement in the newspaper, now this is unsubstantiated, I want you to have the opportunity to respond to it, this is from July 15, 2003, Knight-Ridder Newspapers, "In a new dispute over interpreting intelligence data, the CIA and other agencies objected vigorously to a Bush Administration assessment of the threat of Syria's weapons of mass destruction that was to be presented today on Capitol Hill. After the objections, the planned testimony of Undersecretary of State John R. Bolton, a leading Administration hawk, was delayed until September. U.S. officials told Knight-Ridder that Bolton was prepared to tell members of the House of Representatives International Relations Subcommittee that serious development of biological, chemical and nuclear weapons had progressed to such a point that they posed a threat to stability in the region. The CIA and other intelligence agencies said that assessment was exaggerated." And then, further down it says, "Bolton's planned remarks caused a 'revolt' among intelligence experts, who thought they inflated the progress Syria has made in their weapons program, said a U.S. official who wasn't from the CIA, but was involved in the dispute."

Now, first of all, this is unsubstantiated, so I want to give you a brief opportunity to respond, be mindful, though, that I'm sure you want to go home, your poor wife, I'm sure, wants to go home after all this, so if you can keep responses relatively brief.

Mr. BOLTON. I was invited to give both classified and unclassified testimony to a Subcommittee of the House, drafts were prepared—and I should say as is often the case, and was in part in the case in other speeches—I hadn't even seen the draft. I had been traveling, when I came back I found that I had a conflict, I had been assigned to go to a Deputy's Committee meeting at the White House, there were a lot of disagreements about the speech, it was clear to me that more work needed to be done on it. I called Congresswoman Iliana Rose-Light on and said, "Look, I'm going to, on my own hook, cancel this. We need more time," schedules were such that with the August recess, we couldn't reschedule it until September, and that's what was done.

Senator OBAMA. Okay. The reason I say this—let me try to put in context some of the questioning that at least has been coming from this other side of the aisle. My colleague from Minnesota suggested this is a dispute about management style. Let me reiterate, I don't think it's a dispute about management style. What I think is of concern, is that—to the extent that you have a strong set of opinions, I'd call it an ideology, but I think that is, you know, sort of a loaded term—so let's say you have a strong set of opinions about foeign policy. That you've been on the lecture circuit delivering to the International Community as well as to think tanks, etc. You're not seeking a position of power in which every utterance you make matters. To the extent that there is a pattern in which you are pushing the envelope on your take on the world, and seeking to have intelligence matters conform to your views, then we

agreed this morning that that is not good for America's national security. There are two instances that we know of in which, although you say that you did not want to have these people fired, it seems to me that we're playing semantics here, because you did suggest that they be redeployed. The proverbial "station them in Antarctica." There are at least two circumstances where there was a dispute, now you say that it was about process, but what it appears from the record is that they did not breach any process, they just did not do it exactly the way you wanted, partly because—it seems as if—there was a substantive disagreement, and you felt that they were challenging your substantive assessments. You now have an article here, where at least—again, I haven't interviewed these people personally—but there is substantial evidence indicating that perhaps you had a more aggressive view about Syria's capabilities and that the CIA had to reign you in. There are example with respect to Libya in which you make statements saying that the reason that Libya gave up its WMD program was because of the tough actions in Iraq, although there were assessments that indicate that, in fact, diplomacy served a critical function in that regard. Although you say you don't do carrots, actually it turns out that there were some carrots applied there that made a difference.

And so the concern, I think, that I have—I'm all for U.N. reform, but I'm also making sure that we have sufficient credibility in the world that when our troops are deployed around the world that they've got support and that when we are spending enormous sums to bring about some semblance of order in disruptive areas of the world, that we've got other people also willing to pick up some of the tab. And that, it strikes me, would be an important function that you would play as this permanent representative to the United Nations.

Now, I know that was a mouthful, and I apologize for that, this is one of the problems with, you know, you're sitting here for three hours you think of all kinds of things to say.

Mr. BOLTON. I've thought of a few things myself.

Senator OBAMA. I'm sure you did. (Laughter.)

Senator OBAMA. That's what I figured. And I think you are probably wise enough—out of all the things you were thinking about ——

Mr. BOLTON. They were much more learned than ——

Senator OBAMA. So, let me just go to this particular point. Moving forward, with respect to assessments of threats in Syria or North Korea, or Iran, we can't afford to cry wolf. We've got to be able to—when we say that there's a threat—people have to believe us. Am I wrong to think that this kind of potential overstating after what happened in Iraq, after Colin Powell's presentation before the United Nations, etc., may hamper our ability to protect our national security.

Mr. BOLTON. Well, I think, Senator, the test is what language is finally approved. In the case of the Syria speech, it needed a lot of work, it wasn't ready. And the, one of the consequences of the clearance process is to take drafts and turn them into an acceptable final product. And as I say, I saw that there was a lot of disagreement both in the classified and the unclassified version, we had a small problem, and we were proposing to tell the House

International Relations Committee intelligence that had not been briefed to the House Intelligence Committee and the Senate Committee, that was a problem, but the speech wasn't ready, and I put it off. And I think that was the right thing to do, and I think that the final product, the speech, the testimony, the unclassified testimony and the classified testimony that I finally gave, was broadly accepted. And that's part of, that's inherent in the nature of government. And I think it's a—it can be frustrating, to say the least—but it's a necessary process, and I have submitted to it throughout my tenure in this job, and I think ——

Senator OBAMA. Although, in at least two circumstances, you were unhappy with it to the effect that you might have been taking it out on somebody else.

Mr. BOLTON. No.

Senator OBAMA. Let me just make this point, and you know, I don't mean to cut you off here, I'm assuming I'm out of time here, Mr. Chairman. Poor Mr. Chairman, he's nodding. But, at minimum what happened in these circumstances was that you, a powerful person in the Administration expressed sufficient displeasure about lower ranking analysts that their superiors felt that you were trying to get rid of them. Now, that may have been unintended on your part, it may have been miscommunication on your part, but we have testimony indicating that at minimum, you sent a signal that was interpreted as, these guys are out of bounds, and I'd like to see them removed. That strikes me as contrary to the very statement that you just made which is these clearance processes are necessary—frustrating, but necessary—parts of the process. And the reason that I think that this side of the aisle is belaboring this point is that as we move forward with respect to Iran, North Korea and other threats involving weapons of mass destruction and terrorist activity, if we gild the lily and overstate our case, that can—over the long term—undermine our effectiveness and actually threaten troops overseas as well as the safety of people here at home.

Mr. BOLTON. I absolutely agree that we do not want to overstate the case, and I want to say again, as strongly as I know how, that the two cases we've been talking about were cases of what I considered to be unprofessional behavior. There are, as many on the panel would no doubt say, a lot of people in the State Department who disagree with me on a lot of issues. That's never been something that I have found troubling, or been unwilling to discuss. But my approach to business and professional matters is, I hope, imperfect, but I hope is open and above-board. And that's the way I try and treat people, and when that behavior is not reciprocated, I'm troubled by it.

Senator OBAMA. Well, I appreciate your appearing before this confirmation, I wish I had more time, as I'm sure all of the other members do. Thank you very much.

The CHAIRMAN. Thank you very much, Senator Obama. Let me just make note, I've informed the distinguished ranking member that Mr. Neil Silver will meet with staff the day after the hearing, the court reporter, and another individual in question will be available by phone immediately thereafter. I mention that in response to requests and we will try to fulfill those today.

Let me just indicate that, Senator Sarbanes, you have seniority at this point, I will recognize you, unless you wish to yield to Senator Nelson, but in any event, the two of you will be recognized to complete this round.

Senator SARBANES. Thank you very much, Mr. Chairman.

Mr. Bolton, a number of people have called for the resignation of the Secretary General of the United Nations, including—in fact—some members of the Congress. Do you have an opinion on that question?

Mr. BOLTON. Yes, that is not the position of the Administration, as Secretary Rice and others have said, we have been working with the Secretary General, I think in terms of the allegations that have been out there on the Oil-for-Food program, that we've said that we should wait for the final report of the Volcker Commission and the outcome of the Congressional investigations.

Senator SARBANES. And is that your view as well?

Mr. BOLTON. Yes, it is.

Senator SARBANES. Was it your view before the Administration took a position?

Mr. BOLTON. Yes, it was.

Senator SARBANES. Now, the U.N. was founded 60 years ago this spring. What mistakes were made in the founding of the U.N.—you've been a sharp critic of it—where did those who founded it 60 years ago go wrong?

Mr. BOLTON. Well, I have less to fault with the framers of the U.N. charter than with the direction that—in many cases—the Organization has taken since then. The effort, originally understood by Roosevelt and Churchill and others, was to recreate in the post-World War environment, the kind of United Nations decision making that existed during World War II, indeed the very name—United Nations—comes from the term applied to the victorious powers in World War II. If you want to call it a mistake—and I wouldn't call it a mistake—they wrote the Charter, Chapter 7, in particular, the way they thought best, it grid locked, within a matter of years, afterwards, because of the Cold War. That's why, in years since then, much of the Charter has been inoperative.

The question now, and this was addressed both by the high level panel, and by the Secretary General, is whether and to what extent as part of U.N. reform, U.N. Charter revision needs to be a part of that process, and that is a, it's obviously required if we're going to change the permanent membership of the Security Council, there are other suggestions as well. That's a pretty weighty undertaking if we decide to go ahead with them.

Senator SARBANES. Now some have said in response to criticisms that have been made about the United Nations, that if we didn't have a United Nations, we would have to invent one. Suggesting that the world needs such an institution. What's your view on that?

Mr. BOLTON. I think that makes a lot of sense.

Senator SARBANES. Now, in China, over the weekend, it's reported that they're having significant demonstrations—in fact, in some instances they've called them, I think, riots—and one of the things they're demonstrating about, apparently, is the proposal or the suggestions that are being made that Japan should play a big-

ger role in the U.N. It after all is playing quite an enhanced financial role in the U.N. What's your view on that question?

Mr. BOLTON. Well, the subject of changing the composition of the permanent membership has been around in one form or another for many years—it's been the subject of active conversation for at least the past fifteen years, since Japan made a very strong move in the early 1990's to get permanent membership—now there are a number of other countries that have sought to get permanent membership as well, and it's been a politic very actively in New York and capitals around the world. It's going to be politically, very difficult to make any change in the composition of the permanent membership, and the things that were going on in China over the weekend combine them, I'd say, with some public statements made by senior Chinese officials, certainly don't indicate a very positive attitude towards Japan's aspirations for a permanent seat, and I'd have to say, given our strong support for a Japanese permanent seat that this is going to make a very complex situation even more complex.

Senator SARBANES. But, am I to understand that you have enunciated the view on occasions that the only country that ought to be a permanent member given the power realities of the world, is the United States?

Mr. BOLTON. I think what I was trying to say at that point is that there are a lot of factors that are suggested for why one country or another should be a permanent member of the Council, and if you look at the—what I was saying was—if you look solely at the issue of power in the world, in a cliche probably everybody in this room has used of the U.S. being the sole remaining super power, under that theory, that there would be only one permanent member. Obviously, I understand that there are five permanent members, and the question is, are we going to leave it at those five, or are we going to change it? I regard that as a serious question, the Administration is taking very responsibly and seriously, I think, the obligation of looking at that issue.

Senator SARBANES. Does changing that encompass changing the number downwards as well as upwards? Maybe even downwards to one? The United States?

Mr. BOLTON. No, it does not.

Senator SARBANES. I'd like to pursue this international law issue, and it's been touched on by others. In an article for the Chicago Journal, International Law in 2000, you stated that efforts to create an international system of laws and codes of conduct are "belittling our popular sovereignty and constitutionalism and restricting both our domestic and our international policy flexibility and power."

Am I to read that to mean that you think the body of international law that's been developed since World War II—take for instance as it relates to human rights—has been a mistake, and that moving down this path of making some commitment to international law is the wrong path? Senator Moynihan, I might note, was quite committed to the concept of international law, and sought to develop it in many ways in both his tenure at the United Nations and his service here in the United States Senate.

Mr. BOLTON. I believe that there's no question that the United States should comply with its international obligations, there is a

centuries' old philosophical debate about the meaning of law and whether municipal law and international law are really, whether they really cover the same ground. The issue—I think—turns principally on the notion of what constitutes binding obligations for a country. I think democratic theory and sound constitutional principles from our perspective require that law that bind American citizens be decided upon by our constitutional officials—the Congress, and the President. Not derived by abstract discussions in academic circles and international bodies.

Senator SARBANES. But if we approve a treaty, doesn't that represent a decision by the Congress under our constitutional system?

Mr. BOLTON. It does, and that is binding on the United States, as I've written.

Senator SARBANES. And do you think we should develop such systems of treaties?

Mr. BOLTON. I think that when they're in the national interest of the United States that that can be an appropriate way to proceed.

Senator SARBANES. What constitutes the national interest of the United States?

Mr. BOLTON. Well, I think that's one of the central issues that we can debate. If you look at the ABM Treaty of 1972, for example, that was a bilateral treaty, it ha been in force since 1972, many people believe that the treaty reflected an outdated strategic relationship with the Soviet Union and then the Russian Federation, and that it inhibited the ability of the United States to defend itself. President Bush campaigned on that as part of his platform in 2000, and many on the other hand, opposed withdrawing from the ABM Treaty, their argument was that if the United States withdrew from the ABM Treaty that the entire fabric of arms control treaties that existed would collapse. The President did not agree with that, we were, we tried to work with the Russians so that we could mutually move beyond the ABM Treaty, but fundamentally we had concluded that in order to develop a limited national missile defense system, we had to become free of the constraints of the treaty. And although we worked with the Russians to try to get them to agree to mutually withdraw—when we were unable to do that, the President exercised his authority under the ABM Treaty—and gave notice of withdrawal.

I think the ABM Treaty was a treaty that did not serve the national interests of the United States, and that's why the President withdrew.

Senator SARBANES. Well, do you generally hold the view that since treaties might well constrain our freedom of action, and since we're now clearly the single-most powerful country in the world, that as a general proposition we should be very skeptical about entering into treaties, because they circumscribe, or limit, our freedom of action?

Mr. BOLTON. I think you have to take each treaty on its own basis, I don't have a theological view about it, I think it's a practical question.

SARBANES. And is the practical question that you're answering the degree of constraint that it places upon the United States?

Mr. BOLTON. No, I think there are other factors that come into play, for example, the Treat of Moscow, that President Bush and President Putin signed in May of 2002 ratified unanimously by the Senate provided for the reduction in operationally deployed strategic nuclear warheads by two-thirds over a ten year period. I think that was a treaty that was clearly in the interest of the United States to sign.

Senator SARBANES. What about a general view that a system of treaties that constrains the ability of others to act would be of benefit to the United States. That, while we might be constrained in certain instances by treaty arrangements in terms of having our power limited, there's a benefit that flows to us by constructing such an international system because of the constraints and restraints that it places upon others. And it, therefore, contributes to making the international environment a more "rule of law" environment. Is that something to be sought after?

Mr. BOLTON. I think that as an abstract proposition that might be true, I think you'd have to look at the specifics of the treaty to determine the specifics of whatever system or treaty you might be talking about to know whether it applies in fact.

Senator SARBANES. I think one final question, I think you said earlier in the testimony that your views and those of Senator Moynihan's on the international criminal court, or the ICC were similar?

Mr. BOLTON. I had conversations with him before he died, where I don't want to leave the impression that our views were identical, but I know that he had read several articles that I'd written and he shared many of the concerns I had written about. He called me up to mention that.

Senator SARBANES. He did send a letter, signed a letter, along with a number of members, to President Clinton at the end of 2000, urging the President to sign the treaty for the International Criminal Court, and I think your view was that the happiest day of your life was when the U.S. withdrew, is that correct?

Mr. BOLTON. Right, he called me after signing that letter, it was literally, and it was literally within a few weeks before he died.

Senator SARBANES. Well, I have no way to question that, do I?

Mr. BOLTON. Sadly.

Senator SARBANES. I do have his letter which directly contradicts that, but you would say that he had a, if not a death bed conversion, a switch of position, is that right?

Mr. BOLTON. I think what he had, what he had done was look at some of the concerns and had, my recollection was that he was preparing an article at the time, and had wanted to talk about it, and had read one or more of my articles.

Senator SARBANES. He also said that it was outrageous that we hadn't paid our U.N. dues, calling us one of the world's biggest deadbeats. But you disagreed with that position, I take it.

Mr. BOLTON. No, I testified earlier today, Senator, that during the first Bush Administration, we followed a policy that President Reagan had articulated at the end of his Administration to repay the arrearage that had built up during the 1980's, and in the late 1990's, I certainly supported the Helms-Biden legislation that was intended to find a way through the arrearage question.

The CHAIRMAN. That will need to all, I think we need to conclude.

Senator Nelson.

Senator NELSON. Thank you, Mr. Chairman.

Mr. Bolton, according to a Senate Select Committee on Intelligence Report on page 277, in reference to this big dispute here that we've been talking about, the process and the analyst and so forth, I want to get to the substance of this whole dispute. And in that report, they refer to your speech, this is the May '02 speech, the Heritage lectures, the Heritage Foundation. The analyst told the Senate Intelligence Committee staff that the text of your speech contained a sentence that said, "The U.S. believes that Cuba has a developmental offensive biological warfare program, and is providing assistance to other rogue state programs." The text also called for international observers of Cuba's biological facilities.

Do you believe that Cuba has, or had in 2002, offensive biological weapons development program?

Mr. BOLTON. What we believed at the time was the sentence that actually appeared in the text of the Heritage statement, which I would be happy to read, and in Assistant Secretary Ford's testimony, and indeed, Assistant Secretary Ford said later that he believed, in testimony before this Committee, that the evidence for that proposition was substantial.

Senator NELSON. So did you believe that Cuba was providing biological weapons assistance to rogue nations?

Mr. BOLTON. I think there was intelligence that tended to suggest that, but the point of giving this to the Intelligence Community to clear was to make sure that the statement was accurate. Because there was no point, from my perspective, in saying something that was no accurate. So, changes were made, I'm sure this drafting process went on for—at the staff level—for a long time, and the language that was ultimately cleared was the language that was used.

Senator NELSON. And, of course, that's the whole dispute here, is whether or not there was pressure put on the analysts from your initial view.

Mr. BOLTON. No, it was not.

Senator NELSON. That was not your initial view.

Mr. BOLTON. That was not the issue that turned on, that we were discussing, which occurred back in February when I thought the analyst had not been straightforward with me on a process point.

Senator NELSON. Until the CIA gave their input into the question of offensive biological weapons, did you believe that there was an offensive biological weapons developmental program in Cuba?

Mr. BOLTON. I wasn't sure from the intelligence I read, where different intelligence agencies had different views, what the consensus of the Community would be. And that's not unusual, and not only is it not unusual, I don't think it's a bad thing. I think the Silberman-Robb Report makes it clear that one of the problems we have with intelligence is with the analytical process of intelligence is agencies not being competitive enough in their viewpoints, and it's not something that policy makers get involved in,

and I didn't get involved in this. We kept, we gave, the staff-level people were putting language forward, other people were giving alternative formulations, and it was being worked out. It was not me staking out a position, it was speech writers trying to write a speech.

Senator NELSON. Well, we're going to have a chance to cross-examine that fellow tomorrow, and one of the questions that we're going to ask him is, what was the text that was submitted? And, according to this Senate Select Committee Intelligence Report, on page 277, it was as I just stated.

Mr. BOLTON. I think there were many drafts of it, Senator, and you know, that's the nature of speech drafting in the government. I think what a public official is responsible for, is what he actually testifies.

Senator NELSON. Well, what ultimately came out that was scrubbed, was softened. "The United States believes that Cuba has at least a limited offensive biological warfare research and development effort," "Cuba has provided dual-use biotechnology to other rogue states. We are concerned that such technology could support BW programs in those states." Is this an issue that we should be concerned about, in your opinion?

Mr. BOLTON. About the Cuban BW effort as described there? Yes, I did think it was something that we should be concerned about. And that was the best judgment that the Intelligence Community had as of that time.

Senator NELSON. Well, then what is the U.S. government doing about it?

Mr. BOLTON. Part of the problem at that time that the U.S. government was involved in, was it was still dealing with the question of what the Cuba spy, Ana Belan Montes, had done to undercut our efforts to understand better what the Cubans were up to. And my point in raising this was—as I said—in the wake of September the 11th, I felt that it was responsible to have a discussion about BW/CW and nuclear threats that we faced, because part of what was important here was building public understanding, but our efforts, what we said was that we called on Cuba to cease all BW-applicable cooperation with rogue states, and to fully comply with all of its obligations under the biological weapons convention.

Senator NELSON. Have we called for international weapons inspectors?

Mr. BOLTON. We have not, no. Not in Cuba under the, the BWC doesn't provide for that.

Senator NELSON. Well, have you had consideration of taking the issue to the Security Council to seek sanctions?

Mr. BOLTON. No, that was never discussed. The issue of what Cuba was doing here, was not the same as saying that we could say with any degree of conclusiveness that Cuba had biological weapons, which some press reports said I said, but which I didn't, or anything that would give us a basis to go to the Security Council.

Senator NELSON. Have we intercepted, or disrupted any transfers of the dual-use biotechnology to other rogue states from Cuba?

Mr. BOLTON. I'm not aware that we have.

Senator NELSON. Have we, as a policy of the Administration, have we urged our allies to use their influence to get Cuba to give up this biological weapons capability?

Mr. BOLTON. I know we have discussed it with them, and it's a subject that when we have consultations on proliferation matters, comes up in the conversations, yes.

Senator NELSON. Well, in what way, since you raised this issue nearly three years ago, this very important issue, in what way has it become a priority since it was raised by you in this speech to the Heritage Foundation.

Mr. BOLTON. Well, I think we've done we felt was within the limits of our ability to do. And there are some things that there are a lot of assessments of countries that have clandestine chemical and biological weapons programs or efforts underway that there's not a lot we can do about it, because they are, for biological warfare in particular, these are all inherently dual-use operations. So that operationally, there isn't much we can do.

But I think what we have tried to do, and this goes back to the point I made earlier about the Biological Weapons Convention Review Conference in November/December 2001, where one of the things we wanted to do is to highlight the problem of noncompliance with the BWC. That there were a number of states that were parties to it, that participated in all of the conferences, and that we very strongly felt were violating the treaty. So that part of what we were trying to do is build international diplomatic pressure on those countries to comply with the obligations under the convention that they had undertaken.

Senator NELSON. In the process do you realize you shook up a bunch of my constituents? We're only 90 miles from Cuba.

Mr. BOLTON. Yes, and I had conversations with Congressman Lincoln Biaz Bilart, and Congresswoman Iliana Rose-Light on who both thanked me for raising the issue, which was something they had been concerned about previously, indeed.

Senator NELSON. And you say there is very little we can do about it, which is what you just said. That's a scary admission.

Mr. BOLTON. Well, I think there have also been continuing evaluations of the program and what the evidence is. Part of the concern is that Cuba has a very sophisticated biotech and pharmaceutical industry, and given what I said before about the inherently dual-use nature of biological warfare, that is a problem that's endemic in a country that has that kind of capability.

Senator NELSON. I think, Mr. Chairman, I would conclude by saying that when there is the tendency to step over the line with an inflammatory statement, it's troubling to overstate a threat. And, in my experience here in the Senate, that's one of the examples of what got us into trouble in Iraq, by a threat being overstated. Mr. Chairman, I'll conclude.

I'm curious, has Secretary Powell and Secretary Armitage, have they endorsed you?

Mr. BOLTON. I haven't asked them to endorse me. Secretary Powell sent me a congratulatory e-mail, "On to the Waldorf," it said.

Senator NELSON. So, that sounds like an endorsement.

Mr. BOLTON. Well, I wrote him back and said, "Thanks very much."

Senator NELSON. Thank you.

The CHAIRMAN. Thank you very much, Mr. Nelson.

Let me just indicate that we've completed the second round, we're about to commence the third round, but before we do so, I'd like to recognize the fact that we've been joined by the distinguished Chairman of the Armed Services Committee, John Warner, who will give a brief greeting to our nominee.

Senator WARNER. Thank you, Mr. Chairman.

It had been my intention to introduce our distinguished nominee last week, but of course, the need to reschedule today, and I had long-term plans to travel in my state, so I apologize, but the Chairman very thoughtfully put my statement into the record.

I've had a great and long interest in the United Nations. I think I'm the only serving member of the Senate now that served in Korea under the United Nations flag in the winter of 1951–1952 in the Marines. And that was my introduction, and I'm very proud of my association, although modest it may have been, with the U.N. at that time. And in the ensuing years, I've had many opportunities to visit, I remember very well, Mr. Chairman, going up with Senator Helms. He asked me to accompany him when he went up to establish a truce of some sort, and get the dues in order.

But, anyway, I feel it's an organization that has played very important roles in the history of our nation with a half century that I've known it, and that it can become—and I hope will become—a much stronger organization, because there are many purposes that it, and it alone, can serve, in the cause of human freedom, and mankind, and human rights. So, as I said in my statement, I wish you the best, and you have my support, strong support, in your confirmation process.

I thank the Chair.

The CHAIRMAN. Well, we thank the Chairman of the Armed Services Committee, it's a privilege for Senator Biden and for me to work with you and Senator Levin. We have many common interests and important goals to work on together. Thank you for coming.

Senator WARNER. I might note that in that winter, I think the distinguished Senator from Rhode Island, his father was there. We often, reminisced many times, he also was in the Marines.

The CHAIRMAN. Let me just suggest that this course of action, we're going to have two roll call votes of the Senate the first commencing at 5:30, as it's the Chair's estimate that that is likely to take about a half an hour, and that another vote will be occurring at about 6:00 p.m. Therefore, I would suggest that we would go until 5:30, recommence the round if we have not completed it, at 6:15.

Now, in the event that you, Secretary Bolton, would like a short recess before then, fair enough. Otherwise we will proceed until 5:30. And you will know at that point that there is forty-five minutes of surcease.

Mr. BOLTON. Thank you, Mr. Chairman.

The CHAIRMAN. Let me just say that in this round I will not ask questions and I will yield to my colleague, Senator Chafee for the first Republican questions.

Senator CHAFEE. I'll pass, Mr. Chairman.

The CHAIRMAN. He passes, I'll yield then to Senator Biden.

Senator BIDEN. Thank you very much.

Again, we've been focusing a lot on, and it's confusing, at least I think it's confusing, I was going to say "who struck John?" but that's a inappropriate phrase, who said what to whom, when and how and whether you used undue or inappropriate pressure on people just doing their job, and again, just to re-recap here, what anybody has in their minds, at least speaking for myself, is the debate over aluminum tubes, and whether they were for gas centrifuge systems, and the assertions by the Vice President that there had been a reconstitution of a nuclear program in Iraq, and so on and so forth, and it turns out at the end of the day, the Intelligence Community was far from unified in any of that.

And so that's the context in which there's a lot of concern here. And also that you are a very bright, straight-forward and have very clear views about what you think about most of the rest of the world, and have never been reluctant to state it, nor should you be.

For whatever the reasons that you sought the change in assignment, not to penalize, just to get both Mr. Westermann and Mr. Smith off your watch, for whatever the reasons, the facts are that their superiors, in every case, in the case of Mr. Westermann going all the way up to the Secretary of State, said "No, we think you're doing a find job, we're keeping him right where he is." Mr. Westermann's immediate boss, Mr. Westermann's working with the man that I'm told is going to testify tomorrow, I'm told he took it from there up to the Deputy Secretary of State, that was taken to the Secretary of State, they all said, "Nope, he didn't do anything wrong, he did his job, and he's doing his job in an excellent manner." And so, for whatever your motive, whether it was loss of faith, or whatever, the conclusion of your superiors was, he should stay right where he was, is that correct?

Mr. BOLTON. Well, I'm not aware of all of the background, I made my point about him, and I didn't press it. There were a couple of conversations, I wrote no memos on the subject—if I had been determined to get something done, I think I probably knew how to do it—but I wasn't, I made my point, I had lost trust and confidence in the fellow, and there it was.

Senator BIDEN. And you made that known, though, right? You made it known to him, did you make it known—you made it known to Mr.—the guy testifying tomorrow—Ford, Mr. Ford's assistant, you made it known to them and they concluded, for whatever else they wrote to you, he stayed right in place. Right?

Mr. BOLTON. I felt from what Mr. Fingar had written to me that Mr. Westermann's behavior was entirely inappropriate, that we screwed up, that it won't happen again, I had made my point.

Senator BIDEN. I got that, but he stayed right where he was, right? You made your point, but he didn't move, right?

Mr. BOLTON. That's correct, and that's fine.

Senator BIDEN. And, so one of the things that seems, maybe I'm—it's been so long since I've done this, but—it seems to me this is all about, it comes down to me whether or not your motive was that you lost confidence because they went around your back, or your motive in wanting them move was because they disagreed with you on substance. You say you lost confidence because, para-

phrasing, they went behind your back, it had nothing to do with the substantive differences that may have existed relating to intelligence analysis in Cuba, and to me, a lot rests in that question. So that I make sure I understand this, I'm going to try to recount, and you interrupt me if I say anything that you think is inaccurate.

Mr. BOLTON. I dare not interrupt.

Senator BIDEN. No, no. For real, because this is getting late in the day, and we're not nearly as tired as you because you've had to go nonstop, we just go everything thirty minutes or so, but everybody has said that old joke, "My job is to speak and yours is to listen, if you finish your job before I finish mine, raise your hand, we all go home."

Mr. BOLTON. Why don't you go ahead and give your side of it, and I'll take notes, that's the easiest thing.

Senator BIDEN. Let me tell you what I think has happened here, factually. For whatever reason, somewhere around February 11th, your Chief of Staff contacts the INR guy, who happens to be Mr. Westermann, and says, "Can you clear these several sentences?" I'm assuming that the reason you wanted them cleared is because they were part of, considered to be put in a speech or some public statement you were going to make, otherwise, I assume there would be no need to have them cleared, if you weren't going to say anything outside the building.

Then there is this back and forth, whether or not Mr. Westermann when he did what is his job, passed those comments on to, from INR to the CIA or the Director of Intelligence, and an office within that building, that he—instead of waiting to be asked for them, what do you think?—he attached his comments, saying that he didn't think the way you were seeking the three sentences he got should not be used. As a matter of fact, I'm told that even before he did that, he sent approved language to your Chief of Staff, even before he sent anything off to the Central Intelligence Organization, for those average Americans listening.

But your Chief of Staff said, "No, send it on, we need an answer, and we need it quickly, as to whether or not we can use it as we have characterized, as we, the way we have written this." And there's the back and forth, and the back comes language that is referenced in the Intelligence Committee Report, that's different than the language that you initially wanted to use, but that you subsequently used. As a matter of fact, Mr. Ford, in March, coming up to testify before a committee in this Senate, he used the exact language, even before you did, that had been approved, these three sentences.

Now, then along comes the speech that you make at the Heritage Foundation on May the 6th. That speech includes those three sentences, as approved, but a lot more. A lot more about other countries than Cuba, and more about Cuba, including whether or not we should be looking at how accurate the intelligence assessments were, based on the fact that we found a Cuban spy. You referenced this spy, it had been uncovered, in your Heritage Foundation speech, among other things relating to Cuba that were not the three sentences that had been approved.

So now, we now find ourselves in the position where, after you make that speech, in preparation for testimony, before Senator Dodd's subcommittee, Mr. Smith doesn't give testimony, but is debriefed in a closed hearing about the Cuba speech. And he says, not in a public hearing, but to the staff of Mr. Dodd, or whoever the subcommittee chair was that Mr. Helms' staff. Pardon me? You were chair, but Mr. Helms' staff also was heard, what Mr. Smith had to say. What Mr. Smith said was, in addition to the three lines that have been, that we've discussed so much here, and that the Chairman doesn't want read again, I don't blame him, there are other things in the Bolton Heritage Foundation speech that had been given roughly a month later, or earlier, that were not cleared.

Then, the next day you were going to come and testify, and the testimony you were going to give, it is asserted, before the subcommittee of Mr. Dodd, was also not cleared. But you never gave it because the Secretary of State said you're not available to testify.

In this same time frame, between the time you gave the speech on May the 6th at the Heritage Foundation, and the time that Mr. Smith talked with Mr. Dodd's subcommittee, an interesting thing happened. The Director of the Central Intelligence Agency, the CIA, sends out an internal assessment that goes to policy makers and other intelligence people, reaffirming their conclusions about Cuba's BWI and chemical weapons efforts. Which is at odds with parts of the speech that you made to the Heritage Foundation on May 6th.

I am told that one of Senator Helms' staff picked up the phone after the meeting with Senator Dodd's subcommittee, and says, "Mr. Smith is saying Mr. Bolton's speech to the Heritage Foundation was never cleared." So two things, maybe related or unrelated, happen in the same time frame, that come to your attention. One, all of the policy makers related to Cuba and all of the Intelligence Agency gets a reaffirmation of the judgments made about Cuba's chemical and biological weapons program, that you are implicitly criticizing in your speech on May the 6th, and Mr. Smith says your speech on May the 6th never was cleared.

The next thing we're aware of that happens, is you make a courtesy call to the CIA, and you speak with Mr. Cohen. And you say it was just a courtesy call, and in the process, in the midst of that courtesy call, Mr. Cohen says, basically, "Anything else on your mind?" And you say, "Yeah, Reich is right, this guy Smith should not be doing this job," or something to that effect.

And so, it seems to me that you had a substantive motive for both dealing with Mr. Westermann and Mr. Smith as you did. Because it was a little embarrassing, wasn't it? That the CIA after your Heritage Foundation speech reasserts to the whole community and the policy makers, "Hey, we stand by what we've been saying, and this is what we've been saying." They never reference your speech on May the 6, but it's sort of the spontaneity of this reaffirmation coming up is—in my thirty-two years here, and being on the Intelligence Committee for ten of them, is not something they often reaffirm, unless there's other incidences that occur that put in question their assessment. And then you have Mr. Cohen saying he had no doubt that one of the reasons you were seeing him was to deal with Mr. Smith, and so it seems to me that you had a, I'm

not suggesting an immoral or illegal, but you had a motive in that you had both Mr. Westermann and Mr. Smith taking issue with not only the language you had, and you used, but the veracity of it, the implication that would be drawn by a reasonable person from it. Such as, the Undersecretary's speech contained a sentence which said the U.S. believes Cuba has developmental offensive biological programs, and is providing assistance to rogue state programs. That's substantively different than, "we're concerned that such technology, dual technology could support BW programs in those states."

And in addition to that you have, I can understand why you might be upset with Mr. Smith, because he says to Mr. Dodd's committee, "Hey, Bolton's speech was never cleared." And your explanation is two-fold. One, it wasn't about policy, it was about the method they used to express their disagreement with me, or the language or the speech or what I was intending to say or do; and secondly, the part that's confusing me the most, John, as experienced a bureaucrat, using your own language, you said, "If you wanted to deal with him, you knew had to do it, you never wrote a memorandum, but if you wanted to, you would," but you seem to be devoid of any knowledge of how these kinds of speeches were cleared in the past for your predecessor, for your successor, for whoever that will be, for everybody. And you said, "Well, I just didn't know and I was going out to find out from the new guy on the block at the CIA to find out how this process worked."

To be blunt with you, I find it, it takes a leap of imagination for me to believe you didn't know how it worked, b) that this was strictly a procedural disagreement you had with these men, and toward that end, and in the interest of time, if you'd let me, if my colleagues would yield me a little bit of time, and their time so we won't take anybody else's—I don't understand. I have a few just, basic questions, about when in fact, you knew what, and who you asked. You know, did you summon the guy heading up INR into your office to tell him how dissatisfied you were? Did you tell him that he didn't go through the right channels? Did you ask for him to be removed from your portfolio? Did you talk with Otto Reich before you went to see Cohen on your drive home for the casual visits. I mean, what are—explain to me why my reading of your motive is not accurate?

The CHAIRMAN. Please respond, and then we will proceed to Senator Coleman.

Mr. BOLTON. I think I've answered, essentially, all of those questions before, and I don't have a better way to answer than I answered before so I would, as Cap Weinberger used to say, "If I said any more I'd simply be repeating myself," I'll just incorporate my previous answers into this answer. There is one new question that, or two new points I think you've raised. First, who cleared the speech? And let me say, it's unequivocal, and you have it in the documents that were produced, INR cleared the speech. INR cleared the speech, and the CIA cleared the speech. Now, who else in the Intelligence Community cleared it, didn't clear it, should have cleared it, I don't know. That's why we leave it to the Intelligence Community. You know, much of your commentary has been

unwarranted or impermissible policy making influence on the Intelligence Community. Okay?

Senator BIDEN. It sure seems that way.

Mr. BOLTON. So, what we did was, this speech, other speeches that contain intelligence-related information, you give it to them, and it's up to them to decide who to clear. But it came back, and it's not disputed. INR cleared the speech, and CIA cleared the speech.

The other new point that you raised was did I talk to Otto Reich before I saw Mr. Cohen, and the answer to that is yes, I did. He—I think I mentioned this earlier—but Assistant Secretary Reich was responsible for all Western Hemisphere policy matters, and he was very concerned about Mr. Smith. And he had heard about this question of the speech and came and talked to me about it, and he said he was going to go out and speak to the pertinent people out in the Intelligence Community, and he was going to let me know that, because he had known I had this problem. And I think it's fair to say that he felt pretty strongly about it.

Senator BIDEN. If you said, "Leave it up to the Intelligence Community to determine it," why'd you get so mad at Westermann, then? Every single person in the Intelligence Community agreed with his assessment.

Mr. BOLTON. I don't actually know whether that's accurate, or not accurate, what I was objecting to was that ——

Senator BIDEN. Why don't you know that, John? How could you not know that?

Mr. BOLTON. He went behind my back, he sent out an ——

Senator BIDEN. How could you not know that?

Mr. BOLTON. He sent, this was the day it happened, he sent out a document that says, "INR does not concur with the language," and I said to myself, "How does that happen?" That's why I called Carl Ford, and with Carl out of the office, and I don't know why, I then asked for the next highest ranking person, who was Mr. Fingar, and I said, "Could you check into this?" And he did, and he said, "Westermann's behavior was entirely inappropriate, we screwed up," and he said twice, "it won't happen again."

Senator BIDEN. And that was the end of it for you?

Mr. BOLTON. Well, I think, the conversation I had with Carl Ford, I think he came back into the office from wherever he was, and we talked about this, and I repeated, essentially, what I had said to Fingar.

Senator BIDEN. Did you mention it with Carl Ford, or did he come to see, to talk to you about it?

Mr. BOLTON. I don't honestly remember, it may have been on the margins of one of the Secretary's 8:30 staff meetings, he may have been in my office after the meeting, I don't remember.

Senator BIDEN. Well, just let the record show that every other member of the Intelligence Community that reviewed the three sentences you want, concurred with INR, to the best of my knowledge, in the assessment that Mr. Westermann gave contemporaneously with sending on those comments.

Mr. BOLTON. Here's the bottom line—I gave the language that was cleared by the Intelligence Community, I did not give other language.

Senator BIDEN. Bottom line is, did you try to get someone moved, that's the bottom line for me.

The CHAIRMAN. Senator Coleman.

Senator COLEMAN. Thank you, Mr. Chairman. Let me actually focus on a conversation responding to some concerns from my colleague from Illinois, and I do want to make it clear that I also believe putting together effective coalitions is in our interest, it absolutely is. My concern is that the ability of the U.N. to do that, the ability of the U.N. to do a peacekeeping effort, to do a sanctions effort, has certainly been undermined by some of the circumstances and the situations that we've seen—be it in the Congo with sexual abuse or be it Oil-for-Food—so that clearly, it is in our interest to put together coalitions. We must have a United Nations that has credibility. But one of the questions that was raised was concerns about false concreteness, when we say the U.N. is responsible, that in fact the responsibility goes to member states. And clearly, in looking at Oil-for-Food, for example, there's no doubt that member states made decisions—both in setting up a program and allowing things to happen, in blocking the effort to, at times, to contain the Oil-for-Food program as it was expanded, there were concerns that the United States and Britain had during that process—but I want to, my concern is I have these discussions, often times it seems to me the people pointing fingers at these abstract, these "member states," without absolutely there being some real responsibility for individuals who are making actions. There is a U.N. bureaucracy, there is the Secretariat, they got $1.4 billion of Oil-for-Food money to oversee the Oil-for-Food program. And as you've noted in the past, one of the problems when you have a bureaucracy, they're not beholden to any democratic state, they're not beholden to any government. Benon Sevan who was overseeing the program, and who, in the Volcker Report, it's clear that he received what I would call bribes from Saddam, he lied to the investigators about the source of the money that he received—he lied about that, there's no question about that—you have Saddam's Chief of Staff who shredded documents, you have Louise Frechette who, at one point in time when the IOS wanted to submit audits to member states, in fact, the IOS was stopped from doing that. So, I would hope it is your sense that there is some accountability for individuals in the organization, that it's not simply a responsibility for member states, and we somehow hold blameless those folks who are involved in overseeing, failing to manage fraud, abuse and mismanagement, who were involved, perhaps, in corruption themselves. When, in the instance of the Secretary General in the Volcker report didn't "fully investigate" conflicts of interests between the company Cotecna, and his son. Could you clarify that a little bit for me?

Mr. BOLTON. I think there clearly are joint responsibilities here. The reason you have a Secretariat is to carry out the programs that the member states order. And, in fact, it is the responsibility in the first instance—the responsibility of the Security Council to set these programs, the Security Council or General Assembly—to set these programs up, and the Secretariat, then, to manage them. And, I think it's important when you talk about the Secretary General, Article 97 of the U.N. Charter says, referring to the Secretary General, "He shall be the chief administrative officer of the organi-

zation." And I think what that shows is that the Charter intends that the Secretary General basically be a manager of programs, in this case reporting to the Security Council. So, the member states, obviously, can't be overseeing every single detail. What you need is political accountability from the member states, to the extent you can get it, and management accountability from the Secretariat, and what the Volcker Commission and others' investigations have shown is, I think, that there are some problems here that have been uncovered that clearly need to be pursued.

Senator COLEMAN. And my concern as a former mayor who has worked with a bureaucracy and knows how hard it is to make change. As I look at the United Nations, and I look at 191 members, and the challenge, the great challenge of reform. Again, at both levels that we've talked about, one is certainly on the political structure, the nature of a Security Council, who serves on it—India, Brazil, Japan, do these have roles in the Security Council, the Human Rights Commission—but then also the organization itself, the bureaucracy, the auditing functions. And, clearly what we've seen in Oil-for-Food, simply being the one instance—but I presume many, many more if you look at the IOS audits—of lack of controls, of standards, of evaluations, of a whole range of basic management tools, an organization that we're putting in close to 25 percent of its operating budget. And I would hope as Ambassador that you would be as vigorous in focusing in on that bureaucracy, who, I think, deserves to have a system in which there is accountability and responsibility. And my fear was, as we talked about this kind of, this concept of false concreteness, and as we say, U.N. is responsible, that somehow, we end up holding no one responsible. And, in this instance, that's been my concern with the Secretary General. That ultimately the buck has to stop somewhere—and if it's your Chief of Staff who's shredding documents, if the person you appointed to oversee the program is on the take, if you've been out there advocating expansion of the program when Saddam was raking in billions from it for himself—that in the end if there isn't anybody that we hold responsible, then in the end we have this great diplomatic discussion and it doesn't serve the interest of reform, and credibility and accountability.

Mr. BOLTON. My notion of false concreteness is the notion that the U.N. has some political decision making authority, independent of member governments, which I think is completely incorrect, but there's no false concreteness in looking at the Secretariat, they're the people who are carrying out the responsibilities; they are the people that have to be at the high management standards that I think are important to give the U.N. credibility in this country. As you say, to justify the appropriations Congress is annually called upon to make.

Senator COLEMAN. Just one last comment—I believe that the budget for the IOS is about 24 million, and I'm told that the budget for the Communications Office in the U.N. is about 160 million. I would hope that you take a look at that and see if we can somehow refocus priorities.

Mr. BOLTON. That's a good point.

Senator COLEMAN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator. I thank the Senator also for his vigilance in hearings on Oil-for-Food, he has been vigorous in pursuing all aspects of that, as is evidenced by his questions. And, in the event you are confirmed, Secretary Bolton, hopefully you will work closely with the Senator's subcommittee.

Mr. BOLTON. I will, indeed.

The CHAIRMAN. Senator Dodd?

Senator DODD. Thank you, Mr. Chairman. Mr. Bolton, I appreciate your perseverence here, it's been a long day, and I'm sorry about going so long, but it's important to try to move this along, I appreciate the Chairman sticking with this.

We've been over and over this, let me just tell you my concern again with the motive behind all of this. While others maybe think this is tangential, this question, I think it is so critically important because of my fear and worry that others will see this as an improper message about whether or not you can do this. As I see it—and we're going to hear from, I guess, one of these, maybe more, depending upon, Mr. Chairman, our success in getting a couple of these people before us ——

The CHAIRMAN. They're going to be here at 5:30.

Senator DODD. I mean other witnesses tomorrow.

The CHAIRMAN. We have only Carl Ford.

Senator DODD. His, if you're looking at this, Mr. Bolton, and again—can I see the response to Senator Biden's question this morning?—Senator Biden, at the very outset of this hearing—after Senator Lugar asked questions—when asked the question about whether or not, your recollection if you had ever sought to remove any intelligence analyst as a result of a difference of opinion, whether it was over substance or process. At least initially, your response was you may have, you couldn't really remember, but you were, as clear as you've become during the day long hearing here. Here's what I'm sort of confronted with as I look at this—and again, we're trying to decide—I've got Mr. Westermann and Mr. Smith. I don't know what their views are, Mr. Westermann serves 23 years in the Navy, by every account, highly qualified guy, I can't tell what his politics are or anything else, he's a defense intelligence analyst. Mr. Smith, I gather again, is a person highly regarded, a specialist on Latin American affairs at the Agency—let me just jump back, Mr. Chairman, here's the point—Senator Biden asked the question, and Mr. Bolton's answer at that time was, "I may have mentioned it to a couple of people, shrugged my shoulders and moved on." I mean, that's, whether or not you'd asked them to be removed from office, from their positions. Your Chief of Staff, Mr. Fleitz, Mr. Fingar—who's presently the head of INR—Mr. Cohen, who's on the National Intelligence Council, Mr. Ford, a former head of the INR, Mr. Silver we haven't heard from yet, I'm not sure what he's going to say—but here are people who agree with you, substantively, on issues, to the best of my knowledge, don't embrace any ideological difference of opinion—I'm hard-pressed to determine what motivation they would have for stating, as they have, that in their view, their impression was, that you wanted them removed. This isn't one person, this is five, six, seven people who we've talked to in the last several days, who said their impressions were that you, and the actions you took, were designed

to change their portfolio, move them on, get them out of the positions they were in. So, I'm hard-pressed, as some would be, when you're talking and you ask yourself, "What's behind this? Why would they do this?" Who's this Mr. Westermann, that he would have an ax to grind with John Bolton? Who's this—why would your Chief of Staff, as he recounts what occurs here, why would he say that? Why would Mr. Ford—years of experience at the Central Intelligence Agency, or Mr. Fingar—why would they say these things? Why would Mr. Cohen say that when you come up, you have a nice, amicable conversation, you stopped off at the CIA when you got there, and when you were there, this was the thing you suggested, that you remove this guy, Mr. Smith. I'm just hard-pressed to understand what motivations these five, six, seven people would have to draw those conclusions. If it was one of them, or two of them, I would say, "He said/she said," I think we can solve that. But, I've got on the one hand, five or six or seven people, with credible backgrounds, long experience in this area, professional individuals, who have no ax to grind with John Bolton, who—when asked these questions, not even under oath—offer this to our joint staff who interviewed them in the last few days. I'm sitting here trying to draw a conclusion. What is a person do when you're confronted with that now? If you don't think this is an important issue, then you don't care, and whether or not you put pressure or you suggest that whether or not you agree with that conclusion or not, I want to make that point. I'm not really as concerned about whether or not what they were writing or not writing was right or wrong—that is important and I don't disregard it—but the more important question to me is what happens to someone—that I think you ought to encourage dissent; I think there are people who disagree with policy centers and I heard you say this, and I agree with you—there ought to be that debating side, so you get it right. So, no one's arguing about debate and dissent. The question is, what happens to you if you dissent? And if what happens to you when you dissent is that your job is on the line, then we need to put a stop to that. And I think you'll agree with that. And the question is, what I have here, what conclusion is one to draw when you have five, six, seven people who have no ax to grind, to take a view that, in fact you did try to have these people removed, and you tell me you didn't.

Mr. BOLTON. Well, I think that the—your characterization of Mr. Fleitz's testimony is not accurate—but, let me try again to say what I felt. That, in the case of Mr. Westermann—as I believe I said to him at the time—I don't care if you disagree with me, I just don't think you should do it behind my back. And, when there's a loss of trust and confidence in somebody in that kind of position, I just think it's better for everybody to reshuffle the deck. INR's a large bureau, the State Department is a large place, it's not a question of putting somebody out on the street, there's no question of that involved here, at all. And, in the case of ——

Senator DODD. Let me just say on Mr. Fleitz, let me quote him, Mr. Fleitz's interview, page 50, lines ten and thirteen of the interview with Mr. Fleitz, and I'll just read these to you: "Mr. Fleitz:" and I'm quoting, "All I can remember—and this is from Mr. Bolton—is that he spoke to Mr. Fingar to express his concern over

what had happened, and said that Mr. Westermann had lost his confidence, and should be given a new portfolio." Mr. Fleitz goes on, "While Silver was there, Bolton relayed the fact that he had lost confidence in Mr. Westermann, and asked that he be given a different portfolio." Fleitz interview, page 48, lines 20 to 23. You know, get a new portfolio—we've all pretty much decided—is a euphemism for moving on, the guy only had one portfolio. So, here's a guy who says something you disagree with—and you're saying it's process, I understand that—but even if it's process, say you lost some confidence in him, you don't try to fire a person over that.

Mr. BOLTON. I didn't try to fire him. I just felt that if he wasn't being straight in his dealings with me that he ought to have other responsibilities, and I've said that repeatedly, and I think that's what Mr. Fleitz is saying, don't you?

Senator DODD. All right, well, I thank you. Let me just, one or two other little questions, and I'll be done, Mr. Chairman.

Let me just ask you here, and I word this question—I want to read the question because I want to make sure I don't overstep a line here—and the question very simply, Mr. Bolton, and I want you to listen to the question carefully, you'll appreciate why I say that when I read the question. I want to know whether or not you requested to see NSA information about any other American officials.

Mr. BOLTON. The answer to that is 'yes', on a number of occasions I can think of. The way—I'm not even sure I should say this in open forum, but I'll try and do it—the Privacy Act precludes naming names of Americans, even in the intercepts we get. Now, a lot of things that—people use titles and so on—but there are occasions when an intercept comes in on something—it might involve a member of another nationality that also gets these intercepts, I might say—where it's important to find out who it is who's saying what to whom. And from time to time—on a couple of occasions maybe a few more—I've asked to know the name of the person so I can better understand the intercept.

Senator DODD. And that was the only motivation for that?

Mr. BOLTON. Exactly.

Senator DODD. I'll leave that one be. We may want—I don't know if we want to have a private session to maybe delve into that a little bit more, but I'll leave that, if we ever get to that point.

And last, Mr. Chairman, I note—and again, I, it's sort of a unique, it's fairly unique, I'm trying to recall, I was asking staff if they could recall other such occasions—when all of us, I think, on this Committee received a letter dated March 29th, to each of us here, regarding this nomination of Mr. Bolton to the Ambassadorship of the United Nations. It goes on—about a page and a half, almost two pages—and it's signed by 62 former ambassadors, serving in Johnson, Nixon, Ford, Clinton, Reagan, Bush administrations, Eisenhower in some cases, going back—opposed to this nomination. Now, there may be other circumstances that's occurred, but it's fairly unique, in my regard, to have that many ambassadors, in that many different administrations—and I'd ask unanimous consent that this letter be included in the record.

I full well know there were former Secretaries of State who have written in supporting this nomination, and if it hasn't been, I would ask unanimous consent that that letter be included.

The CHAIRMAN. Both letters will be in the record.

Senator DODD. As I say, my staff can correct this, but I found this to be rather significant, that many people who have served as an ambassadorial rank would have such reservations about the nomination.

And lastly, let me just say, Mr. Chairman, I thank you for giving us the opportunity to spend a little time on this thing, and if I'm wrong in raising these questions, then I will stand to be corrected, but I think, Mr. Bolton said earlier in response to Senator Obama, the question about the importance of this question. And while others may not think it is that important, I think you do—even though we disagree over what happened here—I was impressed over the fact in response to Barack Obama that it would pose a serious problem if, in fact—there were a conflict here—and someone's job were put on the line because there was a disagreement over policy. Or over intelligence information. And, to that extent, I appreciate your willingness to say that, because I think it's important, too. And particularly, we've got younger people coming along, people in the intelligence analyst community, and it's important that they know that when they disagree, it's important they speak up. And they need to know that when they speak up, under proper circumstances, they should not have to worry about their job being on the line. And people who—if they, in fact, do propose threats—these people, in my view, should not be rewarded with high positions in office. So, I'll end on that particular note, Mr. Chairman, I thank you.

Mr. CHAIRMAN. I thank the Senator.

Let me just comment that we're coming up to the vote, at 5:30. If both Senators can restrict themselves to ten minutes, the Chair will extend this before going over to vote, otherwise, we'll return at 6:15.

Senator Boxer.

Senator BOXER. I promise that I will.

Mr. Bolton, we have gone on about this, these two incidents, because we really think they're very important, given the history of what happened in Iraq, the sensitivity of trying to illicit information to prove your thesis—as I think, Senator Obama was eloquent about that point—so, let me just wrap up my view on what I know today, and then tomorrow we'll know more, because we'll have some more—we're going to be interviewing a couple of people tonight, and then Mr. Ford will be there tomorrow, so we'll know more—but, here's where we are tonight.

I think Senator Dodd is correct. If this was one person's word against another person's word it would be one thing. But what you have here is seven people disagreeing with you. We have—we talked to seven people, our staffs have, about the anger you exhibited toward these two independent intelligence analysts who didn't agree with you. You said you never wished them any professional harm and you cite, "I didn't write a memo." Well, frankly, people wouldn't write a memo if they were trying to get someone fired, so I don't buy that as an argument, I've been around here a long time

to know that's the last thing you're going to do is write a memo and have it appear on the front page of the Washington Post, so I just think it's important to go over who disagrees with you. Mr. Fleitz who, again, said—and we've got the quotes—"Mr. Westermann had lost Mr. Bolton's confidence because of the episode, and he wanted, he asked that," he meaning you, "asked that Mr. Westermann be given a different portfolio." Mr. Fingar, who is Mr. Westermann's boss, "Bolton said he wanted Westermann taken off his accounts." He said, "I said, 'He's our CW/BW specialist, that's what he does. He expressed again, as I remember it, that he was a Presidential appointee,'" meaning you, and you, Mr. Bolton could say what you wanted. That's pretty tough stuff. So, then you have Mr. Westermann, himself, on this case, and tomorrow we'll hear from Mr. Ford, who's Mr. Fingar's boss, and he's going to confirm that, as I understand it, and then you have the case of Mr. Smith, who says that he was mistreated, Mr. Cohen who confirms it, and Mr. Reich who's visited Mr. Cohen, and said that he spoke for you, and wanted this guy out of there. So, we have seven, seven to one here. And it's very, very disturbing, and you know, we're going to pursue it, and if our colleagues think it's as important as we do, we'll see. We'll see where everything goes tomorrow.

I wanted to ask you about a quote that you made in front of this Committee, on April 5, 2000 during a hearing on U.N. peacekeeping. You were asked by Senator Brownback how the United States would go about helping to create a civil society in some areas of Africa that have had difficulty stabilizing for lengthy periods of time. Your response was, and I quote, "I'm not sure that nation building as a policy is realistic. I would argue, in a very real sense, after 224 years we're still nation building in the United States. I think the main thing that the United States can do is not perceive from the admittedly idealistic, but fundamentally erroneous, notion that we can do things for societies that they have to do for themselves."

Now, I juxtapose this against a speech that was delivered by the President in May '04 to the Army War College where he says that they're going to continue rebuilding in Iraq. So, I wonder how you feel about Iraq, is that an example of nation building, and do you make an exception for Iraq? Or do you think we should set a goal to get out of there?

Mr. BOLTON. I think the two statements are consistent, because I think the issue is whether it is possible for us to do things other than in the case Iraq where we've overthrown the existing government, hold a security reign in there for a period of time to give the Iraqis themselves, through the institutions that they've created, the ability to hold their own elections and get their own government.

I do think that nation building is fundamentally the responsibility of the people who are building the nation, in the case of Iraq, the Iraqis, in the case of the United States, the Americans. And I think those two statements are consistent, and I think that's exactly the policy we've been trying to pursue, against the argument of some people who have said the United States has to remain in Iraq for a long, long time, the Iraqis can't handle themselves—we've rejected that. We've turned sovereignty back over to the

Iraqis, even though many people said it's the wrong thing to do, we proceeded with the recent elections, even though many people said security conditions weren't right, the Iraqis are now moving towards writing their own constitution, I think all of that is exactly the right policy.

Senator BOXER. Well, as someone who wanted the elections to take place, let me just say, the President, when asked when we are leaving, says, "As long as it takes." And I think that—I don't know, have you been to Iraq? Recently?

Mr. BOLTON. I have not, no.

Senator BOXER. Have you ever been there, since the war?

Mr. BOLTON. No.

Senator BOXER. Okay, well I just came back. We're doing a lot more than holding a security reign. We're doing a lot more. We've got a lot of State Department people there, and they're trying to help build that nation——

Mr. BOLTON. Well, I think a lot of the people there——

Senator BOXER. They're in a compound now, they can't even go out into the Green Zone, so to describe what we're doing is holding a security reign, is really just out of the blue different from what's happening on the ground, I can tell you.

Mr. BOLTON. I think a lot of the people there with the Agency for International Development that I served with very proudly for two and a half years, very proudly, doing things AID does very well, I think that's all to the good.

Senator BOXER. Right, well, I'm just saying—what we are doing cannot be in the remotest way described as holding the security reins. And I would tell you, it's way deeper than that, and way broader than that. And, I would encourage you, when you can, to go there, although I would say to you, it is not a very safe place to go. It is—seeing it with your own eyes, you could read about it, but it's really quite an experience. Thank you.

I really don't have any more questions, aren't you happy about that?

The CHAIRMAN. Thank you, Senator.

Senator Obama.

Senator OBAMA. Thank you very much, Mr. Chairman, and Mr. Bolton, thanks to your forbearance to your family and your staff, I know that this has been a long day.

I appreciate, I want to make a comment, I appreciate Senator Coleman acknowledging my sense that there is a consensus, hopefully, on a bipartisan basis that coalition-building to pursue our national interests is important, and that reforming the United Nations and making that an efficient operation that can effectuate policies that have been determined by the Security Council is also important. So, it's not an "either/or" proposition, but it's a "both/and" proposition. I think my initial response had to do with—what I thought was maybe a perception—that somehow one was more important than the other.

The issue that I brought up, I guess, about your statements regarding false concreteness—which I recognize you were making in the context of a more academic forum—is simply this: That—I'll actually agree with you, philosophically—that ultimately the United Nations is only as strong as its member nations' commitment to

find mechanisms to work together around some common aims. That if nobody's, if none of the member nations are engaged or interested, then United Nations is just an excuse for a bunch of people to hang out in New York. If they are committed to it, than it can be a useful forum to accomplish goals that we can more easily accomplish collectively than we can individually. My concern, I think—and I think perhaps the concern of some of the other panel members—is that, that notion has to apply to the United States as well. And I think you'd agree with this. That the United Nations, that the United States has to be committed to the United Nations, and its success. We shouldn't romanticize what it can accomplish, we should never surrender sovereignty, we should preserve—at all costs—the notion that we can act unilaterally to pursue our international interests but—having said all of that—if we are dismissive or do not believe that the United Nations cannot get something accomplished, then it's probably not going to happen. I mean, in fact, that's entirely consistent with your previous statements, correct?

Mr. BOLTON. I absolutely agree.

Senator OBAMA. Okay, so—and I would take it step further and say that—to the extent that we use language with respect to the United Nations that is dismissive—to the extent that we put up straw men that somehow the United Nations is going to try to take away our sovereignty, or that we're sacrificing our sovereignty to the United Nations—I'm not saying these are your statements—I'm suggesting that, but I think you're familiar that, there's that body of literature out there. There are black helicopter notions of the United Nations. To the extent that, that is the perception of U.S. attitudes towards the United Nations, ironically, I think it actually makes it more difficult to reform the United Nations. Because countries like a Libya or a Zimbabwe that are sitting on the Human Rights Commission can sort of say, "Well, you don't have to listen to the U.S., because they don't believe in the United Nations anyway." Would that be a fair assessment in terms of, that we need to speak bluntly and tell the truth about the United Nations, and demand accountability and reform, but we do so more effectively if the countries, the other countries involved perceive that we actually are committed to making the process work?

Mr. BOLTON. I think that's right, and I think that's why, in my writings, I've always tried to stress the importance of American leadership. Because I don't think you get to the larger point without sustained American involvement.

Senator OBAMA. Fair enough.

Just one last point to sort of close the loop in this, then. American leadership and commitment to this process is absolutely necessary, would you also agree that part of American leadership has to also be to acknowledge and understand that other country's are going to have their own self interests, and that we can't walk away from the United Nations on every occasion where they do not simply tow the line with what we perceive to be, our self interest, i.e., that—I'm a little troubled by the language that says, "We only involve ourselves when it suits us." Presumably leadership encompasses, not only those moments where it suits us to use the United Nations, but maybe when it suits others.

Mr. BOLTON. I think all nations in the United Nations pursue their national interests, I think that——

Senator OBAMA. Appropriately so.

Mr. BOLTON. I think that's entirely the right way to look at it. And I think our diplomacy in the United Nations should be to try and persuade others that our national interests are, more often than not, congruent that theirs. When I say "when it suits us," I view the U.N. as one of several potential instruments for carrying out American foreign policy, and I was reacting against what I thought was the view of some of a reflexive resort to the United Nations, as opposed to what I've always viewed as a utilitarian calculation, a cost/benefit analysis of what instrument is best suited for carrying out the particular task at hand.

Senator OBAMA. Which makes perfect sense. What I'm concerned about is a reflexive attitude of dismissal towards the United Nations.

Mr. BOLTON. I don't think you can have either one.

Senator OBAMA. It's a mirror image of that. And that's what I think concerns me.

But let me just shift now, I only have a couple of more questions, Mr. Chairman. First, I'm looking forward to North Korea, Syria, Iran, countries we anticipate may be giving us problems in the future. I'm just going to read a quote. You delivered a speech in South Korea in which you singled out North Korean leader Kim Jong Il for ridicule, naming him some three times as "dictator" and rejecting what you called his "extortionist demands." Now, I agree, I don't know that there's going to be a dispute anywhere in this building about characterizing him as a dictator, but I guess what I'm wondering is, when you make statements in the context of us trying to put together Six Party Talks, I'm just wondering whether that's an example of the sort of tone that makes you a wonderful thinker on international affairs, but makes you ill-suited for a particular position. And I'll preface this by saying this, I would hate to have my previous statements over the last 20 years picked apart on live TV, my wife does it to me sometimes—it's awful. But the problem is, the position that you're seeking, words matter. Every single utterance you make is speaking on behalf of U.S. interests. And so, I'm wondering whether this is, again, an example of a predisposition that may make this not a good fit.

Mr. BOLTON. I think, to use that case specifically, as I think we've discussed——

Senator OBAMA. I'm just using this as an example.

Mr. BOLTON. But the clearance of writing and clearance of speeches can sometimes be an arduous process, and so the timing of the speech had to do with the fact that I was going to be in Seoul, the people working on the Six Party Talks knew it was coming, they saw the speech as it evolved, and it went through many changes, and in fact, the night before I gave it our ambassador in South Korea reviewed it one last time and made a few more changes. But the timing was no surprise, everybody knew it was coming, and people thought it was a good thing to do to let the North Koreans know what our views were and also to communicate that in South Korea, and China and Japan. And the day of the

speech, after it was given, our ambassador in South Korea said to me, "Thanks for that speech, John. It will help us a lot out here."

Senator OBAMA. Along those lines, though, as we think about North Korea and Iran—you've been quite critical of the previous Administration, prior to George Bush, I mean, you know, when you say the nineties, it just so happens that there was a Democrat in the White House, but, not to say that your assessment is entirely partisan—but it strikes me that things haven't gotten better with respect to North Korea and Iran, you say that this particular speech, or approach, was helpful. I'm trying to figure out, in what sense was it helpful? I mean, you've got a situation right now in which North Korea has acknowledged that it's developing nuclear weapons, it appears to have greater capacity now than it did several years ago. Iran appears to be pursuing nuclear weapons, and you can give me an assessment of what you think should be optimal policy, but I'm wondering—given the severity of your criticism in past Administrations—how is the Administration that you serve function better in this regard, and how does the language of the sort that I just used, improve the situation?

Mr. BOLTON. Well, I think in the case of North Korea, what we discovered, what we concluded, what the Intelligence Community concluded in the summer of 2002, was that the situation in Korea had actually gotten much worse years before, because the agreed framework had been systematically violated by the North Koreans in a way that we didn't fully understand until the summer of 2002, and that the North Koreans had engaged in an extensive procurement program to create a uranium enrichment capability that would give them a separate route to nuclear weapons, the uranium route as opposed to the plutonium route. That presented us with a dramatically different situation than the one that people thought we had inherited, and therefore required the unfolding of the diplomatic strategy that has resulted in the Six Party Talks. Those talks are now stalled, there's no doubt about that, we're waiting for North Korea to come back to the table, and it was a major emphasis of Secretary Rice's recent trip to the region. But I think the advance in our Korea policy is we've made it clear to the North Koreans, this is not an issue between North Korea and the United States, their nuclear program is an issue between North Korea and the world. And the way they're going to have to deal with the ultimate end to that nuclear program is through the mechanism of the Six Party Talks—all of the countries in the region that are affected by it. In the case of Iran—I went through this earlier—but I think the effort we have to make and we've been trying to make, we've had different levels of success on, is to engage around the world—the Europeans, the Russians, the Japanese, the Chinese, and others—to continue to apply pressure on Iran to make it clear that their nuclear aspirations are never going to be met.

The CHAIRMAN. Will the Senator summarize? We're eleven minutes into the vote.

Senator OBAMA. I will, and I don't want anybody to miss a vote. I will summarize by saying, again, I appreciate the amount of time that you've taken. There was one last, very important issue that I'll sort of leave you with, maybe you can respond to it and then we can go vote.

You made a distinction between peace enforcement and peace keeping. And I'm wondering how that plays out in a situation like Darfur? It strikes me that we have a difficult task in places in the world where you've got failed states, or you've got states that are exhibiting gross human rights violations, in the case of the Sudan, genocide on groups of people. We have limited resources, we can't do everything. It seems absolutely critical that the United Nations is involved in that process, and I'm wondering how your distinction between peace keeping and peace enforcement is helpful in helping us to discern whether it makes sense for us—either unilaterally or multilaterally—to go in, to build coalitions, to prevent these sort of gross human rights violations and to create what Senator Brownback talked about, which is some functioning structure for states that are failing where people that are just being terribly treated?

Mr. BOLTON. The principle difference, and there are several, but the principle difference is that peace keeping implies no U.N. use of force, other than self-defense; whereas, peace enforcement envisages an active military role against one or more of the factions that are involved. I have not said that peace enforcement is illegitimate, but it is very different on the balance that you're weighing of the insertion of military force compared to used force, as opposed to force inserted for observation or disengagement purposes. And I have criticized what I thought was the too facile bridging of the very important military differences between the two kinds of operations, and that, in turn, is the kind of analysis you have to go through in determining what a U.N. military presence in the region like Darfur might be.

Senator OBAMA. Mr. Chairman, let me just state for the record—I apologize, but I think it's important to say—my understanding is, at least, that the procurement with respect to the uranium program was in 2001 and 2002. So——

Mr. BOLTON. The evidence began to show that, that extended back into the late 1990's. We don't know how far back, but that's pretty clear, I think.

Senator OBAMA. Right. Thank you very much, Mr. Chairman, for your patience.

The CHAIRMAN. Thank you, Senator. I thank the witness for the forthcoming, comprehensive responses. The Committee is now adjourned, and this hearing is recessed.

(Adjourned 5:40 p.m.)

ANNEX F

LIST OF PERSONS INTERVIEWED BY THE SENATE FOREIGN RELATIONS COMMITTEE STAFF

Interviewee	Position	Date of interview
Frederick Fleitz	Under Secretary Bolton's Chief of Staff.	April 7 & May 5
Christian Westermann.	Analyst in State Department's Bureau of Intelligence and Research (INR).	April 7 & May 4
Stuart Cohen	CIA—former Acting Head of National Intelligence Council.	April 8 & 29
Thomas Fingar	Then INR Principal Deputy Assistant Secretary.	April 8
"Mr. Smith"	Former NIO for Latin America	April 8
Neil Silver	Director of Strategic, Proliferation and Military Issues for INR.	April 11 & May 5
Melody Townsel	Former USAID contractor in Bishkek, Kyrgyzstan, hired by Black, Manafort, et al.	April 26
Bharat Bharghava	IBTCI Employee based in USA	April 27
Charles Black	Principal of Black, Manafort ...	April 27
Alan Foley	CIA—former Director of CIA's Weapons Intelligence, Nonproliferation and Arms Control Center (WINPAC).	April 28
Thomas Hubbard ..	Former U.S. Ambassador to South Korea.	April 28
Kirby Jones	Worked for Burson-Marsteller	April 28
John Wolf	Former Assistant Secretary for Non Proliferation (NP).	April 28
Ed Hullander	Executive Vice President for IBTCI.	April 29
Jayant Kalotra	President of International Business & Technical Consultants, Inc. (IBTCI), Prime Contractor on Bishkek project.	April 29
John McLaughlin	CIA—former Deputy Director of Central Intelligence.	April 29
Uno Ramat	Townsel co-worker on USAID project in Bishkek.	April 29
State Department Attorney.	Handled Sanctions case at State Department.	May 3

Interviewee	Position	Date of interview
William Taft, IV ...	Former State Department Legal Adviser.	May 3
Matthew Freedman.	Townsel's Supervisor, worked for Black, Manafort, et al.	May 4 & 6
INR Supervisor	Mr. Westermann's Supervisor	May 4
Paula DeSutter	Assistant Secretary of State for Verification and Compliance (VC).	May 5
Robert Hutchings	CIA—former head of National Intelligence Council.	May 5
Jamie Miscik	CIA—former Deputy Director for Intelligence.	May 5
Stephen Rademacher.	Assistant Secretary for Arms Control (AC).	May 5
Lawrence Wilkerson.	Former Chief of Staff under Secretary Powell.	May 6
Otto Reich	Former Assistant Secretary for Western Hemisphere Affairs.	May 6

IV. MINORITY VIEWS

MINORITY VIEWS OF SENATORS BIDEN, SARBANES, DODD, KERRY, FEINGOLD, BOXER, NELSON AND OBAMA ON THE NOMINATION OF JOHN R. BOLTON TO BE UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS

On April 19, 2005, the Committee on Foreign Relations met to consider the nomination of Under Secretary of State John R. Bolton to be United States Representative to the United Nations. At that meeting, members of the committee raised concerns about the nominee and agreed unanimously to postpone further consideration of the nomination until after the Senate's next recess. The Chairman and Ranking member of the committee subsequently agreed that the committee would reconvene on May 12, 2005 to continue its consideration of the nomination.

At the conclusion of the April 19 meeting and in anticipation of the next meeting, members instructed the committee staff to further examine the issues of concern regarding the nominee.

The Republican and Democratic staffs conducted jointly more than 30 interviews of individuals with information relevant to the nomination. In addition, the minority requested documents from the State Department, the U.S. Agency for International Development and the Central Intelligence Agency. Many but not all of the requested documents were produced. The Democratic members also submitted written questions for the record to the nominee, who responded in writing.

Our views on Mr. Bolton's fitness for service as U.S. Representative to the United Nations were formed on the basis of those interviews, documents and answers; interviews conducted by the committee staff prior to April 19; documents produced to the committee by the executive branch prior to April 19; answers to questions in writing provided to the committee by the nominee prior to April 19; hearing testimony to the committee by the nominee on April 11; hearing testimony to the committee by the Honorable Carl Ford on April 12; and research of public documents and media reports.

Based on this record, we recommend that members of the Senate vote against John R. Bolton's nomination to be U.S. Representative to the United Nations. This report details why we have reached that conclusion.

I. EXECUTIVE SUMMARY

A. The Failure to Produce Documents

This report focuses on the fitness of the nominee to be United States Representative to the United Nations. But before getting to the merits, an important matter of separation of powers requires discussion. Despite repeated requests, the executive branch failed to produce to the committee documents directly relevant to its inquiry. These documents concern Mr. Bolton's requests to learn the identities of U.S. persons cited in intelligence intercepts and the preparation of testimony to Congress on Syria.

The executive branch provided no compelling reason and cited no constitutionally-based rationale for its failure to produce these documents. The committee's failure to demand their production risks

undermining Congress' authority as a co-equal branch of government and shirking the committee's Constitutional responsibilities.

B. Disqualifying Patterns of Conduct

In our judgment, four distinct patterns of conduct disqualify John Bolton for the post of U.N. ambassador: (1) Mr. Bolton repeatedly sought the removal of intelligence analysts who disagreed with him; (2) in preparing speeches and testimony, Mr. Bolton repeatedly tried to stretch intelligence to fit his views; (3) in his relations with colleagues and subordinates, Mr. Bolton repeatedly exhibited abusive behavior and intolerance for different views; and (4) Mr. Bolton repeatedly made misleading, disingenuous or non-responsive statements to the committee.

1. Mr. Bolton repeatedly sought the removal of intelligence analysts who disagreed with him.

Mr. Bolton sought to remove Christian Westermann, a State Department analyst in the Bureau of Intelligence and Research (INR) who disputed language Mr. Bolton tried to use about Cuba and biological weapons (which was Westermann's proper role as INR's representative in the inter-agency clearance process). Mr. Bolton sought his removal three times over a six-month period. Fortunately, all of Westermann's superiors rejected Bolton's efforts. The Secretary of State even took the extraordinary step of visiting the INR analysts to make clear his support for Mr. Westermann.

Mr. Bolton sought to have removed from his portfolio the National Intelligence Officer (NIO) for Latin America, who told this committee that some of the views Mr. Bolton expressed about Cuba in a speech did not reflect the Intelligence Community assessment. Mr. Bolton and his staff discussed the NIO's removal over several months and Mr. Bolton personally traveled to the CIA to seek his removal, even though he had never met the officer and does not know whether he ever read his work. All of the NIO's superiors, including the Deputy Director of Central Intelligence, rejected Bolton's efforts.

2. In speeches and testimony, Mr. Bolton repeatedly sought to stretch intelligence to fit his views.

In the case of Cuba, Mr. Bolton sought repeatedly to exaggerate the Intelligence Community's views about Cuba's possible biological weapons activities and support for terrorism. This caused the CIA to take the extraordinary step of republishing the Intelligence Community's standing views on Cuba and BW in the Senior Executive Intelligence Brief, a daily publication for the policy community.

In the case of Syria, in three instances over the course of a year, Mr. Bolton sought to inflate language about Syria's nuclear activities beyond what intelligence analysts regarded as accurate. The Chairman of the National Intelligence Council ordered his staff to resist these efforts. Mr. Bolton continued this effort as late as the summer of 2003, when it was becoming clear that intelligence about Iraq's WMD programs had been fundamentally wrong.

Mr. Bolton's pattern of going beyond his brief on sensitive subjects in speeches that had not been properly cleared caused the Deputy Secretary of State to order Mr. Bolton not to give any testi-

mony or speech that was not personally cleared by the Deputy Secretary or by the Chief of Staff to the Secretary of State. No other senior State Department official was subject to this restriction.

3. In his relations with colleagues and subordinates, Mr. Bolton repeatedly exhibited abusive behavior and intolerance for different views.

In the case of Rexon Ryu, a highly regarded mid-level State Department officer, Mr. Bolton wrongly accused Ryu of purposefully withholding a document and, months later, denied him a significant new assignment. Ryu's immediate superior secured him an assignment away from Mr. Bolton's reach, and Ryu ultimately served the Deputy Secretary of State with distinction.

In the cases of two unnamed State Department officers working in the Nonproliferation Bureau, Mr. Bolton sought their removal over policy differences. Their immediate superior refused to remove them. More generally, officers in the Nonproliferation Bureau "felt undue pressure to conform to the views of [Mr. Bolton] versus the views they thought they could support," according to the former head of that bureau.

In the case of a State Department lawyer, Mr. Bolton wanted him removed from a legal case based on a misunderstanding of a position the lawyer had taken. The State Department Legal Adviser and the Deputy Secretary of State insisted that the lawyer remain on the case, and the Deputy Secretary took the extraordinary step of sending Bolton a memo reminding him that the rules applied to him.

4. Mr. Bolton Gave Misleading Testimony to the Committee on Foreign Relations

In several respects, Mr. Bolton's testimony has been misleading and disingenuous:

Mr. Bolton told the committee that, after urging Acting Assistant Secretary Tom Fingar to change Christian Westermann's portfolio, "I shrugged my shoulders and moved on." In fact, he tried again a few days later, and again several months later.

Mr. Bolton told the committee he pursued the removal of the NIO for Latin America only once, stating "I had one part of one conversation with one person one time on Mr. Smith, and that was it, I let it go." In fact, getting rid of the NIO was under review by Mr. Bolton and his staff for several months and after Mr. Bolton traveled to the CIA to seek the NIO's removal, Mr. Bolton told his staff that "he didn't want the matter to slip any further."

Mr. Bolton told the committee that he did not threaten or try to have analysts punished because of their policy views. In fact, several witnesses said he did just that.

Mr. Bolton told the committee that U.S. Ambassador to South Korea Thomas Hubbard approved and supported his July 2003 speech in South Korea. In fact, Ambassador Hubbard himself contacted the committee to correct the record and to make clear that he had serious concerns about the speech which he conveyed to Mr. Bolton at the time.

Mr. Bolton told the committee that it was his decision to delay testifying on Syria. Larry Wilkerson (Chief of Staff to Secretary Powell) told the committee that the Deputy Secretary of State postponed Mr. Bolton's testimony because it did not reflect Administration policy on a sensitive issue at a sensitive time.

Mr. Bolton's supporters argue that none of this matters because no officers lost their jobs and because the speeches and testimony that Mr. Bolton actually delivered reflected the views of the Intelligence Community. In fact, at least one highly regarded officer was denied a career-enhancing assignment because of Mr. Bolton, and Mr. Bolton did make public statements on the most sensitive issues that over-stepped Administration policy or were at odds with the views of the Intelligence Community.

But even if no officers had been penalized or unfounded statements made, Mr. Bolton's repeated efforts to remove intelligence analysts and to stretch the intelligence to fit his views had a profoundly negative impact. As Robert Hutchings, the former Chairman of the National Intelligence Council, put it: "[W]hen policy officials come back repeatedly to push the same kinds of judgments, and push the Intelligence Community to confirm a particular set of judgments, it does have the effect of politicizing intelligence, because the so-called 'correct answer' becomes all too clear. . . . I think every judgment ought to be challenged and questioned. But . . . when it goes beyond that, to a search for a pretty clearly-defined, pre-formed set of judgments, thenit turns into politicization. And . . . even when it's successfully resisted . . . it creates a climate of intimidation and a culture of conformity that is damaging."

In the wake of our intelligence failures in Iraq—including the misuse of intelligence by policy makers—Mr. Bolton's behavior should not be rewarded. With the prospect of intelligence challenges to come—including the need to convince other countries of the threat posed by North Korea and Iran—Mr. Bolton's singular lack of credibility risks becoming a detriment to U.S. interests and security.

C. The Wrong Man for the Job

By itself, Mr. Bolton's credibility problem on intelligence matters makes him the wrong man for the U.N. job at this critical time. His approach to problem solving, his disdain for the United Nations and international law and his failure to deliver results in the job he now holds fatally compound the problem.

Mr. Bolton's supporters argue that his "blunt style" is what is needed at the United Nations, especially when it comes to the critical issue of U.N. reform. Yet many previous U.S. representatives who were well known for being straight talkers—including Ambassadors Holbrooke, Kirkpatrick and Moynihan—nonetheless enjoyed broad support and were easily confirmed. The strong opposition to or concerns expressed about Mr. Bolton—notably from many former officials in this administration—are exceptional. They reflect a widespread belief that Mr. Bolton's apparent contempt for opposing views, his unwillingness to listen and his inability to persuade make him particularly unsuited for this assignment at this time.

Mr. Bolton's many inflammatory statements about the United Nations as an institution and the legitimacy of international law would also hinder his effectiveness in advancing U.S. interests. The United Nations is not a tool to be used "when it suits our interest and when we can get others to go along," as Mr. Bolton has suggested, but rather an essential and ongoing forum for the advancement of United States foreign policy and national security interests. For better or worse, the U.N. Security Council makes decisions that affect international security and stability. For better or worse, it helps to determine whether the United States will have international support and allies or will be forced to undertake difficult missions on its own in the face of broad opposition. The United Nations offers us an opportunity to make our case to the world, to demonstrate international leadership and to share burdens we would otherwise carry alone. It is difficult to elicit support from other nations for issues that matter to the United States when our representatives show disdain for issues that matter to them.

The job of the U.N. ambassador is occasionally to hold high the "United States" nameplate at the Security Council and denounce lies and hypocrisy. But day in and day out, it is "to operate in a low key, quiet, persuasive and consensus building way" to advance U.S. interests, in the words of former U.S. Ambassador to the U.N. Jeane Kirkpatrick. Mr. Bolton has proved himself incapable of operating in this manner.

Finally, Mr. Bolton's supporters point to his effectiveness. We are told that he gets the job done. Yet even a cursory review of Mr. Bolton's record as Under Secretary of State for Arms Control and International Security suggests the opposite. Under Mr. Bolton's watch, North Korea—the most immediate threat to the United States in the area of nonproliferation—has become significantly more dangerous. The Bush Administration's most touted success in this area—the disarmament of Libya—came about because Mr. Bolton was kept off the case, not because he was on it.

The President of the United States should be accorded deference in appointments to executive branch positions. But the advice and consent clause of the Constitution is there for a reason: to serve as a check against unqualified appointees or when appointments would harm the national interest. It is not in the interests of the United States to have Mr. Bolton represent our country at the United Nations. He should be rejected.

II. FAILURE OF THE EXECUTIVE BRANCH TO PRODUCE REQUESTED DOCUMENTS

During the course of the nomination proceedings, the executive branch has failed to provide adequate cooperation with the committee. This failure to cooperate is a serious challenge to the committee, and to the Senate's constitutional role to advise and consent to nominations. The full Senate should not proceed to consider the nomination until the requested materials are turned over.

The Committee's inquiry—and requests for information

Within a week after the nomination was submitted to the Senate on March 17, the Ranking member, Senator Biden, requested that

the State Department make available for interview by the committee staff several Department personnel with knowledge of an incident involving Mr. Bolton that occurred in 2002.[1] The Department initially refused the request, asserting that the matter had been adequately reviewed by the Senate Select Committee on Intelligence in its review of the intelligence related to the war in Iraq.[2] The committee staff then reviewed the Select Committee's records and interviewed the lead staff on that review, and determined that the Select Committee had not, in fact, thoroughly reviewed the matter.[3]

So Senator Biden renewed his request. Still, the State Department resisted.[4] It was not until April 7, four days before the hearing with the nominee, when the Chairman, Senator Lugar, intervened, that the State Department finally responded to the request and provided access to four individuals, and began providing relevant documents.

At the committee business meeting on April 19, the committee agreed to defer a vote on the nomination until after the May recess, and instructed the staff to investigate various allegations that had been made about the nominee. On April 29, acting on behalf of the minority, Senator Biden submitted additional document requests to the Department.[5] The Chairman intervened to help again a few days later, but he also implicitly invited the Department to ignore part of the minority request, saying that some of it was "extremely broad and may have marginal relevance to specific allegations." The letter then expressed hope that certain specific requests would be fulfilled, a list that omitted four parts of the minority request.[6] The Department took the hint—and has failed to turn over some important materials, all related to preparation of speeches and testimony.

Even after the request was further narrowed—at the urging of the State Department—only a relatively small number of materials was provided. In rejecting the minority request, the Department proffered an extraordinary rationale: that it "does not believe the requests to be specifically tied to issues being deliberated by the committee."[7]

Thus, in the course of the committee's consideration of the nomination, the State Department made two related decisions to reject minority requests for information, both astounding in their own right. First, the Department responded only to the requests endorsed by the majority. Second, the executive branch decided for itself the issues that are relevant to the committee's review of nomination.

This disregard for the rights of the minority is a marked departure from past practice, including in this Administration. In 2001, in connection with the nomination of John Negroponte for the UN

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[1] Letter from Sen. Biden to Secretary Rice, Mar. 24, 2005.
[2] Letter from James P. Terry, Acting Assistant Secretary for Legislative Affairs, to Sen. Biden, Mar. 29, 2005.
[3] See letters from Sen. Biden to Secretary Rice, Mar. 31, 2005 and Apr. 4, 2005.
[4] See two letters from Matthew A. Reynolds, Assistant Secretary for Legislative Affairs, to Sen. Biden, dated Apr. 5, 2005.
[5] Letter from Sen. Biden to Secretary Rice, Apr. 29, 2005.
[6] Letter from Sen. Lugar to Secretary Rice, May 4, 2005.
[7] Letter from Matthew A. Reynolds, Assistant Secretary for Legislative Affairs, to Sen. Lugar, May 6, 2005.

post, the Democratic members (in the minority when the nomination was submitted) made substantial document requests, to which the Department of State provided full cooperation.

The decision of the Department to decide for itself which issues are relevant is even more troubling, as the same rationale could well be applied to requests by the majority.

What is the Department withholding?

During the course of the nomination, the committee reviewed the question of whether Mr. Bolton sought to stretch the intelligence. That is, to say things in public statements that the intelligence would not support and to keep going back at the intelligence community again and again to get the answers he wants, not the answers the facts support.

The material withheld by the Department goes directly to this question, as it relates to the preparation of congressional testimony on Syria's weapons of mass destruction program in the summer and fall of 2003. The committee has already learned from interviews with intelligence officials that what Mr. Bolton initially wanted to say went far beyond what the intelligence would support.

A related question connected to the Syria testimony is whether Mr. Bolton misled the committee when he testified that he hadn't seen the drafts of the testimony.

Is the Administration hiding something by holding back these materials? Could it be that Mr. Bolton was, in fact, involved in the drafting of the testimony?

Also denied—NSA information

Another government agency, the National Security Agency (NSA), has also failed to turn over relevant information. Specifically, the committee has requested information on instances when Mr. Bolton requested and received, on ten occasions, the identity of U.S. persons on an NSA intercept. On April 13, Senator Dodd first made a request for this information.[8] By letter dated April 28, Senator Lugar also made a request for this information through the Intelligence Committee.[9]

Specifically, the Chairman asked Senators Roberts and Rockefeller to seek "all information related to Mr. Bolton's requests and the responses thereto, including the unredacted contents of the documents in question . . ." And the letter said that the Chairman was "prepared to follow the guidance of the Select Committee" with respect to the "access and storage of such material, as well as the provisions under which such materials will be shared with members of the Committee on Foreign Relations." [10]

In other words, the Chairman made clear his expectation that the NSA would provide all the information to the Intelligence Committee, which in turn would share it with this committee. On May 10, General Hayden, the Deputy Director of National Intelligence, briefed the Chairman and Vice Chairman of the Intelligence Committee. This committee was informed that Sens. Roberts and

[8] Question for the record by Senator Dodd.
[9] Letter to Sens. Roberts and Rockefeller from Sen. Lugar, Apr. 28, 2005.
[10] Ibid.

Rockefeller were not given the identities of the U.S. persons that Mr. Bolton requested and received. And as of the date of the committee's meeting on May 12, the Select Committee had provided no information on when or whether members of the Committee on Foreign Relations would be given access even to the information given to the Intelligence Committee.

A challenge to the constitutional process

The integrity of the nomination process, and the Senate's constitutional role, are being challenged by the actions of executive branch agencies.

Article II, Section II of the Constitution provides that "the President shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States."

The failure of the Administration to cooperate with this committee and the rationale offered for this failure—that the "Department does not believe these requests to be specifically tied to the issues being deliberated by the committee"—has no constitutional justification, and does damage to the standing and ability of this committee to perform its function of oversight and advice and consent.

The Administration has asserted neither executive privilege nor any other constitutionally-based rationale for not cooperating with the committee. It has no right under past practices or under Constitutional theory to offer as a rationale that they do not believe the request to be "specifically tied to the issues being deliberated by the committee."

Under the doctrine of separation of powers, Congress is a coequal branch of government, and it is within the Senate's power alone to decide what it thinks is relevant to its deliberations in the exercise of the advice and consent power.

The Senate does not work for the President. No one is entitled to appointment to an office requiring advice and consent—unless they have the Senate's consent. Likewise, no President is entitled to approval of a nominee.

By acquiescing in the executive branch's position, the committee has undermined its authority and shirked its constitutional responsibility.

III. MR. BOLTON'S EFFORTS TO REMOVE INTELLIGENCE ANALYSTS

A. Christian Westermann

It is undisputed from the record that Mr. Bolton sought to have Christian Westermann, an analyst in the State Department's Bureau of Intelligence and Research, or INR, removed from his portfolio. Mr. Bolton did so after an incident that occurred in February 2002 regarding language about Cuba and biological weapons that Mr. Bolton's office sought to clear for use in a speech.

During the nomination hearing, Mr. Bolton was asked on numerous occasions about the Westermann matter. He frequently avoided responding to direct questions, and tried to downplay the significance of what he had done. For example, early in the hearing, Sen-

ator Biden asked him whether he had ever asked "anyone to remove Mr. Westermann from [his] portfolio?" Bolton tried to evade the question:

> I think, as the interviews that your staff conducted show—and that's one reason why I want to get them all out in public—we believe Mr. Westermann had behaved in an underhanded fashion. And I think I—as my assistant mentioned to your staff, I said to him at the time, "I don't care if you disagree with me, just don't do it behind my back." [11]

Senator Biden then interrupted him and repeated his question. Mr. Bolton responded: "I mentioned it to Mr. Fingar. I may have mentioned it to one or two other people. But then I shrugged my shoulders, and I moved on." [12]

The record indicates that, far from "shrugging his shoulders" and moving on, Mr. Bolton asked three different INR supervisors, over the course of several months, to remove Mr. Westermann from his portfolio.

Clearing three sentences on Cuba

The incident began on February 8, 2002, when a senior aide to Mr. Bolton, Frederick Fleitz,[13] contacted Mr. Westermann's office director, seeking his assistance in transmitting to the Intelligence Community for its review three sentences on Cuba and biological weapons. INR personnel needed to be involved in transmitting the information because they had the proper electronic mail capabilities to handle the highly classified material.

Mr. Bolton was planning to give a broader speech in the near future; the sentences on Cuba were to be one small part of that speech, which would include other language on Cuba and in which Cuba would not be the main focus.[14] The language sought to be cleared included a sentence saying that the United States believed that Cuba has a developmental, offensive biological warfare program and is providing assistance to other rogue state programs.[15]

The following Monday, February 11 (February 8 was a Friday), Mr. Westermann informed Mr. Fleitz that his language needed to be rewritten to "reflect CIA-required formatting" for circulation to the Intelligence Community (IC); Westermann also sought the serial numbers for the intelligence reports that Fleitz had used in writing the proposed language, in order to help the intelligence analysts examine the sources of the material.[16] Fleitz replied that he did not have the serial numbers for the material, and added his

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[11] Hearing of the Senate Foreign Relations Committee, Apr. 11, 2005, am session, page 45. Hereafter cited as: "Apr. 11 hearing, am session." Note: this citation and all following citations are in reference to the transcripts, e-mails and other documents available to the committee as of May 16, 2005.

[12] Ibid., page 46.

[13] Fleitz is a CIA analyst who has been on detail to Mr. Bolton's office since August 2001.

[14] Fleitz memorandum to [name redacted], "Request to Clear Cuba BW Language for U/S Bolton speech," Feb. 8, 2002.

[15] Senate Select Committee on Intelligence, *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq,* July 7, 2004, page 277.

[16] Westermann to Fleitz e-mail, Feb. 11, 2002, 3:11 pm. Westermann's e-mail opens by saying that he would be "happy to get the Cuba language out to CIA" and closes with an invitation to Fleitz to come by his office so Westermann could provide the necessary assistance in formatting the request.

view about the scope of the IC's responsibility: "Mr. Bolton is simply asking that the IC permit him to publicly read the paragraph I gave you ... the IC has to determine if this can be sanitized and if there is a sources and methods issue."[17]

The next day, Westermann sent to Fleitz talking points on the subject that had already been cleared by the IC, and again urged Fleitz to provide more specific citations.[18] Later that morning, Fleitz sent Under Secretary Bolton an update. It indicated some possible disagreement with INR's views on the Cuba issue, reiterated the previously-expressed view that it is for policymakers to interpret Intelligence Community data, and perhaps presaged the conflict to come:

> INR is not happy about the Cuba request, but did submit it to CIA for clearance. Christian Westermann told me that the IC has already cleared (wimpy) language on Cuba and recently briefed it to the HIRC ... I explained to Christian that it was a political judgment as to how to interpret this data and the IC should do as we asked and sanitize my language as long as sources and methods are not compromised. He strongly disagrees with us on this."[19]

Later that day, Westermann transmitted the language to the "démarche coordinator" at WINPAC (the DCI's Weapons Intelligence, Nonproliferation and Arms Control Center) via classified e-mail. The démarche coordinator had the task of circulating the language to several people in the IC—including someone in INR—for clearance review. Westermann attached the Fleitz memo to his e-mail as a separate document. In the body of his e-mail message, Westermann added his own comment, which included a statement that "INR does NOT concur with the use of the attached language," and proposed alternative language. It reads: "Cuba has demonstrated that it is committed to developing a highly advanced biotechnology infrastructure and to arranging foreign collaboration with rogue states that could involve proliferation of dual-use technologies to countries assessed to have BW programs."[20]

Bolton summons Westermann

At some point in mid-afternoon of February 12, Fleitz phoned Westermann or one of his superiors to inquire about the status of the request.[21] Around the same time, or perhaps a few minutes earlier, Fleitz alerted Under Secretary Bolton of his concern about Westermann having sent alternative language to the IC coordinator; in turn, Mr. Bolton asked Fleitz for a copy of the language that INR had sent to CIA.[22] Westermann replied to Mr. Fleitz by e-mail that he had sent the Fleitz memo "intact to CIA for coordination through the IC for cleared language."[23] Fleitz quickly answered: "CIA says INR disputed the language Mr. Bolton wants to

[17] Fleitz to Westermann e-mail, Feb. 11, 2002, 4:18 pm.
[18] Westermann to Fleitz e-mail, Feb. 12, 2002, 9:00 am.
[19] Fleitz to Bolton e-mail, Feb. 12, 2002, 9:20 am.
[20] Westermann e-mail to CIA/WINPAC, Feb. 12, 2002 (time unknown).
[21] None of the witnesses recalls what occurred, but there is no paper record, so it is presumed that the request came by phone.
[22] Bolton to Fleitz e-mail, Feb. 12, 2002, 4:14 p.m.
[23] Westermann to Fleitz e-mail, Feb. 12, 2002, 4:23 pm.

use and offered alternate language. Please bring my memo and this memo to T."[24] Westermann responded a few minutes later that the language he had suggested was identical to language that INR had sent to Secretary Powell the previous October.[25]

Thus summoned by Fleitz, Mr. Westermann proceeded to Mr. Bolton's office, where he was ushered in to see the Under Secretary. Westermann testified that Bolton was "quite upset that I had objected" to his language and that Bolton wanted to know "what right I had trying to change an Under Secretary's language."[26] Mr. Westermann tried to explain the clearance process to Mr. Bolton, who was not, by Westermann's account, "in a mood to listen." Westermann described Bolton as being "quite angry and basically told me that I had no right to do that. And he got very red in the face and shaking his finger at me and explained to me that I was acting way beyond my position."[27] Mr. Fleitz says he witnessed the meeting, and stated that Mr. Bolton said something to the effect of "How can I trust you? I've asked you to be neutral in a situation like this, and you're welcome to disagree with me, but not behind my back."[28] Mr. Bolton then told Westermann to leave his office, and instructed him to send Tom Fingar, Acting Assistant Secretary for INR that day, to see him.[29]

Bolton asks Fingar to remove Westermann

Mr. Fingar testified that his office received a phone call indicating that Mr. Bolton wanted to see him. Fingar went to see Mr. Bolton, who was still angry; Bolton complained that "he was the President's appointee, that he had every right to say what he believed, that he wasn't going to be told what he could say by a mid-level INR munchkin analyst."[30] Fingar testified that Mr. Bolton said he wanted Westermann "taken off his accounts." Fingar protested that "He's our CW/BW specialist, this is what he does," implying that there were no other accounts to which he could readily be assigned.[31] Mr. Fingar asked Mr. Bolton for a chance to review the matter more closely.

At the end of the day, having reviewed Westermann's actions, Fingar sent an e-mail to Mr. Bolton, as follows:

> Sorry for the delay in responding . . . I looked at what my guy sent to the IC and that won't happen again . . . As I said, INR has no position on what you or any principal choose to say; our only interests are to ensure that IC sources and methods concerns are satisfied and to ensure that policymakers know whether we think what they propose to say is clearly supported, unsupported, or pushing

[24] Fleitz to Westermann e-mail, Feb. 12, 2002, 4:25 pm. "T" is the State Department's letter designation for the office of Under Secretary Bolton.

[25] Westermann to Fleitz e-mail, Feb. 12, 2002, 4:35 pm. The text of the language sent to the Secretary was omitted in the e-mail produced by the Department.

[26] Interview of Christian Westermann by Senate Foreign Relations Committee staff, Apr. 7, 2005, page 103. Hereafter cited as: "Westermann interview, Apr. 7, 2005."

[27] Ibid., page 103–page 104.

[28] Interview of Frederick Fleitz by Senate Foreign Relations Committee staff, Apr. 7, 2005, page 28. Hereafter cited as "Fleitz interview, Apr. 7, 2005"

[29] Westermann interview, Apr. 7, 2005, page 104.

[30] Interview of Thomas Fingar by Senate Foreign Relations Committee staff, Apr. 8, 2005, page 10. Hereafter cited as "Fingar interview."

[31] Ibid.

> the evidence as evaluated by IC analysts. My guy tried to flag for Fred [Fleitz] where he thought the draft was going beyond the IC consensus (as conveyed in a DIA-led briefing on the Hill) and he should have stopped there rather than offering alternative language in his e-mail seeking clearance from the IC. Choice of the phrase "does not concur" was entirely inappropriate; none of the underlying intelligence comes from INR and we have no role whatsoever in determining how you or any policymaker says what you want to say beyond suggesting alternatives that we think might be cleared more readily than what has been drafted if time is of the essence and the drafter asks for such advice. We screwed up, but not for base reasons. It won't happen again."[32]

Mr. Fingar testified that the apologetic e-mail was designed to calm down an angry Under Secretary: "I was dealing with somebody who was very upset, I was trying to get the incident closed, which I didn't regard as a big deal. I knew John was mad. I assumed, when people are mad, they get over it. So, did I lean over in the direction of 'Sure, we'll take responsibility?'"[33]

Mr. Bolton testified that, after receiving the Fingar e-mail the next day (Bolton replied with a short note of thanks the next morning), he "basically thought the matter was closed."[34] But the record demonstrates that he really didn't think the matter was closed, for he tried two more times to get Mr. Westermann moved off his accounts.

Bolton asks Carl Ford to remove Westermann

A few days later, Carl Ford, the Assistant Secretary of State for INR, returned to work, where he was briefed on the incident by his deputy, Tom Fingar. News of the incident had "spread like wildfire" in INR, and Ford indicated that, having been out of the office, he was probably the last to learn about it.[35] That morning, he and Mr. Bolton had a heated confrontation about the Westermann matter in a State Department hallway following the Secretary's morning staff meeting of senior officials. Mr. Ford said that Mr. Bolton was "still fussing about what he could and couldn't say in the speech,"[36] and he asked Ford to take punitive action against Mr. Westermann:

> I remember going back to my office with the impression that I had been asked to fire the analyst. Now, whether the words were "fire," whether that was "re-assign," "get him away from me, I don't want to see him again," I don't remember, frankly, exactly what the words were. I do remember that I came away with the impression that I had just been asked to fire somebody in the Intelligence Community for doing, what I consider, their job.[37]

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[32] Fingar to Bolton e-mail, Feb. 12, 2002, 8:04 pm.
[33] Fingar interview, page 19.
[34] Apr. 11 hearing, am session, page 85.
[35] Hearing of the Senate Foreign Relations Committee, Apr. 12, 2005, page 27. Hereafter cited as: "Apr. 12 hearing."
[36] Ibid., page 23–page 24.
[37] Ibid., page 25–page 26.

Ford objected not only to the attempt to fire the analyst, but to the improper action of screaming at a subordinate so far below him in the Department hierarchy:

> Secretary Bolton chose to reach five or six levels below him in the bureaucracy, bring an analyst into his office, and give him a tongue lashing . . . he was so far over the line that [it's] one of the sort of memorable moments in my 30 plus-year career . . . There are a lot of screamers that work in government, but you don't pull somebody so low down in the bureaucracy that they're completely defenseless. It's an 800 pound gorilla devouring a banana.[38]

After the encounter with Mr. Bolton, Ford proceeded to the Secretary's office to inform Powell and Deputy Secretary Armitage of the incident. He testified that he told the Secretary that there was "no way" he was going to move the analyst simply because Bolton was upset. Both Powell and Armitage expressed support for Ford's position, and asked whether they needed to provide any assistance.[39] Ford told them he thought he had it under control, but that at some point he might want them to speak to the analysts directly to buck them up. Some time later, the Secretary did so, making a "special point" of going to INR to address a group of INR analysts. In the session, he singled out Westermann by name, and said to the other analysts (according to Ford's account) that he "wanted them to continue, in essence to speak truth to power."[40]

Thus supported by the Secretary of State, Mr. Westermann presumably thought he could rest easy about his job security. But such thoughts were premature, because Mr. Bolton wasn't done seeking retribution.

Bolton tries to have Westermann removed a third time

Later that summer—several months after the Westermann incident—Under Secretary Bolton attempted once again to seek Westermann's removal. A new office director in INR, Neil Silver, paid a courtesy call on Bolton, who used the opportunity to ask Silver to remove Westermann from his accounts. The testimony of the two men differed as to how the subject arose. Mr. Bolton says he raised the matter after Silver asked whether he had "had any problems" with the Bureau.[41] Silver believes that Bolton raised it toward the end of the meeting, and that Silver may have asked Bolton whether there were ways that the Bureau "could be more helpful."[42] In either event, the record is clear that Mr. Bolton urged that Westermann be given a different assignment, as he conceded during the committee hearing:

> Senator SARBANES. —did you say to him [Silver] you thought Westermann should be removed?

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[38] Ibid., page 18–page 19.
[39] Ibid., page 26.
[40] Ibid., page 27. Larry Wilkerson, Secretary Powell's Chief of Staff, also testified that the session with the INR analysts was not routine, but a special trip. Interview with Lawrence Wilkerson, May 6, 2005, page 9–page 10.
[41] Apr. 11 hearing, am session, page 88.
[42] Interview of Neil Silver by the Senate Foreign Relations Committee staff, Apr. 11, 2005, page 5. Hereafter cited as: "Silver interview, Apr. 11, 2005."

> Mr. BOLTON. I thought he [Westermann] should be given other responsibilities.[43]

Silver asked why Bolton had a problem with Westermann, but Bolton indicated that he didn't want to discuss it further.[44]

Thus, far from having "shrugged his shoulders and moved on," as he testified to the committee,[45] Bolton was still seeking Westermann's removal months after the original incident.

Was Under Secretary Bolton Complaining About Process or Substance?

Under Secretary Bolton testified that Mr. Westermann "went behind my back" and as a result he "lost confidence in him." The assertion is central to Mr. Bolton's account that his effort to seek Westermann's removal was not an effort to pressure an intelligence analyst, but merely a reaction to alleged "unprofessional" behavior. Frederick Fleitz, Mr. Bolton's aide, proffered much the same account, both in contemporaneous e-mails and in later interviews. But no other witness did so. Indeed, every witness from INR—from Westermann up to and including the Assistant Secretary—stated that Westermann did nothing irregular. This aspect of the issue is examined below.

The crux of Bolton's allegation is that by sending his comments to CIA/WINPAC on Bolton's proposed Cuba language at the same time that he transmitted the language for Intelligence Community clearance, Mr. Westermann unfairly prejudiced the clearance process within the IC and thereby "went behind [Bolton's] back."

The assertions by Under Secretary Bolton and Fleitz appear to be based on a lack of understanding of the clearance process. Carl Ford indicated that "Secretary Bolton . . . wasn't very familiar with the procedures of the Intelligence Community [and] didn't seem all that interested in finding out more about it."[46] Bolton himself admits to a certain degree of ignorance about the process, telling Senator Dodd that he had "no idea what INR's policies [regarding clearances] are."[47]

The clearance process

As Mr. Fingar indicated in his e-mail to Mr. Bolton, there are two purposes to the clearance process: to protect sources and methods; and to ensure that what policymakers say *on behalf of the U.S. government* is supported by the available intelligence. Put another way, policymakers need not seek IC clearance if they want to state their own personal judgments of intelligence information, but if they speak for the government on a matter related to intelligence judgments, or seek to represent what the Intelligence Community believes, the IC must provide clearance.

Mr. Westermann's own role in this process was two-fold. First, he had a ministerial duty to transmit the Bolton language to the IC coordinator at the CIA. As the documentary record produced to the committee demonstrates, he did that by transmitting Mr.

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[43] Apr. 11 hearing, am session, page 88.
[44] Silver interview, Apr. 11, 2005, page 5.
[45] Apr. 11 hearing, am session, page 46.
[46] Apr. 12 hearing, page 31–page 32.
[47] Apr. 11 hearing, am session, page 85.

Fleitz's memo intact. Second, as the analyst in INR for biological and chemical weapons, he had a duty to provide INR's comments on the proposed language to the Intelligence Community coordinator.

The latter process does not involve a debate between intelligence analysts (such as INR) and policymakers (such as Mr. Bolton). Rather, it is a debate that is conducted within the Intelligence Community alone.[48] By design, Mr. Bolton's office was not in the loop on the debate. Mr. Westermann was thus under no obligation to share the comments on Bolton's language with Mr. Bolton or his staff. When he received the proposed language from Bolton's office, Westermann had a choice: to send his comments simultaneous with the Bolton language; or to wait until the IC coordinator circulated the language throughout the community. He chose the former.

Doing so was consistent with INR practice, as was attested by INR supervisors who appeared before the committee or its staff. Former Assistant Secretary Carl Ford testified that "we all agreed that he had been following the routine policies for dealing with speeches or questions of what you can and cannot say in an unclassified way from the Intelligence Community."[49] Current Assistant Secretary Tom Fingar said that Westermann's action was not contrary to any policy or procedure.[50] Westermann's immediate supervisor stated that the manner in which Westermann submitted the Bolton request "did not contravene any guidelines" and that there are no "hard-and-fast rules as to when or how INR analysts articulate their view on the language that is being put into play at the request of a policy official,"[51] a view affirmed by current Principal Deputy Assistant Secretary Carol Rodley (who accompanied Mr. Westermann to his interview).[52] Fingar also testified that Westermann was not admonished or disciplined for his actions, and that no new procedures were put in place as a result.[53] The only critical opinion of Mr. Westermann's actions that came from INR management was that he was, at worst, insensitive to how he handled a clearance for such a senior official.[54]

It is worth noting, moreover, that three witnesses said that Mr. Bolton complained to them about the substance of Mr. Westermann's e-mail. Mr. Ford stated that "several days after his confrontation with my analyst ... he [Bolton] was still fussing about what he could and couldn't say in the speech."[55] Ford also said that "he was still fussing about not only the way the analyst had treated him but that he was not able to say what he wanted to say."[56] Mr. Fingar testified that Bolton said, "That he was the President's appointee, that he had every right to say what he believed, that he wasn't going to be told what he could say by a mid-

[48] Westermann interview, Apr. 7, 2005, page 98; page 100.
[49] Apr. 12 hearing, page 30.
[50] Fingar interview, page 12.
[51] Interview of INR supervisor by Senate Foreign Relations Committee staff, May 4, 2005, page 2. Hereafter cited as: "INR supervisor interview." See also Silver interview, Apr. 11, 2005, page 18 ("there are no established procedures" on clearance).
[52] Westermann interview, Apr. 7, 2005, page 90.
[53] Fingar interview, page 23.
[54] Ibid., page 7–page 9.
[55] Apr. 12 hearing, page 23–page 24.
[56] Ibid., page 31.

level INR munchkin analyst."[57] Mr. Westermann himself testified that Mr. Bolton was "quite upset that I had objected" to his language and that Bolton wanted to know "what right I had trying to change an Under Secretary's language."[58]

Mr. Fleitz maintained that Mr. Westermann's e-mail confused the démarche coordinator, who was uncertain whether Mr. Bolton had backed off his proposed language. If so, a phone call sufficed to clear up any misunderstanding. The démarche coordinator sent Bolton's text around for comment, with Mr. Fleitz' arguments in favor of the language and without Westermann's comment. The rest of the Intelligence Community also objected to Bolton's proposed language and, by February 21, new language was crafted and cleared.

In sum, even if Mr. Bolton complained about the process used by Westermann—as he and Mr. Fleitz testified—there is ample evidence that Bolton was also angry about substance—he was mad that a mid-level analyst would dare to propose alternative language to his text.

Did Westermann lie?

Mr. Fleitz made a serious allegation that Mr. Westermann lied to Mr. Fleitz in his e-mail to him stating that he sent his language to CIA "intact." Specifically, Mr. Fleitz stated that "Mr. Westermann lied when he told us that he had sent the language that Mr. Bolton wanted declassified to the Agency intact, and only with source citations. That was untrue."[59]

Fleitz' description of Westermann's e-mail is not precisely accurate. The text of Mr. Westermann's e-mail was as follows: "I sent your memo intact to CIA for coordination through the IC for cleared language. I added citations so they could reference the intel[ligence]."[60] There is nothing false in Westermann's e-mail to Fleitz. He *had* e-mailed the Fleitz memo intact, and he *had included* the source citations. If Westermann is guilty of anything, it is an act of omission: he did not tell Fleitz that he had also sent INR's comments on the Bolton language. But, as discussed above, he was under no obligation to do so, because that comment was part of a process that was internal to the Intelligence Community.

It also bears emphasis that there is no evidence of the precise question posed to Westermann by Fleitz that resulted in Westermann sending his e-mail. Westermann appears to have been responding to a phone call or message from Fleitz, not an e-mail, and there is no record as to what Fleitz said in his phone call or message. Thus, it is impossible to conclude that Westermann lied in his e-mail without knowing the question that prompted it.

Was there any harm done?

Mr. Bolton's efforts to remove Mr. Westermann, a GS–14 analyst, proved unsuccessful, because the INR management, as well as the top levels of the Department of State, backed Mr. Ford's refusal to do so. Westermann, a 23-year Navy veteran who has worked as a

[57] Fingar interview, page 10.
[58] Westermann interview, Apr. 7, page 103.
[59] Fleitz interview, Apr. 7, 2005, page 38.
[60] Westermann to Fleitz e-mail, Feb. 12, 2002, 4:23 pm.

government intelligence analyst since retiring from the Navy, today retains his position as a chemical and biological weapons expert for INR. He testified that he has received numerous awards and continues to receive outstanding performance evaluations. In this respect, therefore, Mr. Westermann's career suffered no apparent damage.

But Mr. Bolton's actions did have consequences. As Mr. Ford testified, the Westermann incident caused great concern in his bureau. He testified that analysts in INR "were very negatively affected by this incident—they were scared."[61] As a result, both he and the Secretary of State had to make a special effort to mitigate the damage. Ford testified that in the months following the Westermann incident, he and other INR managers tried to make the best of the bad situation by using the incident as a training vehicle—to explain to people how to handle a similar situation.[62] Secretary Powell had to take time out of his schedule to make a special trip to speak to INR analysts and tell them that they should continue to "speak truth to power."[63]

The renewed attempt to remove Westermann months after the incident also affected Westermann personally. He testified that it led him to "double-think about what I was doing all the time so that I wasn't creating undue problems for me or for other people."[64] And in an e-mail message to his supervisors, he lamented the continued "personal attacks, harassment and impugning of his integrity," and indicated that it was affecting "his work, his health, and his dedication to public service."[65]

B. Former National Intelligence Officer for Latin America

It is also undisputed that, in 2002, Mr. Bolton sought to have the National Intelligence Officer for Latin America (NIO) removed from his position. The NIO is no longer in that position, and is currently in a covered position overseas, and thus during the hearing the committee and Mr. Bolton took to calling him "Mr. Smith."

Mr. Bolton conceded in testimony that he personally traveled to CIA headquarters for a meeting with a senior CIA official, during which he urged the removal of the NIO from his portfolio. Mr. Bolton sought to minimize, however, the intensity with which he pursued this goal by stating: "And that was it, I had one part of one conversation with one person, one time on Mr. Smith and that was it, I let it go."[66]

The record before the committee demonstrates that Mr. Bolton sought Mr. Smith's removal because of disagreements about intelligence, and that Mr. Bolton's testimony to this committee vastly understated the degree of his effort to do so.

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[61] Apr. 12 hearing, page 40.
[62] Ibid.
[63] Ibid., page 26–page 27.
[64] Interview of Christian Westermann by Senate Foreign Relations Committee staff, May 4, 2005, page 5. Hereafter cited as: "Westermann interview, May 4, 2005."
[65] Westermann to Fingar and Silver e-mail, Sept. 23, 2002, 8:37 am.
[66] Hearing of the Senate Foreign Relations Committee, Apr. 11 2005, pm session, page 27–page 28. Hereafter cited as: "Apr. 11, 2005 hearing, pm session."

The Heritage Foundation speech

As described at length in section IV. B. below, on May 6, 2002, Under Secretary Bolton gave a speech at the Heritage Foundation in Washington, DC. The speech, entitled "Beyond the Axis of Evil," contained several paragraphs about Cuba, including three sentences that had been cleared by the Intelligence Community in February 2002:

> The United States believes that Cuba has at least a limited offensive biological warfare research and development effort. Cuba has provided dual-use biotechnology to other rogue states. We are concerned that such technology could support BW programs in those states. We call on Cuba to cease all BW-applicable cooperation with rogue states and to fully comply with all of its obligations under the Biological Weapons Convention." [67]

The May 6 speech also contained controversial statements on Cuba and terrorism, and on the influence of a Cuban spy who had worked as a Defense Intelligence Agency analyst, which had not been circulated for clearance by the regional intelligence analysts who covered those issues. Press coverage the next day included comments by unnamed officials that the intelligence on Cuba and BW was "broad and deep" and that Cuba had experimented with anthrax and other dangerous pathogens.[68]

Controversy ensued in public and within government councils about the strength of the evidence on Cuba's BW effort and whether the speech had been properly cleared throughout the Intelligence Community. On May 9, the CIA re-published its previous analytic conclusions in its daily Senior Executive Intelligence Brief (SEIB), implicitly reminding policy makers that it did not endorse everything that Bolton had said. The SEIB item provoked an angry reaction from Bolton.[69] The NIO for Latin America had not reviewed the Cuba language in the speech, and said so to the Subcommittee on Western Hemisphere Affairs of this committee in a closed briefing on June 4, 2002. Word of the briefing was relayed to Mr. Bolton's office. A rancorous internal debate also occurred in the same time period between Bolton's office and the Intelligence Community over preparation of congressional testimony on Cuba that Bolton was scheduled to give (but never did). CIA analysts, including the NIO for Latin America, objected to major points in the draft testimony, including parts of the testimony that had been used in the Heritage speech.

By early June, Mr. Bolton and Otto Reich, the Assistant Secretary of State for Western Hemisphere Affairs, were considering an effort to seek the removal of the NIO. On June 7, an aide to Mr. Bolton circulated a draft letter from Mr. Bolton and Mr. Reich

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[67] John R. Bolton, "Beyond the Axis of Evil: Additional Threats from Weapons of Mass Destruction," remarks to the Heritage Foundation, May 5, 2002. Hereafter cited as: "Bolton speech, May 6, 2002."

[68] Kralev, Nicholas, "Havana pursues biological warfare; Technology given to rogue states," *The Washington Times,* May 7, 2002; Miller, Judith, "Washington Accuses Cuba Of Germ-Warfare Research," *The New York Times,* May 7, 2002; Slevin, Peter, "Cuba Seeks Bioweapons, U.S. Says"; "Cuban Spokesman Calls Arms Control Chief's Allegations a 'Lie'," *The Washington Post,* May 7, 2002.

[69] CIA e-mail, 5/13/02, 2:49 pm ("Fleitz reported that Bolton is quite angry at CIA; specifically, Bolton perceives our SEIB last week was intended to undercut his speech . . . ").

to the Director of Central Intelligence.[70] The letter outlined alleged unprofessional behavior of the NIO, but also complained about his objections to Bolton's draft testimony. The draft letter to Mr. Tenet urged the immediate replacement of the NIO, and indicated that Mr. Bolton and Mr. Reich would take several measures on their own, including excluding the NIO from official meetings at the State Department and from official travel in the Western Hemisphere. A later e-mail from a colleague reports that he has discussed the matter with Mr. Bolton, who, he says, "would prefer at this point to handle this in person with Tenet."[71]

In July 2002, Under Secretary Bolton traveled to CIA headquarters to meet with Stuart Cohen, the Acting Chairman of the National Intelligence Council (NIC). The appointment was described by Mr. Bolton as a "courtesy call" so he could learn more about the function of the National Intelligence Council, and he recalled that the "bulk of the meeting" involved Mr. Cohen explaining the functions of the NIC and "what their publications were and how it had been created."[72] Mr. Bolton also stated as follows:

> I also knew that in the weeks and months previous thereto, dealing with this "Mr. Smith," Otto Reich, who [was] the Assistant Secretary of State for Western Hemisphere Affairs, had told me and other[s] he had very grave problems with Mr. Smith on a range of issues. ... And I think I said to Mr. Cohen ... in the course of our conversation, that based upon what I had seen in my limited area, that I agreed with them. And that was it, I had one part of one conversation with one person, one time on Mr. Smith, and that was it, I let it go.[73]

Later in the hearing, Mr. Bolton said that "in my dealings [with the NIO], his behavior was unprofessional," and therefore he had "lost confidence in him."[74]

Cohen did not recall many specifics of the Bolton meeting—including whether Mr. Bolton had asked about the workings of the NIC—but believed his intent was clear that he wanted the NIO removed.[75] "I just don't recall the details of the meeting," Cohen said, "other than the fact that there was a focus on Mr. Smith."[76] After reviewing the matter, Cohen decided to retain the NIO in his position. He told the committee staff that he discussed the issue with John McLaughlin, then Deputy Director of Central Intelligence (DDCI), who agreed with Mr. Cohen that the NIO should not be removed from his position:

> Stu Cohen came to me ... and said that I might be getting a call from John Bolton or Otto Reich, that they had serious disagreements with ... the NIO's work, and they

[70] State Department e-mail, June 7, 2002, 2:45 pm.
[71] State Department e-mail, June 7, 2002, 3:46 pm.
[72] Apr. 11 hearing, pm session, page 27. Talking points prepared for Mr. Bolton suggest a broader agenda for the meeting, and make no mention of the "courtesy call" aspect of the visit. They do mention concerns about the NIO.
[73] Ibid.
[74] Ibid., page 63.
[75] Democratic staff memorandum for the record, Apr. 10, 2005, regarding Apr. 8 telephone interview with Stuart Cohen.
[76] Interview with Stuart Cohen by Senate Foreign Relations Committee staff, Apr. 29, 2005, page 8–page 9. Hereafter cited as: "Cohen interview, Apr. 29, 2005."

> might call me and ask to have the NIO reassigned or moved. And I said to Stu, "Well we're not going to do that, absolutely not. No way. End of story ... I remember having a very strong reaction to it"[77]

The effort to remove the NIO did not end with his meeting with Mr. Cohen, as Mr. Bolton stated. Over the course of the next three months, Mr. Bolton's and Mr. Reich's offices actively discussed their joint effort to seek the removal of the NIO. On July 25, 2002, a senior aide to Mr. Bolton told a senior aide to Mr. Reich that Mr. Bolton wanted to meet Mr. Reich to "discuss the draft letter to CIA on our favorite subject" and said that "John doesn't want this to slip any further."[78] The next day, the same aide to Mr. Bolton e-mailed Mr. Reich and his aide a new draft of the letter, this time addressed to Mr. Cohen. It said that the draft was "less hard-hitting than the last and relies on John's tough talk with Cohen" about the NIO.[79] The signature line of the letter included only Mr. Bolton's name. On September 27, 2002, the aide to Mr. Reich e-mailed the Bolton aide with yet another draft letter (also to Cohen), and said that Mr. Reich wanted to know whether Mr. Bolton would be interested in signing it.[80] On October 9, 2002, the aide to Bolton said that he would ask Mr. Bolton if he wanted to sign.[81]

Mr. Frederick Fleitz, a senior aide to Mr. Bolton, also let it be known to a senior CIA official that Bolton wanted the NIO removed. In a routine phone call, Fleitz told Alan Foley, then head of WINPAC, that Mr. Bolton wanted the NIO fired (or words to that effect). Foley recalls being "jarred" by Fleitz' statement, because he was normally very discreet about Mr. Bolton's views, and that he realized that whatever the nature of the dispute between Mr. Bolton and the NIO, it was obviously becoming "fairly acrimonious."[82]

The evidence thus shows that Mr. Bolton didn't "let it go" after his meeting with Mr. Cohen, but rather he and his staff plotted to remove the NIO at least until early October. It is not known whether a letter was actually sent by Mr. Bolton and/or Mr. Reich, or received by Mr. Tenet or Mr. Cohen.

The significance of Bolton's actions

As stated above, the Bolton effort to remove the NIO was rebuffed by senior CIA leadership, and the NIO remained in his position until the end of 2004. Mr. McLaughlin stated that no other policy maker made such a request during his tenure as DDCI,[83] and explained why he rejected the requests from Bolton and Reich:

> It's perfectly all right for a policymaker to express disagreement with an NIO or an analyst, and it's perfectly all right for them to ... challenge their work vigorously. But

[77] Interview with John McLaughlin by Senate Foreign Relations Committee staff, Apr. 29, 2005, page 5–page 6. Hereafter cited as "McLaughlin interview."
[78] State Department e-mail, July 25, 2002, 1:37 pm.
[79] State Department e-mail, July 26, 2002, 1:51 pm.
[80] State Department e-mail, Sept. 27, 2002, 8:57 am.
[81] State Department e-mail, October 9, 2002, 4:25 am.
[82] Interview with Alan Foley by the Senate Foreign Relations Committee staff, Apr. 28, 2005, page 11–page 12. Hereafter cited as: "Foley interview."
[83] McLaughlin interview, page 8.

> I think it's different to then request, because of the disagreement, that the person be transferred. And—unless there is malfeasance involved here—and, in this case, I had high regard for the individual's work; therefore, I had a strong negative reaction to the suggestion about moving him.[84]

Mr. Bolton's effort to remove the NIO for Latin America is particularly striking for several reasons:

- he had never met or spoken with the NIO;
- he could not recall whether he had ever read any of the NIO's work product;[85]
- the NIO worked in another agency; and
- the NIO did not work on Bolton's subject area of arms control and nonproliferation.

This underscores the depth of Mr. Bolton's feelings regarding Cuba and his frustration whenever intelligence analysts sought to restrict what he could say on an issue.

IV. STRETCHING INTELLIGENCE

A. The Use and Abuse of Intelligence

When a policy maker uses intelligence information in public statements, he faces certain limitations: he must not endanger sensitive intelligence sources and methods; he must not misstate intelligence information or conclusions; he must not attribute his own opinions to intelligence information or analysis, either explicitly or implicitly; and he must not defame U.S. intelligence agencies.

Violating those standards undermines our intelligence agencies and harms the policy process. To go beyond these boundaries—to "stretch" intelligence—can lead to unwise, or even dangerous, policies.

- If sensitive intelligence sources or methods are disclosed or compromised, we may lose them. Those losses can multiply, if people around the world come to assume that U.S. intelligence cannot keep secrets.
- If intelligence information or conclusions are misstated, or if personal opinions are wrongly attributed to intelligence information or analysis, then the policy process is perverted. In addition, others may disclose sensitive information in their efforts to correct the misstatements.
- If U.S. intelligence agencies are defamed, then morale and recruitment—both of employees and of clandestine sources—may suffer.

In the development of government policy, policy makers have been known to challenge intelligence analysts and the bases of their analytical judgments. Such challenges, in the abstract, are legitimate and, indeed, useful. So, too, do policy makers push the in-

[84] Ibid., p. 9.

[85] In answers to questions for the record submitted by Senator Biden, Mr. Bolton admitted that he had never met the NIO and did not know whether he had ever read any intelligence product prepared or coordinated by him.

telligence community to let them say things in public that will dramatize or reinforce the policy argument they are trying to make.

But in blatant or repeated cases, the questioning of intelligence analysts can lead to politicization of intelligence. Intelligence agencies come to understand what answers the policy makers want. If they give in to the pressure to please, then the distortion of policy increases. Even if they resist that pressure, their morale and efficiency can be undermined and our country suffers.

Carl Ford, former Assistant Secretary of State for Intelligence and Research, speaking of Under Secretary Bolton's attack on an INR analyst, told the committee: "I don't take a lot of solace in the fact that in this particular case, it didn't turn into politicization. I can only give you my impressions, but I clearly believe that the analysts in INR were very negatively affected by this incident—they were scared."[86]

Former Assistant Secretary Ford called politicization "a team sport. It requires someone to pressure, and what I refer to as a 'weasel' in the Intelligence Community to act inappropriately to that pressure."[87]

A somewhat different view was expressed by Dr. Robert Hutchings, former chief of the National Intelligence Council:

> I think that this all goes to the issue of politicization and—you know, there's different forms of politicization. And I think when policy officials—and . . . I'm not singling out Mr. Bolton here—but when policy officials come back repeatedly to push the same kinds of judgments, and push the intelligence community to confirm a particular set of judgments, it does have the effect of politicizing intelligence, because the so-called "correct answer" becomes all too clear. And, you know, even when it's successfully resisted, it has an effect.
>
> I think every judgment ought to be challenged and questioned. But . . . when it goes beyond that, to a search for a pretty clearly-defined, pre-formed set of judgments, then it turns into politicization. And even, as I said, even when it's resisted—and this is where I think the WMD Commission Report didn't quite get it right—even when it's successfully resisted, it doesn't mean that there hasn't been an effect, because it creates a climate of intimidation and a culture of conformity that is damaging, . . .[88]

The difference between these two views may be due to the fact that Ford was testifying about one attack on an analyst, while Hutchings was referring to the repeated efforts of Under Secretary Bolton to get the "right" answer from the Intelligence Community. Ford called Mr. Bolton a "serial abuser" of subordinates. Hutchings was warning about the risk of serial abuse of the process, and of the U.S. Intelligence Community as a whole.

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[86] April 12 hearing, page 39–page 40.

[87] Ibid., page 39.

[88] Interview of Robert Hutchings by Senate Foreign Relations Committee staff, May 6, 2005, page 14–page 15. Hereafter cited as "Hutchings interview."

There are several ways to stretch intelligence. One is "cherry-picking," in which the policy maker focuses on a few bits of intelligence that support his point of view, while ignoring others that contradict it or call it into question. One form of "cherry-picking" that was evident in the issue of Cuba and biological weapons is to ignore the doubts that intelligence analysts have regarding the reliability of the information that U.S. intelligence has obtained.

A second way to stretch intelligence is by "gaming the system." In 2002, the clearance of some speeches was managed by the National Intelligence Council, while others went to WINPAC, the DCI's interagency Weapons Intelligence, Nonproliferation and Arms Control Center at CIA, which specialized in weapons-related issues. By sticking to the WINPAC route, a policy maker can sometimes avoid giving regional intelligence specialists a role in clearing language. A policy maker can also try to leave out the State Department's Bureau of Intelligence and Research (INR), by sending a speech only to policy bureaus for clearance. He can simply persist, through multiple rounds of drafting, sending out successive drafts that largely ignore the objections raised to the first one. Or he can grind the system down by imposing tight deadlines, or by writing his text on the fly and clearing it at the last minute by e-mail, perhaps at odd hours from half-way around the world.

A third technique is intimidation. A policy maker, or his staff, can cite the importance of the person who wants to use the proposed language. He can try to change the rules of the clearance process, by repeatedly claiming that intelligence agencies have no right to object to language that misstates their conclusions, unless it would disclose sensitive sources or methods. Or he can bully analysts, or try to get them fired or reassigned.

Under Secretary Bolton and his staff used all three of these techniques. They were only occasionally successful, but they kept trying. Both in the State Department and in the Intelligence Community, much effort had to be expended keeping Mr. Bolton on the strait and narrow, as well as tending to the individual people whom he tried to push around.

B. Cuba and Biological Weapons—Heritage Foundation speech, February-May 2002

On February 8, 2002, Under Secretary Bolton's office asked an INR analyst to send out for Intelligence Community clearance a draft paragraph on Cuba and biological weapons. The language was part of the process of preparing a speech that Mr. Bolton was to give in the near future.[89] Mr. Bolton's personal attack on the INR analyst and his repeated requests to have the man reassigned are discussed in the section above on attempts to remove analysts. What are relevant to this section are, first, Mr. Bolton's views on the clearance process and, second, how he and his office tried to game the system.

Under Secretary Bolton testified to the committee that he told the INR analyst, "I don't care if you disagree with me, I just think

[89] Fleitz memorandum to [name redacted]. "Request to Clear Cuba BW Language for U/S Bolton speech," Feb. 8, 2002.

you shouldn't do it behind my back."[90] But others had different recollections. The INR analyst told committee staff that Bolton "wanted to know what right I had trying to change an Under Secretary's language."[91] Thomas Fingar, who was Acting Assistant Secretary for INR on that day, told committee staff that Bolton said, "[t]hat he was the President's appointee, that he had every right to say what he believed, that he wasn't going to be told what he could say by a mid-level INR munchkin analyst."[92] And former Assistant Secretary Ford testified that, "several days after his confrontation with my analyst, ... [Bolton] was still fussing about what he could and couldn't say in the speech."[93] Bolton thus contested the idea that the Intelligence Community had any right to change his language, except to protect sensitive intelligence sources and methods.

According to the INR analyst, the draft Bolton text "contained a sentence which said the U.S. believes that Cuba has a developmental, offensive biological warfare program and is providing assistance to other rogue state programs. The text also called for international observers of Cuba's biological facilities."[94] The Intelligence Community's clearance coordinator circulated the proposed text and the arguments that Under Secretary Bolton's office had provided in favor of it. The coordinator asked agencies to "review the suggested language ... for accuracy and completeness, as well as for ... sources and methods concerns."[95]

After receiving comments from the Community, a CIA analyst e-mailed Under Secretary Bolton's office: "Our intelligence information cannot support Bolton's message." The analyst also warned that a public speech "will increase the likelihood that CIA information will come under scrutiny" and added that CIA "could not support a public discussion of our information."[96] The response from Bolton's office made clear that Bolton disagreed with the Intelligence Community's judgment: "Bolton believes that State and CIA should have been including Cuba's BW program in reports to the Hill and in NIEs [National Intelligence Estimates] over the last few years." Bolton's office added that "several heavy hitters are involved in this one, and they may choose to push ahead over objections from CIA and INR, . . . UNLESS there is a serious sources and methods concern."[97] Thus, Bolton's office tried to force a change in the Intelligence Community judgment and threatened to ignore the Community's views on substantive intelligence issues.

The Intelligence Community provided a cleared text on Cuba and biological weapons on February 21.[98] The cleared text added the word "limited;" changed "developmental program" (which would have implied a more structured activity) to "research and development effort;" replaced "provided assistance to other rogue state pro-

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[90] Apr. 11 hearing, pm session, page 42.
[91] Westermann interview, Apr. 7, 2005, page 103.
[92] Fingar interview, page 10.
[93] Apr. 12 hearing. page 22–page 23.
[94] Senate Select Committee on Intelligence, *Report on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq,* July 7, 2004, page 277.
[95] WINPAC e-mail, Feb. 12, 2002, 6:33 pm.
[96] WINPAC to Fleitz, attachment to e-mail, Feb. 21, 2002, 6:06 am.
[97] Fleitz to WINPAC e-mail, Feb. 21, 2002, 6:06 am.
[98] Westermann to Fleitz e-mail, Feb. 21, 2002, 5:51 pm.

grams" with "provided dual-use biotechnology. ... that ... could support BW programs;" and deleted any reference to inspections.[99]

One day later, a senior Bolton staffer wrote, "John wants his speech to include additional tough language about Cuba, but not material we will need to clear with CIA. (Cuban sponsorship of terrorism, for example.)" [100] It had taken only one experience with the clearance process for Bolton's office to start thinking about circumventing that process.

On April 26, Under Secretary Bolton's office circulated for clearance a full text of a proposed May 6 speech to the Heritage Foundation. That text contained the cleared language on Cuba and biological weapons, but also additional language on Cuba. It was sent to policy bureaus and to WINPAC, but neither to INR nor to the National Intelligence Council. [101] INR only found out about the new draft when two policy bureaus asked the weapons specialists in INR to comment on portions of the speech. WINPAC consulted the National Intelligence Officer (NIO) for Science and Technology on the text regarding Cuba and biological weapons. But the NIO for Latin America and INR's Latin American specialists never saw the additional Cuba language. [102]

This might not have mattered, had the additional language on Cuba not been controversial; but the Heritage Foundation speech, as delivered, was very controversial. It said: "We know that Cuba is collaborating with other state sponsors of terror." It added that Fidel Castro "continues to view terror as a legitimate tactic to further revolutionary objectives," and included a quotation that would later turn out to be of questionable origins. And it attacked a 1998 "U.S. government report" as "unbalanced" and cited Cuban spy Ana Belen Montes (who had been a Defense Intelligence Agency analyst at the time) as having "had a hand in drafting" the report.[103] The next day, moreover, *The Washington Times* reported: "In a later interview, a senior administration official said Washington has gathered 'broad and deep' evidence of Cuba's pursuit of such weapons but is 'constrained' in what it can disclose publicly." [104] We do not know who spoke to *The Washington Times,* but Mr. Bolton reportedly did hold a question-and-answer session after his speech.

The reaction to Under Secretary Bolton's May 6 speech was substantial. News media reported that unnamed CIA personnel denied that Cuba had biological weapons (a statement that did not actually contradict Bolton's assertions). And on May 9, the CIA re-published its previous analytic conclusions in its daily Senior Executive Intelligence Brief (SEIB), implicitly reminding policy makers that it did not endorse everything that Bolton had said. [105]

At a meeting with analysts on May 13, Under Secretary Bolton's office reported that he was "quite angry at CIA," especially over the SEIB article and reported media leaks. His staff defended his re-

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[99] Bolton speech, May 6, 2002.
[100] Fleitz to [redacted name] e-mail, Feb. 22, 2002, 6:21 pm.
[101] Fleitz to [redacted name] e-mail, Apr. 26, 2002, 5:51 pm.
[102] INR supervisor to Fleitz e-mail, Apr. 30, 2002, 11:20 am; Assistant NIO/S&T to Stuart Cohen e-mail, June 3, 2002, 6:37 pm.
[103] Bolton speech, May 6, 2002, page 5.
[104] "Havana pursues biological warfare; Technology given to 'rogue states'," *The Washington Times,* May 7, 2002.
[105] CIA/DI/APLA analyst e-mail, May 13, 2002, 2:49 pm.

marks by citing a WINPAC paper that Bolton had read, but were told that the paper had not been coordinated with other intelligence agencies and had not been disseminated to policy makers "because of serious reservations about the methodology used."[106] Perhaps inadvertently, Bolton and his staff had "cherry-picked" an analysis that many intelligence analysts rejected.

C. Cuba and Biological Weapons, Again—May-June, 2002

The smoke had barely cleared from the May 6 speech to the Heritage Foundation when Under Secretary Bolton's office began to seek clearance of draft public testimony that they indicated was to be given on June 5, 2002, before the Subcommittee on Western Hemisphere Affairs of the Senate Foreign Relations Committee (then chaired by Senator Dodd). The draft that Bolton's office sent to WINPAC in late May used nearly all of the Cuba language from his May 6 speech and added further information drawn from intelligence reports. INR got the draft on May 30, and a meeting with Bolton was scheduled for May 31 to discuss the text.[107]

In the wake of the Heritage Foundation speech, INR asked that regional analysts be involved in the clearance process for the draft testimony, along with the weapons specialists.[108] The draft was shared with the NIO for Latin America, who then participated in the clearance process. This time, therefore, nobody was left out.

Under Secretary Bolton did not attend the May 31 meeting with intelligence analysts, but it was by all accounts a contentious affair. A CIA analyst later reported to the Director of Central Intelligence (DCI) that "Mr. Bolton had left instructions that we confine our comments to sources and methods issues or to substantive information that strengthened the Undersecretary's argumentation in the proposed testimony."[109] This contradicted the Intelligence Community's traditional "accuracy and completeness" role in the clearance process. The purported Bolton instructions appear to have been disregarded, but they were a clear attempt to change the rules.

At the May 31 meeting, a senior Bolton staffer complained (again) about press leaks[110] and went on to say that the NIC had cleared the Heritage Foundation speech. When analysts explained how small a role the NIC had played in clearing that speech, the Bolton staffer reportedly said, "we never clear things with the NIC."[111] A few days later, the Bolton staffer called the Assistant NIO for S&T and said "that Bolton is insisting that the NIC cleared on the Heritage Foundation speech."[112] The NIO for Latin America felt that the Bolton staffer "seemed confused about the basics of the coordination process," while the NIO for S&T and his assistant worried that Bolton was trying "to deflect criticism that Bolton continues to receive from his own management as well as DOD and others." The NIO for Latin America felt that perhaps Bolton's staffer "had led his boss out on a long, weak, and very

[106] CIA/DI/APLA analyst e-mail, May 13, 2002, 2:49 pm.
[107] WINPAC e-mail, May 30, 2002, 10:12 am; INR to WINPAC e-mail, May 30, 2002.
[108] INR to WINPAC e-mail, May 30, 2002.
[109] CIA/DI/APLA memorandum, June 5, 2002, p. 1.
[110] Ibid.
[111] NIO/LA to ANIO/S&T e-mail, June 4, 2002, 3:00 pm.
[112] ANIO/S&T to NIO/LA e-mail attachment, June 4, 2002, 3:00 pm.

public limb—much to the detriment of his boss, the administration, and the policies they support—and was desperate to blame someone else." [113]

The CIA analyst warned: "The controversy on this issue will not end soon." CIA had "a draft Defense Department document that seeks (reportedly at Undersecretary Bolton's request) to add Cuba to the State Department's 2001 nonproliferation report." Thus, there was an apparently coordinated effort to change the Intelligence Community's judgment; the nonproliferation report, by law, had to be approved by the DCI. The CIA analyst added that a new draft of Bolton's testimony "still contains fundamental flaws." [114]

Meanwhile, on June 4, an analytic team led by the NIO for Latin America gave a closed briefing on Cuba and biological weapons to the Western Hemisphere Subcommittee of the Senate Foreign Relations Committee. The analysts saw the briefing as non-controversial, but their analytic judgments apparently were at odds with Under Secretary Bolton's. [115]

Another draft of Under Secretary Bolton's testimony was provided on June 3 and edited by the Intelligence Community on June 6. A senior analyst wrote "that comments will be easy since he did not seem to take many of our comments from 5/31." [116] Bolton's office was thus keeping the pressure on the Intelligence Community to clear as much of Bolton's text as possible.

CIA, in turn, objected to major points in the draft testimony, including points from the Heritage Foundation speech that regional analysts had not been shown before it was cleared. The uncoordinated working paper that Bolton's office had cited on May 13 was now cited in the draft testimony, and CIA/APLA objected to any use of it. Regional analysts believed that the text "misrepresents . . . judgments not only on BW but also on terrorism," and that it "seems to impugn intelligence community efforts to follow the Cuban BW issue" and "implies that the Intelligence Community is trying to hide something from U.S. policymakers and the U.S. public." [117] And analysts argued that references to the Ana Montes case could endanger sources and methods [118]

Bolton's office then protested the unwillingness to clear language on the Ana Montes case, so the director of WINPAC weighed in by telling Bolton's staff that he supported the Intelligence Community view. [119] Another draft text was provided by Bolton's office and edited by the Intelligence Community that day. Aside from the Montes issue, there were still concerns over previously unreleased information that Mr. Bolton wished to cite, over how to cite a questionable quote of Fidel Castro, and over whether Mr. Bolton could say that the Intelligence Community had "provided" any of his Heritage Foundation text. Several elements of that speech were no longer contained, however, in the draft testimony. [120] Bolton's office responded by scheduling a June 12 meeting between the analysts

[113] NIO/LA to ANIO/S&T e-mail, June 4, 2002, 3:00 pm.
[114] CIA/DI/APLA memorandum, June 5, 2002, p. 1.
[115] CIA memorandum for the record, June 4, 2002; CIA/DI/APLA e-mail, June 5, 2002, 8:40 am.
[116] NIO/LA e-mail attachment of June 6, 2002, 8:11 am.
[117] CIA/DI/APLA e-mail, June 6, 2002, 12:30 pm.
[118] NIO/LA e-mail and attached edited text, June 6, 2002, 3:31 pm.
[119] Foley to Fleitz e-mail, June 7, 2002, 10:35 am.
[120] INPAC e-mail, June 7, 2002, 1:41 pm.

and Bolton.[121] Bolton's office indicated that the Acting Chairman of the NIC should attend.[122]

The June 12 meeting was cancelled at the last minute, but Under Secretary Bolton's office sent out a new draft of the testimony. The e-mail from his staff that accompanied the new draft said that the statements on Ana Montes to which analysts objected were being removed. But it also stated:

> Mr. Bolton would like to take a different strategy on the Cuba BW testimony that he hopes will smooth the process for future IC [Intelligence Community] clearances of documents like this. He suggests that INR use the following boilerplate language in these types of clearance requests:
>
> "Thank you for the opportunity to review your proposed testimony/speech. As you know, the IC does not comment on policy or substantive matters, so me [sic: we] express no views on those portions of your testimony/speech. As to those matters involving intelligence sources and methods . . . "[123]

Intelligence analysts had been trying to explain for some time that they did not take views (and therefore could not be asked to clear) on policy issues. But they could not agree to cede their role in clearing on substance, especially when intelligence information was invoked or implied, so the proposal from Bolton's office was politely rejected.[124] It stands, however, as an audacious attempt to change the rules.

The Intelligence Community also proposed a few further edits to lessen the implied confidence in the judgment that Cuba was developing biological weapons.[125] Another Bolton draft was promised in late June, but it never materialized and the draft testimony was never used. The former Acting Chief of the National Intelligence Council summed up the affair by saying, "It just seems to me that the clearance of the speech . . . was entirely too rancorous and too burdensome."[126] The rancor continued, and this matter was reportedly one reason listed by Mr. Bolton for asking that the NIO for Latin America be relieved of his duties.[127]

D. Syria and Nuclear Weapons—Heritage Foundation Speech, April-May 2002

On April 19, 2002, a senior member of Under Secretary Bolton's staff asked the Intelligence Community to prepare unclassified language on Syria, to be included in the Heritage Foundation speech. He asked for language on biological weapons, chemical weapons, nuclear weapons and ballistic missile programs.[128] In response, the Intelligence Community transmitted unclassified language drawn from previously published material.[129]

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[121] NIO/LA e-mail attachment, June 7, 2002, 5:46 pm.
[122] NIO/LA to Stuart Cohen e-mail, June 10, 2002, 3:58 pm.
[123] Fleitz to INR e-mail, June 12, 2002, 11:09 am.
[124] NIO/LA to INR e-mail, June 13, 2002, 3:44 pm.
[125] Ibid.
[126] Cohen interview, Apr. 29, 2005, page 3.
[127] Democratic staff notes regarding Apr. 8, 2005 telephone interview with Stuart Cohen. Hereafter cited as: "Cohen interview, Apr. 8, 2005."
[128] Fleitz to [redacted name] e-mail. Apr. 19, 2003, 9:03 am.
[129] [Redacted name] to Fleitz e-mail, Apr. 26, 2002, 4:22 pm.

On April 29, Under Secretary Bolton's office circulated a draft of the Bolton speech to relevant policy bureaus within the State Department, noting that this draft contained an additional section on Syria.[130] The INR bureau, although not asked to clear on any of the language in the speech, raised concerns that some "tweaking" had been done to the Syria and Libya text originally provided. INR also complained that it had been excluded from the speech review process, having received the draft from a policy bureau that had been asked to clear.[131] An INR analyst raised concerns that the new language on Syria's possible interest in nuclear weapons technology was a "stretch," implying existence of a Syrian nuclear weapons program when such a conclusion had not, in fact, been reached by U.S. intelligence.[132] Similar concerns were raised by another element of the Intelligence Community.[133] Although INR provided revised language that could be used on this topic, Bolton did not use it, opting instead to refrain from any discussion of a potential Syrian nuclear weapons program in his speech. He did not give up on what he wanted to say, however, but rather saved it for another day.

E. Syria and Nuclear Weapons, Again—HIRC testimony, June, July, September, 2003

Under Secretary Bolton testified before the House International Relations Committee in June 2003, and again in September, on Syrian efforts to develop WMD and ballistic missiles. On June 4, Bolton told the committee: "As we have informed Congress, we are looking at Syria's nuclear program with growing concern and continue to monitor it for any signs of nuclear weapons intent."[134]

This statement stand in contrast to a CIA assessment sent to the Congress just two months earlier, in April 2003, which was more cautious than Mr. Bolton's testimony. On the question of nuclear weapons, the report, noting that Syria and Russia had reached preliminary agreement on civilian nuclear cooperation, stated: "In principle, broader access to Russian expertise provides opportunities for Syria to expand its indigenous capabilities, should it decide to pursue nuclear weapons." (The "growing concern" language used in Bolton's statement was later adopted in the DCI's report for the first half of 2003, which was released in November 2003. By November 2004, however, the "growing concern" was reduced to "concern.")[135]

On September 16, 2003, the Subcommittee on the Middle East and Central Asia of the House International Relations Committee held a hearing entitled "Syria: Implications for U.S. Security and

[130] Fleitz to [redacted name] e-mail, Apr. 29, 2002, 5:07 pm.
[131] [Redacted name] to Fleitz e-mail, Apr. 30, 2002, 11:20 am.
[132] [Redacted name] to Fleitz e-mail, Apr. 30, 2002, 8:39 am, forwarded to Fleitz Apr. 30, 2002, 10:03 am.
[133] Fleitz to [redacted name] e-mail, Apr. 30, 2002, 11:26 am.
[134] "U.S. Nonproliferation Policy After Iraq." Hearing of the House International Relations Committee, June 4, 2003.
[135] Director of Central Intelligence, "Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 January Through 30 June 2002," April 2003, p. 8; "Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 January Through 30 June 2003," November 2003, p. 6; "Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2003," November 2004, p. 6.

Regional Stability." Under Secretary Bolton was the only witness. Originally this testimony was to be given in July, but disagreements that emerged between Bolton's office and the Intelligence Community over the interpretation of intelligence data forced Bolton to postpone the testimony, according to Bolton's account. After a prolonged clearance process, the testimony that Bolton gave ultimately included language on Syria's WMD programs that was cleared by the Intelligence Community.

According to contemporaneous press accounts about the postponed July testimony, the CIA and other agencies "objected vigorously" to the assessment of the threat of Syria's weapons of mass destruction that Bolton intended to present. U.S. officials told Knight Ridder Newspapers that Bolton was prepared to tell the subcommittee that Syria's development of biological, chemical and nuclear weapons had progressed to such a point that they posed a threat to stability in the region. The article went on to say that the CIA and other intelligence agencies "said that assessment was exaggerated," that the planned testimony had caused a "revolt" within the Intelligence Community, and that the CIA's "objections and comments alone ran to 35 to 40 pages" according to one official. According to the article, an aide to Bolton said the testimony was postponed over a scheduling conflict, while others indicated it was because the dispute could not be solved immediately. [136]

During Bolton's confirmation hearing last month, Senator Obama read excerpts from the above Knight Ridder article and asked Under Secretary Bolton to respond. Bolton said that "drafts were prepared—and I should say as is often the case, and was in part in the case in other speeches— I hadn't even seen the draft. I had been traveling, when I came back I found that I had a conflict, I had been assigned to go to a Deputy's committee meeting at the White House. There were a lot of disagreements about the speech, it was clear to me that more work needed to be done on it." He stated further that he canceled the testimony, telling Congresswoman Ileana Ros-Lehtinen, the subcommittee chair: "Look, I'm going to, on my own hook, cancel this. We need more time." He said the hearing could not be rescheduled until September because of the August recess. [137]

The committee staff interviewed four individuals who confirmed that there was a protracted dispute over Bolton's testimony to the Subcommittee. The first is an INR analyst whose name has not been made public, but who was involved in the clearance process for the Bolton testimony. The analyst stated that one issue, involving one of Syria's WMD-related programs, was a "big sticking point." The question was whether the judgment in Bolton's draft was "sustainable." This analyst described that judgment as "an attempt to take a piece of data that was far from definitive and draw a conclusion." The analyst went on to say that the Intelligence Community had "reservations" about the information and how it was obtained, as well as the "soundness of the science" underlying it. The analyst indicated that Bolton's staff was "not happy" about the language that came back from the Intelligence Community and

[136] Warren P. Strobel and Jonathan S. Landay, "CIA: Assessment of Syria's Weapons of Mass Destruction Exaggerated," Knight Ridder/Tribune News Service, July 15, 2003.
[137] Apr. 11 hearing, pm session, p. 87.

that "there was some effort at pushback."[138] The analyst stated that "ultimately" the phraseology was removed and that the Intelligence Community was "comfortable" with the final phrasing. When asked about this particular clearance process, the analyst stated that it was "fairly rare for this type of dynamic to play out."[139] Once again, we see Bolton or his office engaging in the tactic of protracted drafts in an effort to get clearance for text that intelligence professionals felt went beyond the evidence.

Jami Miscik, who served as CIA's Deputy Director for Intelligence from May 2002 to February 2005, also confirmed that there were concerns within the Intelligence Community about Mr. Bolton's proposed language. The committee's staff asked if she had followed "any of the cases that arose regarding clearance of speech or testimony for policymakers." She responded that much of the process went on at a level that "usually didn't involve me," but described the kinds of situations in which she did become involved. The first was: "If it looked like it was going to be a contentious issue . . . " She described the second as follows: "And then sometimes there would be situations where it was really dragging out, it was really becoming problematic, and those are the ones that usually people would come up and, kind of, tell me about more than just a passing FYI kind of phone call."[140]

Ms. Miscik was asked if the latter category included cases involving testimony or speeches for Under Secretary Bolton. She replied:

> Yeah. One of them, in particular, was the Syria speech that he was going to give. And the Cuba speech—I don't remember as much before the speech as after the speech was given [on May 6, 2002, to the Heritage Foundation], where people were coming up to me, saying, you know, "This isn't what we—this isn't how we see this information." And so, what that then led—or [was] laid was kind of a predicate for when the Syria one came along. People were approaching it very cautiously, were concerned that there were going to be problems. . . . [T]hey wrote a very extensive memo back on the points that they had issues with or thought that it went beyond what could be supported by the intelligence.[141]

Ms. Miscik further clarified that the memo had been prepared in connection with Bolton's proposed Syria testimony and that the "concern and the action on . . . Syria came before the [testimony]." When asked whether Bolton in the end used the language proposed by the Intelligence Community, Ms. Miscik said: "I think it had been delayed—I think this is a—you know, turned into, instead of a couple-of-day process, a couple-of-week process. I think what ultimately was used was agreed to by the Intelligence Community."[142]

Ms. Miscik testified that she did not "have to get personally involved," but confirmed that the differences could not be resolved in time for the testimony to be given as originally planned: "my mem-

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[138] INR supervisor interview, page 12.
[139] Ibid., page 14.
[140] Interview of Jami Miscik by Senate Foreign Relations Committee staff, May 5, 2005, page 5. Hereafter cited as "Miscik interview."
[141] Ibid., page 6.
[142] Ibid., page 7.

ory could be faulty here, but there had been an original deadline that wasn't going to be met. This was not going to be resolved by then. Then there was an extension. I think the speech was postponed." [143]

Dr. Robert Hutchings, who served as the Chair of the National Intelligence Council from February 2003 through the end of January 2005, also spoke to the process involving Bolton's Syria testimony. Hutchings recalled:

> The first version I saw struck me as going well beyond what—where the evidence would legitimately take us. And that was the judgement of the experts on my staff, as well. So I said that, under these circumstances, that we should not clear this kind of testimony. [144]

Dr. Hutchings did not see every draft of the proposed Syria testimony, but was briefed on the continuing clearance process: "I remember that—either seeing or being told that the next draft was pretty much the same as the first one, that there were some small changes, but that it was still problematic. That's the sort of a sense that I was getting. And I, again, said that we should not clear anything we're not—that contains intelligence judgements with which we are not comfortable." He did not recall the reported Syria memo, but did state that this case was "perhaps particularly acute," and he knew of no case as protracted as this one. [145]

Dr. Hutchings went on to say that Under Secretary Bolton: "took isolated facts and made much more of them to build a case than I thought the intelligence warranted. It was a sort of cherry-picking of little factoids and little isolated bits that were drawn out to present the starkest possible case." [146] (This is, of course, a pattern observed on the Cuba biological weapons issue, as well.) Hutchings indicated that he had no personal interactions with Bolton.

Finally, Mr. Larry Wilkerson, former Chief of Staff to Secretary of State Powell, contradicted Mr. Bolton's testimony regarding the reason why the June 2003 hearing was postponed: "My recollection is that the Deputy Secretary of State intervened and would not allow the testimony to take place." Mr. Wilkerson cited concerns regarding both the substance of Mr. Bolton's proposed testimony and its timing, while "[t]here were some delicate negotiations going on." [147]

F. China WMD/WINPAC and INR

In August 2002, Mr. Bolton's office threatened to limit the ability of INR to append its own opinions to products produced by other parts of the intelligence community, warning that the Under Secretary was considering establishing new arrangements for the dissemination of sensitive compartmented information within the State Department that would bypass INR, according to e-mails describing the incident and testimony from Fred Fleitz and Neil Silver.

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[143] Ibid., page 8.
[144] Hutchings interview, page 9.
[145] Ibid., page 10–page 11.
[146] Ibid., p. 13.
[147] Interview of Lawrence Wilkerson by Senate Foreign Relations Committee staff, May 6, 2005, page 27. Hereafter cited as: "Wilkerson interview."

On August 29, 2002, INR circulated within the State Department a memorandum drafted by CIA's WINPAC concerning a recently-announced Chinese export control list. Bolton's office considered the memo "a useful contribution to the debate on this issue,"[148] and suggested that Deputy Secretary Armitage's office request a copy of the memo from INR, according to a contemporaneous e-mail by a member of Mr. Bolton's staff.

INR transmitted the WINPAC memo to Deputy Secretary Armitage's office, as requested, but also attached its own brief memo on the subject, taking issue with elements of the WINPAC memo. The committee has requested both the original WINPAC memo and the INR rebuttal memo, but neither has been provided to the committee.

The INR rebuttal was drafted by an analyst in the Office of Strategic, Proliferation, and Military Issues (SPM). On the morning of August 30, when a senior member of Bolton's staff learned that INR had attached its own memo to the WINPAC analysis, he personally visited the INR drafter and accused him of acting unprofessionally and making the Intelligence Community "look bad," according to a contemporaneous e-mail account by the INR analyst.[149]

The Bolton senior staffer then sent an e-mail to INR Principal Deputy Assistant Secretary Tom Fingar and SPM office director Neil Silver expressing Bolton's "displeasure" with INR's rebuttal and accusing INR of failing to follow "established dissemination procedures."[150] The Bolton staffer wrote: "T [letter designation of Bolton's office in the State Department] considers this a serious abuse of INR's liaison role, particularly since the INR rebuttal was not even a finished product, fully coordinated within INR proper."[151]

The Bolton senior staffer likened the incident to the March 2002 dispute over Cuba's biological weapons program, and warned that INR's actions, "cannot help but undermine the bond of trust between T and INR."[152]

Mr. Bolton was on foreign travel during this incident. Nonetheless, throughout his e-mail communication with INR, the senior staff member says that he is speaking "on behalf of U/S Bolton," and repeatedly uses "we" to describe the views of Bolton's office.

The committee staff interviewed Mr. Bolton's staff member, Silver, and another INR supervisor about the incident. The Bolton senior staffer said he had no recollection of visiting the INR analyst on the morning of August 30 and described his threatening e-mail as "a fairly minor matter."[153] His testimony is at odds with his use of the phrase, "serious abuse of INR's liaison role" in his contemporaneous e-mail. In his interview, the Bolton staffer said that INR should have consulted with CIA before drafting its own rebuttal "as a courtesy, not as a requirement,"[154] again at odds

[148] Fleitz to Fingar e-mail, cc to Bolton and Silver, Aug. 30, 2002, 11:33 am.
[149] INR analyst to Silver e-mail, August 30, 2002, 9:54 am.
[150] Fleitz to Fingar e-mail, cc to Bolton and Silver, Aug. 30, 2002, 11:33 am.
[151] Ibid.
[152] Fleitz to Fingar e-mail, cc to Bolton and Silver, Aug. 30, 2002, 11:33 am.
[153] Interview of Frederick Fleitz by Senate Foreign Relations Committee staff, May 5, 2005, page 3. Hereafter cited as "Fleitz interview, May 5, 2005."
[154] Ibid., page 7.

with his contemporaneous assertion that INR had not followed "established dissemination procedures." The Bolton staffer said he did not pursue establishing a new channel for the dissemination of sensitive intelligence information by the Under Secretary's office.

Neil Silver recalled that INR attached a brief comment to the WINPAC analysis. "The fact that we had done what we had done was absolutely natural and appropriate." [155] Silver described the practice as routine, and said that it applies to both finished intelligence (such as the WINPAC memo) and raw intelligence. Silver testified that he told Bolton's staff member that WINPAC had not consulted with INR in the drafting of their analysis, and that therefore INR did not think it was inappropriate for it to comment on the WINPAC memo without first consulting with CIA. The other INR supervisor could not recall any incident in 27 years at the State Department in which a policy official had expressed concern because INR had attached its own view to a product from another intelligence agency. [156]

V. ABUSIVE BEHAVIOR TOWARD SUBORDINATES

The United States Representative to the United Nations is more than the chief American diplomat to the world's leading international organization; he or she is also the leader of some 150 personnel, both Foreign Service and Civil Service. That person should have, among other things, strong leadership skills and the ability to manage and motivate people.

Leadership and management skills at the State Department were a high priority during the first four years of the Bush Administration under Secretary of State Powell. Secretary Powell instituted a mandatory leadership and management training course at the Foreign Service Institute for senior officials. Secretary Powell and Deputy Secretary Armitage were known to instruct ambassadors departing Washington to assume their posts with a simple but important dictum: "take care of our people."

In a recent cable to all State Department posts, Secretary of State Rice noted the importance of leadership skills in the selection of career candidates for Chief of Mission positions:

> Special emphasis is placed on ensuring that officers assigned to these senior positions meet the highest standards of leadership needed in our Missions overseas and in the Department. Those standards apply not only to policy and formal management skills, but also to interpersonal skills and qualities of personal integrity required of our leaders." [157]

Oddly, Secretary of State Rice has sought to downplay the significance of management skills in connection with the Bolton nomination. In an interview with CNN on April 20, 2005, the Secretary said, "I think we make a mistake if suddenly comments about management style become part of the confirmation process." [158]

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[155] Interview of Neil Silver by Senate Foreign Relations Committee staff, May 5, 2005, page 9. Hereafter cited as "Silver interview, May 5, 2005."
[156] INR supervisor interview, page 17.
[157] State 73770, April 21, 2005.
[158] Televised interview with Jill Dougherty, CNN, April 20, 2005.

The record gathered by the committee is replete with evidence of abusive behavior toward subordinates by Secretary Bolton, of retribution against subordinates for minor errors, and even of seeking dismissal or removal of personnel over policy views.

A. Testimony of Larry Wilkerson

The former Chief of Staff to Secretary Powell, Larry Wilkerson, told the committee staff that Mr. Bolton was a "lousy leader" who was ill-suited to the post of U.S. Representative to the United Nations because of the need to provide leadership to the roughly 150 government employees in the U.S. Mission to the UN. Mr. Wilkerson also indicated that Mr. Bolton was a frequent source of complaint by Department personnel: that is, that there was a regular stream of visitors to his office complaining about their treatment by Mr. Bolton:

> Mr. WILKERSON. Remember that process I told you about whereby [people] came into my office and unburdened themselves?
>
> Ms. O'CONNELL. So, it was often about Article 98s?
>
> Mr. WILKERSON. On occasion. I won't say often, but it was on occasion. It was more often on personnel matters, especially when it came to John Bolton.
>
> Ms. O'CONNELL. Personnel matters. That—individuals coming to complain about——
>
> Mr. WILKERSON. Assistant secretaries, PDASs, acting assistant secretaries coming into my office and telling me, "Can I sit down?"
>
> "Sure, sit down. What's the problem?"
>
> "I've got to leave here."
>
> "What's the problem?"
>
> "Bolton." [159]

B. Testimony of Carl Ford

Former Assistant Secretary Carl Ford described Mr. Bolton as a "quintessential kiss-up, kick-down sort of guy . . . But the fact is that he stands out, that he's got a bigger kick and it gets bigger and stronger the further down the bureaucracy he's kicking." [160] "I've never seen anybody quite like Secretary Bolton, [it] doesn't even come close. I don't have a second and third or fourth, in terms of the way that he abuses his power and authority with little people." [161] Mr. Ford further stated his view that Mr. Bolton's action in the Westermann matter—in reaching five or six levels down in the bureaucracy and "ream[ing] out somebody"—was "professionally unacceptable." [162]

After Mr. Bolton and Mr. Ford had heated words about the Westermann matter, Mr. Ford says that Mr. Bolton "chose to shun me"—in other words, refused to speak to him for the next year and a half. When Mr. Bolton did speak to Mr. Ford, it was in the final weeks of Mr. Ford's service, and after he had announced he was

[159] Wilkerson Interview, page 36–page 37.
[160] Apr. 12 hearing, page 20.
[161] Ibid., p. 18.
[162] Ibid., p. 68.

leaving the Department. Mr. Bolton asked Mr. Ford to do something (Mr. Ford could not recall the details of the specific matter). Ford said, "if I could have done it, I would have ... but for some reason I couldn't. And I told him I couldn't do it, and I thought the phone was just going to explode, and the only thing I remember him saying is, 'I'm glad you're leaving.' And he slammed down the phone." [163]

C. Individual Cases

The committee has also examined several specific cases of individuals whom Mr. Bolton sought to punish or remove. The Westermann and Smith cases, described above, involve intelligence analysts. Cases involving policy officers are described below.

The Case of Rexon Ryu

The Rexon Ryu matter came to the attention of the committee when it was first reported in *The Washington Post* on April 15, 2005. The committee staff interviewed Mr. John Wolf, the Assistant Secretary of State for Nonproliferation from 2001 to 2004, who supervised Mr. Ryu in 2003, when Mr. Ryu had an encounter with Mr. Bolton's office. The committee staff did not interview Mr. Ryu.

Mr. Ryu is a Civil Service employee of the Department of State currently on detail to the office of Senator Hagel. He was described by former Assistant Secretary Wolf as a "truly outstanding civil servant," and part of a "circle of a handful of the best" civil servants that Wolf had ever worked with during his 34-year career in the Foreign Service. [164] Larry Wilkerson, former Chief of Staff to Secretary Powell, said: "I know Rexon well. ... Rexon is a brilliant young man, and was on my team to prepare the [Powell] presentation at the UN, and I, you know, spent two nights in the Waldorf Astoria, awake with him all night, fixing things. So, I know his competence." [165]

In March 2003, on the eve of the war in Iraq, Frederick Fleitz, acting Chief of Staff to Mr. Bolton, asked Mr. Ryu for a copy of a draft cable sent to Washington by the U.S. mission to the United Nations. (The post was seeking instructions from Washington, and had e-mailed to Washington a draft cable; in essence, the post was suggesting to headquarters what the instructions should say.) Mr. Ryu told Mr. Fleitz he did not have the cable.

Subsequently, Mr. Ryu circulated fairly widely within the Department a cable (perhaps a draft outgoing cable) that related to the UN inspection process in Iraq. Mr. Bolton's office was not provided a copy of the cable, but at least two bureaus working under him—the Bureau of Arms Control and the Bureau of Verification and Compliance—were. The Under Secretary's office, believing it was the same cable that Mr. Fleitz had sought from Ryu, then accused Mr. Ryu of duplicity or of having lied to them.

Mr. Wolf testified that he believes that Mr. Bolton "actually called Rexon Ryu up to his office," but that Ryu never got there because he stopped in Wolf's office first. Mr. Wolf stated that he re-

[163] Ibid., p. 54.

[164] Interview of John Wolf by Senate Foreign Relations Committee staff, Apr. 28, 2005, page 6. Hereafter cited as "Wolf interview."

[165] Wilkerson interview, page 16–page 17.

viewed the matter and decided that, because the cable was given broad circulation (including to offices under Mr. Bolton), any error was inadvertent.[166] Moreover, inasmuch as the Under Secretary's office would have ultimately had to approve the outgoing cable, it would have been impossible for Mr. Ryu to keep it from them.

Mr. Bolton apparently took a different view. Some nine months later, in December 2003, Mr. Bolton blocked Mr. Ryu's assignment as the point person in the Nonproliferation Bureau for the preparations for the Group of Eight (G–8) summit to be hosted by the United States in June 2004 at Sea Island, Georgia. Mr. Bolton's office passed word to the Nonproliferation Bureau that Mr. Bolton was "not prepared to have Rexon Ryu as the Nonproliferation Bureau point of contact. It was reported to us that the Under Secretary felt that he had been duplicitous in his dealings with [the Under Secretary's office], and that he simply wouldn't accept him."[167]

Concerned that a brilliant young officer would be left manning an "empty desk" in the Nonproliferation Bureau because of the attitude of the Under Secretary, Mr. Wolf arranged for Mr. Ryu to be assigned to the Bureau of Near Eastern Affairs, and then to the office of Deputy Secretary Armitage, where he served until Mr. Armitage left the Department in February of this year. Mr. Ryu was then detailed to the office of Senator Hagel.

Mr. Bolton, for his part, stated that the account in the Washington Post—relating to the staffing arrangements for U.S. participation in the G-8 Senior Group and Global Partnership was inaccurate:

> After an experienced member of the Nonproliferation Bureau staff who had been helping me was detailed without consulting with me to another Bureau by NP and replaced by a less experienced individual, I asked that the original NP staffer be returned to NP to continue to assist me given the importance of the initiative, my direct role in negotiating it, and the active agenda for the year given [the] U.S. hosting of the G-8 summit in 2004."[168]

Mr. Bolton did not elaborate on how the *Washington Post* account is inaccurate.

To be sure, Mr. Bolton had a right to request that a different officer be assigned to an important matter he was handling directly. But it is fair to question why such a significant step would result from a seemingly inadvertent error committed nine months earlier by an exceptionally talented officer. Had Mr. Ryu's superiors not intervened to give him assignments away from the reach of Mr. Bolton, this personnel action could have derailed Mr. Ryu's career progression. The message to other officers is clear: one slip-up with Mr. Bolton and he could take punitive action, even long after the event.

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[166] Wolf interview, pages 4–6.
[167] Ibid.
[168] Answer to question for the record by Sen. Biden, April 11, 2005.

The case of an attorney in the Office of the Legal Adviser of the State Department

The committee reviewed a matter that occurred in October 2004 involving an attorney working in the Office of the Legal Adviser. The staff interviewed the attorney as well as the former Legal Adviser, Will Taft. Mr. Bolton was asked a question for the record about the matter by Senator Biden.

In mid-October 2004, Beston Chemical Corporation ("Beston"), a Texas firm, filed a lawsuit in federal district court in Louisiana against Secretary Powell. Beston sought an injunction preventing the U.S. government from seizing goods that it was importing from the People's Republic of China. The goods were facing seizure as a result of an import ban imposed by the State Department on September 20, 2004 on products sold by a Chinese firm, Xinshidai. The federal judge handling the case scheduled a status conference for October 20, 2004, and told the attorney for the government that she wanted a decision-maker available by telephone.

The attorney assigned to the case in the State Department (whose name has been withheld from the public record at the request of the Department) prepared briefing materials for the Assistant U.S. Attorney in Louisiana handling the matter, and provided similar materials for Mr. Bolton. The briefing materials summarized the status of the case, the legal issues involved, and an issue that was still under discussion among the government lawyers and policy offices, namely whether a modification or waiver of the sanctions would be needed so as to permit safe handling of the goods, which involved explosives.

Prior to the phone call, the State Department attorney was asked to go to Mr. Bolton's office to orally brief him. The attorney described the account:

> So I went up [to Bolton's office], pretty much expecting to sort of do a pre-brief on the conference call . . . and discuss some of the issues that we were dealing with. When I went in, there were—I can't remember if we all went in together or what, but there were four of us in there in addition to Mr. Bolton, the T staffer who had been involved plus two NP officials or personnel. Mr. Bolton started off basically complaining about my handling of the case, said that I was off the case, and I wouldn't be participating any more, that he was going to handle it directly. He said that I had told [the] Justice [Department] . . . that we had a weak case, and that I had told Justice that we were still considering a waiver of the [sanctions] in this case, and more generally said that I didn't like sanctions, had never liked sanctions, and sort of accusations of that nature.[169]

When Mr. Bolton stated that he would handle the matter directly with Justice, the State Department attorney understood that Mr. Bolton did not want further assistance from the Office of the Legal Adviser.[170] Will Taft verified this impression, stating that the at-

[169] Interview of State Department attorney by Senate Foreign Relations Committee staff, May 3, 2005, page 13. Hereafter cited as "State Department attorney interview."
[170] Ibid., page 27.

torney said that Mr. Bolton had told Justice Department lawyers "not to work with my attorney." [171]

The attorney contends that Mr. Bolton's accusations were erroneous. He testified that, in fact, his memo stated that the government had a strong case. He also disputed Mr. Bolton's statement that he opposed sanctions. Finally, the attorney told Mr. Bolton that the State Department Legal Adviser would want Department attorneys to remain involved in the matter, given that the Secretary of State was the defendant. The attorney left the meeting at that point, because, he said, "[t]here didn't seem to be anything more left to say." [172] He then proceeded to the office of Mr. Taft, the Legal Adviser, to brief him on the incident. Mr. Taft told the attorney to remain on the case and to stay in touch with the Department of Justice on it.

The following day, Mr. Taft informed Mr. Bolton, both orally and by e-mail, that the attorney would continue to handle the case. Mr. Taft described his encounter with Mr. Bolton, which occurred in the hallway after the Secretary's morning staff meeting, as "not pleasant".[173] In an e-mail to the attorney, Mr. Taft described Mr. Bolton as "still very hot" and not wanting "to know what the facts are about this incident." [174] Mr. Bolton did not reply to Taft's e-mail to him, prompting Mr. Taft—apparently concerned that Mr. Bolton still had not accepted his view that State Department lawyers would remain on the case—to request the Deputy Secretary to reinforce the message. Deputy Secretary Armitage sent Mr. Bolton a memo (drafted by Taft) reminding him that the Legal Adviser's Office needed to handle the Department's litigation and [that Mr. Bolton] needed to coordinate with Taft's office. [175] A copy of that memo, which is undated, was provided to the committee, but it has not been made available by the State Department for public release.

Although the attorney did not participate in the October 20 conference call with the federal judge, he did continue to work on the case, as well as on other matters related to the Office of Under Secretary Bolton.

Under Secretary Bolton concedes that he told the lawyer that he wanted to communicate "directly with the DOJ litigators, not through him." He asserts that the Department of Justice had received erroneous information from the State Department lawyer, and says the he "expressed my concern [to Mr. Taft] about apparent miscommunications about the status of the waiver" of the sanctions. [176]

Based on the record the committee has gathered, at worst there was a miscommunication between or among Mr. Bolton's office, the Department of Justice, and the Office of the Legal Adviser regarding the status of the legal case. Mr. Bolton's reaction to this minor error can only be described as extreme. He not only sought to re-

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[171] Interview of Will Taft by Senate Foreign Relations Committee staff, May 3, 2005, page 3. Hereafter cited as "Taft interview."

[172] State Department attorney interview, page 27.

[173] Taft interview, page 7.

[174] Taft to State Department attorney e-mail, October 21, 2004, 9:22 am.

[175] Taft interview, page 5.

[176] Answer to question for the record by Sen. Biden, April 11, 2005.

move the individual attorney from the case, he signaled that he did not want the Office of the Legal Adviser involved at all.

As a former General Counsel of the U.S. Agency for International Development and a former Assistant Attorney General for the Civil Division, Mr. Bolton has significant experience in government litigation. He surely understood the need for the Department's legal office to be involved in any lawsuit related to the Department. If he had forgotten this requirement, the State Department's own internal regulations assigning roles and responsibilities among various offices (known as the Foreign Affairs Manual) would have reminded him: 1 Foreign Affairs Manual 241.1(h) provides that the Legal Adviser "assists the Justice Department in domestic litigation which involves the Department."

Yet in reaction to a minor error—if, indeed, the error was the fault of the lawyer, for the lawyer insists that a waiver was still under consideration in Mr. Bolton's office—Mr. Bolton sought to circumvent the established system for handling legal cases by dealing directly with the Justice Department, to the exclusion of State Department attorneys. Mr. Bolton's extraordinary action brought an extraordinary response: a memo from the Deputy Secretary of State reminding Mr. Bolton—who has over a decade of high-level government experience—that the rules applied to him. Mr. Taft stated that he reviewed the lawyer's advice and that "[i]t seemed to me that his advice was sound. It was a little weird that also the advice was actually what the client seemed to want. So it was not difficult to say, there's something odd going on here, but let's just leave him on the case." [177]

Pressure to conform policy views to Mr. Bolton's; seeking removal of two other officers

Former Assistant Secretary of State Wolf described the process of producing memos for the Secretary, particularly on decisions on sanctions under nonproliferation laws, as "long and arduous." He stated that Under Secretary Bolton "tended to hold on to his own views strongly, and . . . tended not to be enthusiastic about alternative views." [178] Mr. Wolf said, moreover, that "it would be fair to say that some of the officers within my bureau complained that they felt undue pressure to conform to the views of the Under Secretary versus the views that they thought they could support." [179]

Mr. Wolf added that on at least two occasions—in addition to the case of Mr. Ryu—Mr. Bolton sought to transfer or remove individuals in the Bureau of Nonproliferation because they were not "providing diligent service." When asked whether this meant Mr. Bolton was complaining about their competence or their viewpoints, Mr. Wolf replied that it was the latter. [180] Mr. Wolf declined to identify the officers in question. Their careers did not suffer, because Mr. Wolf resisted the pressure from Mr. Bolton.

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[177] Taft interview, page 14.
[178] Wolf interview, page 36.
[179] Ibid., page 41
[180] Ibid., pages 51–56.

D. Other matters: Melody Townsel

A few days before the committee's business meeting on April 19, the Democratic staff received an e-mail from Melody Townsel, a Dallas resident who alleged that 11 years ago, Mr. Bolton had chased her through the halls of a Russian hotel, shoving threatening letters under her door and shouting threats. She also charged that Mr. Bolton had attempted to malign her character by making false accusations against her to her colleagues, damaging her professional reputation. Ms. Townsel styled her e-mail an "open letter" to the committee, and it was given wide circulation in the press in the days before the April 19 meeting. her subsequent interview by the committee staff was consistent with the open letter.[181]

Townsel said these events occurred in August 1994 when she was working as a project director for Black, Manafort, Stone and Kelly, which was a subcontractor to International Business and Technical Consultants, Inc. (IBTCI) on a USAID contract in Bishkek, Kyrgyzstan. At the time, Mr. Bolton was working as a consultant on another project for IBTCI.[182] During a visit to Moscow, Ms. Townsel wrote a memo to USAID complaining about IBTCI's poor performance on the Kyrgyzstan contract. She alleges that the harassment and intimidation began as soon as Mr. Bolton, who was staying at the same Moscow hotel, became aware of the letter.

The committee staff investigated the allegations by interviewing several witnesses on the record and requesting documents from USAID, and two private contractors of AID, one of which employed Ms. Townsel. Dozens of other persons were contacted to ascertain whether they witnessed or recalled the alleged events.

The investigation was not able to establish conclusively that the alleged events occurred. Eleven years have passed. Relevant documents no longer exist. Memories have faded. Some witnesses may have a reason not to come forward. What follows is a brief summary of what the committe has learned. What we do know is that Townsel and Bolton were in the same Moscow hotel for some period of time in August 1994, and they met there. And we do know that Bolton traveled to Bishkek in November 1994 (not in August, as Townsel recalled) for his client, where he met some of Townsel's coworkers on the project.

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[181] Interview of Melody Townsel by Senate Foreign Relations Committee staff, Apr. 26, 2005. Hereafter cited as: "Townsel interview."

[182] Melody Townsel was the "Chief of Party" (Team Leader) from January until October 1994 of a USAID-funded project to conduct public education on privatization initiatives in Kyrgyzstan. With a background in journalism and public relations, she was hired by Black, Manafort, Stone and Kelly, which was a subcontractor to International Business and Technical Consultants, Inc. ("IBTCI"). Black Manafort ("BLM") and Burson-Marsteller ("BRM") were both subsidiaries of Young & Rubicam/Sovero ("YRS"). IBTCI was at the time a minority-owned small business, and had been awarded several projects, known as "task orders," under a broad USAID contract known as "Omnibus I."

Charge #1: While Melody Townsel was at the Aerostar Hotel in Moscow in August 1994, John Bolton threw things at her, chased her down the hallways, screamed at her, threatened her, and banged on her door repeatedly.

Through the spring and summer of 1994, Townsel complained repeatedly to her superiors at Black, Manafort, including Matthew Friedman and Charles Black, as well as to Indira Kalotra and Jay Kalotra at IBTCI, about serious cash flow and staffing problems. Her complaints are well documented, although there is disagreement over the extent to which IBTCI was to blame for their failure to be corrected.

In July 2004, Townsel was invited by Kirby Jones of Burson-Marstellar to participate in a conference in Moscow of all YRS expatriates based in the region. During the conference, Townsel told Jones about the problems she was experiencing in Bishkek, and Jones recommended that she document them in a memo. She did so, and then Jones forwarded the memo to USAID with his own cover letter on August 2, 1994. Neither Townsel's memo nor Jones' cover letter was shared with Townsel's superiors at Black, Manafort or with IBTCI beforehand, although Townsel told her immediate supervisor, Matthew Freedman, that she had delivered the letter and all parties were generally aware of the issues raised therein.

After learning of the letter, Black, Manafort asked Townsel to remain in Moscow so that decisions could be made about how to proceed. At this point, Townsel moved to a less expensive hotel, the Aerostar, to await further instructions. IBTCI had offices in this same hotel, and Mr. Bolton was there working for IBTCI as a consultant on another project, known as "Healthy Russia 2000."

It is during this time period—when Townsel and Mr. Bolton were both at the Aerostar Hotel and Townsel had already "blown the whistle" against Mr. Bolton's employer—that Townsel alleges the harassment took place.

The record is in conflict about the time period involved. Townsel's original letter to the committee said she was there, and the harassment extended for, "nearly two weeks." In her interview, she indicated that the harassment went on for at least 10 days. According to records produced by IBTCI, Townsel wrote her memo on August 1, and it was forwarded to AID by Kirby Jones on August 2. Bolton checked out of the Aerostar Hotel on August 6. An internal IBTCI document also suggests that Bolton attended a meeting at USAID headquarters on August 8.

Townsel's account was cooroborated by Uno Ramat, then IBTCI's Creative Director, based in Bishkek. While Townsel was in Moscow, Ramat was acting director of the project, and thus they had daily phone conversations. He testified that she was "under a lot of stress," was calling him every night and sometimes several times a night, and was "distressed about Mr. Bolton's behavior." Ramat said that Bolton was "applying a lot of pressure to her to get off the project or shut up, and Melody was not cooperating, so the guy

was chasing her around the hotel and beating on her door, throwing things at her, stuff like that."[183]

Committee staff were unable to locate any other individuals who specifically remembered hearing about a conflict between Bolton and Townsel. No one, however contests the fact that Bolton and Townsel were in the same hotel in Moscow in early August 1994, and Bolton admits he met her there. In response to questions for the record, Bolton said "I recall being introduced to Ms. Townsel in the IBTCI Moscow office. I have no other recollection of any other interaction with her there or anywhere else."[184]

One other person interviewed, Joe Jareb, was not a witness to these events, but was told about them by Ms. Townsel a few months later. The two of them worked together on a USAID project in Kazakhstan, and Ms. Townsel described the incidents in conversation with Jareb. Thus, although not an eyewitness, Jareb provided further contrmporaneous corroboration of Townsel's account.

Other witnesses who testified disputed Ms. Townsel's account. Jay Kalotra, President of IBTCI, said that "Mr. Bolton was not engaged by our firm to have any contact with [Townsel] on any issue related to her activities in Kyrgyzstan."[185] Edwin Hullander, then-Executive Vice President of IBTCI, and now a political appointee at USAID, said that " . . . if that event had happened, according to the report—she said John chased her down the halls and threw things at her—if anything like that had happened at the Aerostar, the security people would have told my office about it."[186]

Charlie Black, a lead partner at Townsel's employer (Black, Manafort, Stone & Kelly), also expressed skepticism about Townsel's account:

> . . . as often as [Townsel] complained or called things to my attention, or to Freedman's attention—and he was pretty loyal about reporting to me—if something—a major incident like that had happened, I'm almost certain I would have heard about it. . . . And, second, just to add to the equation, for your consideration, John Bolton has been a fairly good personal friend of mine since the first Ronald Reagan campaign, in 1976, and I'm pretty sure that if Bolton, in representation of a client, had a problem with one of my employees, I'm almost certain he would have called me. He didn't. I never heard from him on this.[187]

Charge #2: While in Bishkek in the fall of 2004, John Bolton told IBTCI staff, falsely, that Melody Townsel was under criminal investigation for misuse of federal funds.

After Townsel's memo was sent to USAID, Bolton was engaged as IBTCI's legal counsel. In November 1994, Bolton traveled to Bishkek to meet with IBTCI staff and review operations. There are differing recollections as to the dates of Bolton's trip (Townsel

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[183] Interview of Uno Ramat by Senate Foreign Relations Committee staff, April 29, page 11. Hereafter cited as "Ramat interview."

[184] Answer to a question for the record by Senator Kerry, Apr. 11, 2005.

[185] Letter to Senator Lugar, Apr. 18, 2005.

[186] Interview of Dr. Edwin L. Hullander by Senate Foreign Relations Committee staff, Apr. 29, 2005, page 58. Hereafter cited as: "Hullander interview."

[187] Interview of Charlie Black by Senate Foreign Relations Committee staff, Apr. 28, 2005, page 11–page 12. Hereafter cited as "Black interview."

thought it occured in August) and who accompanied him, but all agree that Townsel was not in the office during Bolton's visit.

Mr. Ramat stated that, during his visit to Bishkek, "[Bolton] told me and other expatriate staff that Melody was under investigation for misappropriating project funds, for fraud, and for theft of money."[188] When Ramat challenged Bolton, he was rebuffed: "He wasn't—he wasn't interested in what I had to say ... he wasn't there to listen. He was there to accuse Melody ... he basically was there to smear her reputation."[189] Ramat described Bolton as "very, very aggressive," and said that he "terrorized the office"

> He just, sort of, blew in, and he was very, very aggressive in his matter—manner. He was very blunt about his accusations about Melody, and, you know, the entire office knew them not to be true. I mean, everyone knew what the actual problem was. Melody was well-liked. We all knew that the accusations were false, and it destroyed the morale of the office.[190]

USAID's Acting Inspector General confirms that his office never investigated Melody Townsel, although it conducted numerous investigations of IBTCI in the years following Townsel's departure. There is no evidence that Townsel was ever under any other form of criminal investigation for her activities related to this project.

Bolton concedes that he traveled to Kyrgyzstan in November 1994 and met with IBTCI staff "to ascertain what Ms. Townsel had done or not done in Bishkek."[191] He said he "sought to ascertain how much damage Ms. Townsel's performance had caused to IBTCI's conduct of its project." He says he had other meetings with U.S. and Kyrgyz officials, other USAID contractors, and Kyrgyz businesses, "also to repair the damage to IBTCI's reputation and effectiveness." He does not recall making any allegations that Ms. Townsel was under investigation for misuse of funds.[192]

VI. MISLEADING THE FOREIGN RELATIONS COMMITTEE

The record before the Committee demonstrates that Under Secretary Bolton did not live up to his reputation as a "straight-talker" during his testimony to the Committee. He made several statements to the Committee that were contradicted by others, at odds with available evidence, and may be fairly described as misleading, disingenuous or non-responsive.

A. Mr. Bolton says he did not try to have INR analyst Christian Westermann disciplined.

Mr. Bolton insisted, on several occasions, that he did not try to have Christian Westermann, an analyst in the Bureau of Intelligence and Research (INR), removed from his position or disciplined. This testimony was contradicted by four other witnesses, including his Chief of Staff.

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[188] Ramat interview, page 18.
[189] Ibid, page 21–22.
[190] Ibid, page 40.
[191] Answer to question for the record by Sen. Kerry, Apr. 11, 2005.
[192] Ibid.

Mr. Bolton's essential argument—that seeking to remove an officer from his portfolio does not constitute any effort to discipline or punish him—is too clever by half. Mr. Westermann was the State Department's lead analyst on chemical and biological weapons issues. Changing his portfolio would result in discarding years of experience and training, and force Mr. Westermann to either seek employment with another intelligence agency or be retrained for a new position in INR. Either way, it would have put Mr. Westermann's career at the State Department off its normal track.

During the nomination hearing, Mr. Bolton said as follows:

- "I never sought to have Mr. Westermann fired, at all. [193]
- "I, in no sense, sought to have any discipline imposed on Mr. Westermann." [194]
- "I didn't try to have Mr. Westermann removed—." [195]
- "But I did not, look, I didn't try to have disciplinary action imposed on Westermann." [196]

Testimony contradicting Bolton's account

Mr. Bolton's testimony was contradicted by four witnesses.

Carl Ford, the former Assistant Secretary of State for Intelligence said:

> I remember going back to my office with the impression that I had been asked to fire the analyst. Now, whether the words were "fire," whether that was "reassign," "get him away from me; I don't want to see him again," I don't remember, frankly, exactly what the words were. I do remember that I came away with the impression that I'd just been asked to fire somebody in the intelligence community for doing what I considered their job.[197]

Senator Obama later asked Mr. Ford whether he was "quite certain" that "Mr. Bolton actively sought to have this gentleman removed from his position?" Mr. Ford answered in the affirmative.[198]

Testimony from other INR managers to whom Bolton spoke about Westermann provided similar accounts. Tom Fingar, at the time Mr. Ford's deputy, said that [Bolton] [s]aid that he wanted Westermann "taken off his accounts." [199] Neil Silver, an office director in INR, said that Mr. Bolton "asked, or indicated, that he would like me to consider having [Westermann] move to some other portfolio, something of—to that effect." [200]

Even Frederick Fleitz, an aide to Mr. Bolton, understood from his conversations with Mr. Bolton that he wanted Westermann removed: "All I can remember, and this is from Mr. Bolton, is that he spoke [to Mr. Fingar] to express his concern over what hap-

[193] Apr. 11 hearing, am session, page 42.
[194] Ibid, page 46.
[195] Apr. 11 hearing, pm session, page 39.
[196] Ibid.
[197] Apr. 12 hearing, page 26.
[198] Ibid., page 58.
[199] Fingar interview, page 10.
[200] Silver interview, Apr. 11, 2005, p. 4.

pened, and said that Mr. Westermann had lost his confidence, and he should be given a new portfolio."[201]

B. Mr. Bolton says he did not try to remove or discipline a CIA employee.

Mr. Bolton took great pains to leave the Committee with the impression that he made no effort to seek to discipline or to fire the National Intelligence Officer for Latin America. In response to Senator Chafee, he said "I didn't see[k] to have these people fired, I didn't seek to have discipline imposed on them, I said, 'I've lost trust in them,' and are there other portfolios they could follow, it wasn't anything to me that I followed at his great length, I made my point and I moved on."[202] To the extent that he did concede speaking to the Acting Chairman of the National Intelligence Council about the NIO, Mr. Bolton said that his intervention was "one part of one conversation with one person, one time ... and that was it, I let it go."[203]

As with the case of Mr. Westermann, Bolton's effort to minimize the significance of his efforts is disingenuous. The NIO was a career officer who had developed expertise on Latin America; he held the senior Latin America intelligence analyst position in the U.S. government. Removing the NIO from his job, discarding years of experience and training, would have been a black mark on the officer's career; it certainly would not have been career enhancing.

As discussed at length in Section III. B., above, it is clear that senior CIA officials believed that Bolton sought to remove the NIO. Likewise, the documentary evidence provided to the Committee confirms that Mr. Bolton and his staff actively discussed efforts to punish and remove the NIO for several months in the summer and fall of 2002. One State Department e-mail states that Mr. Bolton planned to talk to Director of Central Intelligence George Tenet about the matter. Another indicates that Mr. Bolton had lost patience with the delay in seeking the removal of the NIO and that he did not "want it to slip away further." Mr. Bolton's office worked over a four month period on proposed letters—that would be sent from Mr. Bolton and/or Assistant Secretary of State Otto Reich—to CIA officials to seek removal of the NIO. The letters contemplated blocking the NIO's access to the State and Defense Departments and his official travel in the Western Hemisphere (by blocking country clearance by U.S. embassies).

Even Mr. Fleitz, the aide to Mr. Bolton, understood that Mr. Bolton believed the NIO should be given a different portfolio, and had "at least one meeting with an Agency official where he relayed his concerns."[204]

C. Bolton says he did not threaten or try to have analysts punished because of their views.

Under Secretary Bolton claimed on several occasions that his disputes with members of the Intelligence Community were procedural in nature. In the cases of his disputes Christian Westermann

[201] Fleitz interview, Apr. 7, 2005, p. 51.
[202] Apr. 11 hearing, pm session, page 26
[203] Ibid., page 27–page 28.
[204] Fleitz interview, Apr. 7, 2005, page 77.

and the NIO for Latin America, however, Mr. Bolton sought to have employees disciplined because of their analytic judgments, according to testimony from Ford, Fingar and Westermann as well as documentary evidence. Bolton's attempts to have analysts punished had consequences. Carl Ford stated: "I clearly believe that the analysts in INR were very negatively affected by this incident—they were scared.[205]

During the nomination hearing, Mr. Bolton was adamant that his concerns about process, not substance: "If I could just say, I have never done anything in connection with any analyst's views. Nothing."[206]

Yet other testimony shows that Mr. Bolton did attempt to have intelligence analysts and State Department employees disciplined because of their views, not merely because of process concerns. Examples of such testimony follows:

> Mr. WESTERMANN. He was quite upset that I had objected and he wanted to know what right I had trying to change an Under Secretary's language.[207]
>
> Mr. FINGAR. That he was the President's appointee, that he had every right to say what he believed, that he wasn't going to be told what he could say by a mid-level INR munchkin analyst.[208]
>
> Mr. FORD. And I infer from what I remember of my side of the conversation that at that point, which was several days after his confrontation with my analyst, that he was still fussing about what he could and couldn't say in the [Heritage Foundation] speech.
>
> Senator BIDEN. About the substance of what he could and couldn't say.
>
> Mr. FORD. That's correct.[209]

D. Mr. Bolton led the Committee to believe that the U.S. Ambassador to South Korea approved of his July 31, 2003, speech on North Korea.

In response to a question from Senator Chafee about his July 31, 2003 speech in Seoul, South Korea on the eve of the Six Party Talks, Under Secretary Bolton said "And I can tell you what our Ambassador to South Korea, Tom Hubbard, said after the speech. He said, 'Thanks a lot for that speech, John. It'll help us a lot out here.'"[210]

This assertion was specifically refuted by former Ambassador Hubbard, who took the initiative to call the Republican staff of the Committee the day after the April 11 hearing to seek to correct the record. Hubbard made clear in testimony to the Committee that he strongly disagreed with the tone of Mr. Bolton's speech in Seoul and requested changes in the speech that were never made. He expressed concern that invective in the speech aimed at the leader-

[205] Apr. 12 hearing, page 39–page 40.
[206] Apr. 11, pm session, page 44.
[207] Westermann interview, Apr. 7, 2005, page 106.
[208] Fingar interview, page 10.
[209] Apr. 12 hearing, page 23–page 24.
[210] Apr. 11 hearing, am session, page 72–73.

ship of North Korea could give them "another excuse or pretext for not coming back to the table."[211] He stated that Bolton had made minor changes in the speech that he had requested, and that any words of thanks related to those changes, not to the entire speech itself. He believed there should have been no doubt that Mr. Bolton disapproved of the tone of the speech.[212] Hubbard said "It's a gross exaggeration to elevate that to praise for the entire speech and approval of it"[213]

VII. ATTITUDE TOWARD THE UNITED NATIONS AND INTERNATIONAL LAW

Mr. Bolton has a long history of making inflammatory remarks about the United Nations and international law. This record will undermine his ability to serve as an effective spokesperson and representative of the United States—and to advance the critical issue of U.N. reform. Among Mr. Bolton's more provocative statements are the following:

- "There is no such thing as the United Nations . . . There is an international community, that occasionally can be led by the only real power left in the world and that is the United States, when it suits our interest and when we can get others to go along."[214]
- "The Secretariat building in New York has 38 stories. If you lost 10 stories today, it wouldn't make a bit of difference."[215]
- "If I were redoing the Security Council today, I'd have one permanent member because that's the real reflection of the distribution of power in the world: . . . the United States."[216]

Mr. Bolton has not only suggested that the U.S. stop paying its dues to the United Nations, but that assessed contributions be terminated as a mechanism of funding for U.N. activities. He has taken the radical view that "while treaties may well be politically or even morally binding, they are not legally obligatory."[217] Similarly, Mr. Bolton has written that: "UN supporters contend that the U.S. must [pay its UN dues] in order to meeting its 'solemn legal obligations.' Failure to pay, they assert, is 'illegal' under the 'treaty commitment' the U.S. entered into by ratifying the UN Charter in 1945. This line of argument is flatly incorrect."[218]

Mr. Bolton's controversial ideas were developed further in a chapter for *Delusions of Grandeur: The United Nations and Global Intervention,* where Bolton wrote, "We should . . . eliminate assessments altogether, moving toward a U.N. system that is funded entirely by purely voluntary contributions from the member governments . . . [which would] allow each government to judge for itself

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[211] Hubbard interview, page 14.
[212] Ibid., page 15–page 16.
[213] "Testimony of UN Nominee is Disputed." Paul Richter and Sonni Efron, *Los Angeles Times,* Apr. 22, 2005.
[214] Global Structures Convocation, "Human Rights, Global Governance & Strengthening the U.N," February 1994 panel discussion sponsored by the World Federalist Association and the Alliance for Our Common Future.
[215] Ibid.
[216] Interview with Juan Williams, National Public Radio, June 6, 2000
[217] "The Global Prosecutors: Hunting War Criminals in the Name of Utopia," Foreign Affairs, Jan./Feb. 1999.
[218] "U.S. Isn't Legally Obligated to Pay the UN." *Wall Street Journal,* Nov. 17, 1997.

whether it was getting its money's worth from the UN and each of its component agencies. That would go a long way toward making the UN system responsive to the major contributors—especially to the United States, the largest contributor of all . . . And, if things were really bad, we should . . . withdraw from one or two agencies. That would really get their attention."

At his hearing, Mr. Bolton expressed no regret for these statements. In response to a question by Senator Boxer, he said that "what I was trying to do to that audience of World Federalists was get their attention, and that comment about the ten stories was a way of saying there's not a bureaucracy in the world that can't be made leaner and more efficient."[219]

Asked by Senator Sarbanes to explain his view that the Security Council ought to have only one member, Bolton said, "what I was saying was—if you look solely at the issue of power in the world, in a cliché probably everybody in this room has used of the U.S. being the sole remaining superpower, under that theory, that there would be only one permanent member."[220] Although he agreed that "the United States should comply with its international obligations," he continued to question whether international law constituted a binding obligation in the same way as municipal law.

These strongly-held views and statements matter because they are likely to make Mr. Bolton less, and not more, effective as an advocate for U.S. interests at the United Nations—including the critical issue of U.N. reform. Whatever one's views of the United Nations and international law, the fact is that many countries around the world—including our closest allies—place value in both. It is difficult to secure the support of other nations for issues that matter to the United States if we show disdain for issues that matter to other nations. Such an approach undermines the national interest.

The committee is unanimous in the view that the United Nations needs reform. There are numerous instances of waste, fraud and abuse, and some of its decisions, such as the election of egregious human rights violators to the Human Rights Commission, are unacceptable.

The real work of U.N. reform is not done, however, through tough speeches. It is accomplished in the hallways and closed door meetings, building alliances and coalitions with governments that may disagree with the United States on other issues. It requires listening, flexibility, credibility, trust and patience—qualities sorely lacking in the nominee.

Perhaps the best evidence that Mr. Bolton is not the man to advance UN reform is the fact that four days after the Bolton nomination was announced, Secretary Rice appointed someone else to handle the issue. On March 11, the Secretary appointed Dr. Shirin Tahir-Kheli to——

> serve as the Secretary's senior advisor and chief interlocutor on United Nations reform. In collaboration with the Assistant Secretary for International Organizations, Dr. Tahir-Kheli will report directly to the Secretary of State.

[219] Apr. 11 hearing, am session, page 136–page 137.
[220] Apr. 11 hearing, pm session, page 96–page 97.

> She will engage the UN Secretary General and Secretariat on UN reform efforts, including the High Level Panel Report and the Report of the Secretary General on Reform ... [she] will coordinate within the State Department and interagency community the U.S. government's positions on UN reform." [221]

The press release makes no mention of Mr. Bolton, and, notably, the senior advisor will not report to Mr. Bolton. It is clear, then, that this is not about UN reform, it is about whether the appointment of Mr. Bolton is in the national interest.

Mr. Bolton has sometimes been compared to former Ambassadors Daniel Patrick Moynihan and Jeane Kirkpatrick. The comparison is flawed. Moynihan and Kirkpatrick were staunch defenders of U.S. interests and hard-headed advocates of U.S. positions. But each also had fundamental respect for the United Nations and understood the imperative for dialogue and diplomacy. Senator Moynihan was a strong advocate of treaties and international law. He also supported the International Court of Justice, which Mr. Bolton once called a "travesty" and a "pretend court." [222] Mrs. Kirkpatrick spoke eloquently of the need to approach the job of UN ambassador in a "low-key, quiet, persuasive and consensus-building way" [223]—an approach Mr. Bolton seems incapable of taking. As Ambassador Kirkpatrick put it, "[John Bolton] may do diplomatic jobs for the U.S. government, but John is not a diplomat." [224]

VIII. A LACK OF RESULTS AS UNDER SECRETARY OF STATE FOR ARMS CONTROL

Under Secretary Bolton's supporters have noted that many policy makers, including United States Senators, have been known to berate their staffs or opponents. Many famous persons have had famous tempers. Mr. Bolton is rightly applauded for having led the successful effort in 1991 to undo the UN General Assembly's 1975 resolution equating Zionism with racism. Does he have such a record of success in his more recent positions as to outweigh his demonstrated—and, in our judgment, disqualifying—negative qualities?

We believe that Under Secretary Bolton's record in his current position is, unfortunately, decidedly mixed. On the positive side, he has worked to secure international support for President Bush's Proliferation Security Initiative. He has secured legal commitments from many countries (known as Article 98 agreements) not to turn over American citizens to the International Criminal Court. He has also invoked sanctions against entities that engage in the proliferation of WMD technology.

On the negative side, however, Mr. Bolton was personally responsible for the angry break-up of the conference that was considering how to improve the Biological Weapons Convention. [225] His

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[221] State Department press release, March 11, 2005.

[222] "The Promise and Perils of the Proposed International Criminal Court", CATO Institute Forum, July 16, 1998.

[223] Confirmation hearing before the Senate Foreign Relations Committee, January 15, 1981.

[224] Christopher Marquis, "Absent from the Korea Talks: Bush's Hard Liner", *The New York Times,* Sept. 2, 2003.

[225] Farah Stockman, "Bolton's style cited in treaty impasse," *Boston Globe,* May 3, 2005.

intense focus on securing Article 98 agreements has come at the expense of other U.S. interests. The increased number of sanctions imposed has arguably had little impact on the extent of WMD proliferation in the world. His reported personal attacks on IAEA Director General Mohammed ElBaradei outstrip U.S. policy (which is to oppose a third term for ElBaradei only because of a desire to establish term limits for that position) and threaten to leave the United States completely isolated on this issue. Finally, his reported failure to prepare properly for the Nuclear Nonproliferation Treaty (NPT) Review Conference now under way in New York may be contributing to further isolation of the United States, allowing NPT violators to avoid any coordinated international action to force compliance with the nonproliferation regime.[226]

Perhaps most significantly, Under Secretary Bolton's approach has failed to prevent North Korea from becoming an even greater proliferation threat to U.S. security. North Korea is solely to blame for its repeated violations of its international obligations, but Mr. Bolton's response to those actions has been singularly ineffective. When Mr. Bolton became Under Secretary of State in 2001, North Korea was still a member of the NPT, it had 8,000 spent fuel rods under international seal, and it was preparing to resume talks with the United States; today North Korea has withdrawn from the NPT, the fuel rods have been reprocessed, and the Six-Party Talks are going nowhere. When Mr. Bolton became Under Secretary, North Korea was believed to have enough separated plutonium for one or two nuclear weapons; today, North Korea may have enough plutonium for 8–10 weapons and is probably downloading more fuel rods from its Yongbyon reactor to produce still more separated plutonium. When Mr. Bolton became Under Secretary, North Korea was thought to have a small, experimental, covert program to enrich uranium; today that program is still covert, but is thought to be much larger.

Despite Mr. Bolton's concern for the enforcement of sanctions, North Korea has had to endure little or no punishment for its rejection of the world-wide nonproliferation regime. Despite Mr. Bolton's work to build the Proliferation Security Initiative, there is little confidence that the world can keep North Korea from covertly exporting fissile material, or even a nuclear device. Mr. Bolton's vituperation in describing North Korea's regime and its leader appeared to undermine, moreover, the stated U.S. policy of encouraging a diplomatic agreement that would end North Korea's nuclear weapons program. As noted earlier, U.S. Ambassador Thomas Hubbard was of the view that Bolton's July 31, 2003, speech in Seoul, South Korea, only "gave the North Koreans . . . another excuse or pretext for not coming back to the table."[227]

The counter-example that the world hopes North Korea will follow is that of Libya, which agreed in December 2003 to renounce its WMD programs; to give up its chemical and nuclear weapons materials and equipment, as well as its long-range ballistic missiles; and to end its support for international terrorism. In return, the United States and the United Kingdom agreed to gradually

[226] See, e.g., "The Proliferation Crisis," an editorial in *The Washington Post,* May 4, 2005.
[227] Hubbard interview, page 14.

eliminate sanctions against Libya and to integrate it once again in the family of nations. A former National Security Council staff member reported, however, that one key to the Libyan success was that Under Secretary Bolton was frozen out of the sensitive negotiations relating to the Lockerbie bombing and, later, leading to the December 2003 U.S.-U.K.-Libya agreement.[228] Mr. Bolton implicitly confirmed the latter part of that assertion in his answer to a question for the record from Senator Biden, when he stated: "My role in the Libya negotiations began in December 2003," i.e., after the agreement had been reached.[229]

The committee staff's lengthy inquiry into matters relating to Under Secretary Bolton's nomination was focused largely on his interactions with intelligence analysts and subordinates. Even so, the committee heard some critical appraisals of Mr. Bolton's work. Larry Wilkerson, former Chief of Staff to Secretary Powell, was especially forceful. On Article 98 agreements:

> Mr. WILKERSON. I think one of the number-one problems facing the country right now—and, you know, I'm here because of my country, not because of anybody else—is North Korea. I consider myself an expert on the Koreas; on Northeast Asia, in general. I think Kim Jong Il is going to test a nuclear weapon in the next year. I think he's going to present it as [a] fait accompli to the world. And I shudder to think what the Japanese are going to do when that happens. And I shudder to think what's going to happen to the balance of power in Northeast Asia when that happens. So, when people ignore diplomacy that is aimed at dealing with that problem in order to push their pet rocks in other areas, it bothers me, as a diplomat, and as a citizen of this country.
>
> Ms. O'CONNELL. Do you think that Mr. Bolton did that with respect to Article 98?
>
> Mr. WILKERSON. Absolutely. Let me tell you, 8:30 every morning—I rarely missed a meeting—Secretary Powell convened the meeting, or Deputy Secretary Armitage convened the meeting . . . and the only thing Mr. Bolton talked about, primarily, at those meetings—he rarely said anything, but when he did say something, it was about another Article 98 agreement having been achieved. And, frankly, I used to sit there and think to myself . . . —again, as a diplomat—"How much damage are we doing to other relations as we achieve this sort of baseball score on Article 98 agreements?" It was the same thing with nonproliferation.[230]

On the IAEA Director General:

> In some instances, like, for example, Mohammed ElBaradei, I would say, in my professional opinion after 35-plus years in government, that Mr. Bolton overstepped his bounds in his moves and gyrations to try to keep Mo-

[228] Flynt Leverett, "Why Libya Gave Up On The Bomb," *The New York Times,* January 23, 2004.

[229] Answer to question for the record by Senator Biden, Apr. 11, 2005.

[230] Wilkerson interview, page 31–page 32.

> hammed ElBaradei from being reappointed as IAEA head. How—what do I mean by that? I mean, going out of his way to badmouth him, to make sure that everybody knew that the maximum power of the United States would be brought to bear against them if he were brought back in, that we would, you know, refrain from "no move, no action."[231]

Mr. Wilkerson's summary impression of Under Secretary Bolton was:

> I differ from a lot of people in Washington, both friend and foe of Under Secretary Bolton, as to his, quote, "brilliance," unquote. I didn't see it. I saw a man who counted beans, who said, "98" [Article 98 agreements] today, "99" tomorrow, "100" the next day, and had no willingness—and, in many cases, no capacity—to understand the other things that were happening around those beans. And that is just a recipe for problems at the United Nations.[232]

Mr. Wilkerson views are, to be sure, just one person's opinion. But he was uniquely situated to observe Under Secretary Bolton in action and to evaluate the effects of Bolton's actions. Sadly, his harsh reflections ring true.

Today, the NPT Review Conference continues to make little progress toward dealing with the crisis of confidence caused by North Korea's nuclear weapons program and Iran's probable nuclear weapons program. The United States, in turn, has shown much righteous anger, but far too little leadership, in its approach to the challenges posed bo those two states. A recent *New York Times* editorial spoke of the Administration's lack of a policy in terms that we believe are equally applicable to Under Secretary Bolton:

> Step by step North Korea and Iran are advancing their capability to build nuclear weapons, and Washington appears to have no clear strategy for stopping them. Given how far along both countries already are in their nuclear programs, neither can any longer simply be coerced into turning back. The only strategy with any real chance of success would offer strong positive inducements for abandoning nuclear weapons development backed up by universally agreed threats of total economic and political isolation if bomb work continued. Perversely, this is the one formula that the Bush administration has refused to seriously consider . . .
>
> Nobody likes rewarding tyrants and nuclear outlaws. But refusing to deal with them, or standing aside while other countries do all the offering, is not a very serious solution to what is now an alarmingly serious problem. The way things are now headed, it is only a matter of time before both North Korea and Iran become full-fledged nu-

[231] Ibid., page 29–page 30.
[232] Ibid., page 45.

clear weapons states. It's time to try a different approach.[233]

We believe that the same is true regarding this nomination. It's time to try a different nominee.

ADDITIONAL MATERIAL IN OPPOSITION TO MR. BOLTON'S NOMINATION

MAY 9, 2005.

Hon. RICHARD G. LUGAR,
Chairman, Senate Foreign Relations Committee,
Dirksen Senate Office Building, Washington, DC.

Hon. JOSEPH R. BIDEN, JR.,
Ranking Member, Senate Foreign Relations Committee,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LUGAR AND SENATOR BIDEN: We have noted with appreciation the moves of President Bush at the beginning of his second term to improve U.S. relations with the countries of the European Union and of the United Nations. Maintaining these ties and the willingness of those countries to cooperate with the United States is essential to U.S. security.

It is for this reason that we write you to express our concern over the nomination of John R. Bolton to be permanent representative of the United States at the United Nations. We urge you to reject that nomination.

By virtue of service in the State Department, USAID and Justice Departments, John Bolton has the professional background needed for this position. But his past activities and statements dicate conclusively that he is the wrong man for this position at a time when the U.N. is entering a critically important phase of modernization, seeking to promote economic development and democratic reforms and searching for ways to cope better with proliferation crises and a spurt of natural disasters and internal conflicts.

John Bolton has an exceptional record of opposition to efforts to enhance U.S. security through arms control. He led a campaign against ratification of the Comprehensive Nuclear Test Ban Treaty. Today, the administration is pressing for development of new types of nuclear weapons. John Bolton blocked more extensive international agreement to limit sales of small arms, the main killer in internal wars. He led the fight to continue U.S. refusal to participate in the Ottawa Landmine Treaty. Today, the U.S. has joined Russia and China in insisting on the right to continue to deploy anti-personnel landmines. John Bolton crafted the U.S. withdrawal from the joint efforts of 40 countries to formulate a verification system for the Biological Weapons Convention and blocked continuation of these efforts in a period of increasing concern over potential terrorist use of these weapons and of terrorist access to the stocks of countries covertly producing these weapons. John Bolton's unsubstantiated claims that Cuba and Syria are working on biological weapons further discredited the effect of U.S. warnings and U.S. intelligence on weapons of mass destruction.

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[233] "Nukes Happen," editorial in the *New York Times,* May 16, 2005.

John Bolton led the successful campaign for U.S. withdrawal from the treaty limiting missile defenses (ABM Treaty). The effects of this action included elimination of the sole treaty barrier to weaponization of space. In the face of decades of votes in the U.N. General Assembly calling for negotiation of a treaty to block deployment of weapons in space, he has blocked negotiation in the Geneva Conference on Disarmament of a treaty on this subject. The administration has repeatedly proposed programs calling for weapon deployment in space.

As chief negotiator of the 2002 Moscow Treaty on withdrawing U.S. and Russian nuclear weapons from field deployment, John Bolton structured a treaty without its own verification regime without required progress reports from both sides, without the requirement to destroy warheads withdrawn from deployment, and without provision for negotiating continued reductions. Under his guidance, the State Department repudiated important consensus agreements reached in the year 2000 Review Conference of the Nonproliferation Treaty and has even blocked the formulation of an agenda for the next review conference to be held in May 2005.

Under John Bolton as Under Secretary for Arms Control and International Security, the State Department has continued to fail to resolve the impasse with Russia about the legal liability of U.S. personnel working with Russia on the security of the huge arsenal of nuclear, chemical and biological weapons of the former Soviet Union and has failed to accelerate measures aimed at the safety and security of this huge arsenal from theft, illegal sale and terrorist access.

John Bolton's insistence that the U.N. is valuable only when it directly serves the United States, and that the most effective Security Council would be one where the U.S. is the only permanent member, will not help him to negotiate with representatives of the remaining 96% of humanity at a time when the U.N. is actively considering enlargement of the Security Council and steps to deal more effectively with failed states and to enhance the U.N.'s peacekeeping capability.

John Bolton's work as a paid researcher for Taiwan, his idea that the U.S. should treat Taiwan as a sovereign state, and that it is fantasy to believe that China might respond with armed force to the secession of Taiwan do not attest to the balanced judgment of a possible U.S. permanent representative on the Security Council. China is emerging as a major world power and the Taiwan issue is becoming more acute.

At a time when the U.N. is struggling to get an adequate grip on the genocidal killing in Darfur, Sudan, Mr. Bolton's skepticism about U.N. peacekeeping, about paying the U.N. dues that fund peacekeeping, and his leadership of the opposition to the International Criminal Court, originally proposed by the U.S. itself in order to prosecute human rights offenders, will all make it difficult for the U.S. to play an effective leadership role at a time when the U.N. itself and many member states are moving to improve U.N. capacity to deal with international problems.

Given these past actions and statements, John R. Bolton cannot be an effective promoter of the U.S. national interest at the U.N.. We urge you to oppose his nomination.

Sincerely,

The Hon. Terrell E. Arnold, Former Deputy Director, Office of Counterterrorism, U.S. Department of State (Reagan), Former U.S. Consul General, San Paulo, Brazil (Carter)

Ambassador (ret.) Harry G. Barnes, Jr., Former U.S. ambassador to Romania, Chile, and India (Nixon, Ford, Reagan)

Ambassador (ret.) Robert L. Barry, Former U.S. ambassador to Bulgaria and Indonesia (Reagan, Clinton), Former Deputy Assistant Secretary of State for International Organization Affairs (Carter), Former Deputy Assistant Secretary of State for European Affairs (Carter)

Ambassador Josiah H. Beeman, Former U.S. ambassador to New Zealand and Western Samoa (Clinton)

Ambassador (ret.) Maurice M. Bernbaum, Former U.S. ambassador to Ecuador and Venezuela (Eisenhower, Johnson)

Ambassador (ret.) Jack R. Binns, Former U.S. ambassador to Honduras (Carter, Reagan)

Ambassador (ret.) Richard J. Bloomfield, Former U.S. ambassador to Ecuador and Portugal (Ford, Carter, Reagan)

Ambassador (ret.) Peter Bridges, Former U.S. ambassador to Somalia (Reagan)

Ambassador George Bruno, Former U.S. ambassador to Belize (Clinton)

Ambassador (ret.) Edward Brynn, Former U.S. ambassador to Burkina Faso and Ghana (G.H.W. Bush, Clinton), Former Principal Deputy Assistant Secretary of State, Bureau of African Affairs (Clinton)

Ambassador George Bunn, Former member of U.S. delegation to the Nonproliferation Treaty (NPT) negotiations (Johnson), Former U.S. ambassador to the Geneva Disarmament Conference (U.N.) (Johnson)

Ambassador (ret.) A. Peter Burleigh, Former Deputy Assistant Secretary of State for the Near East and South Asia (Reagan), Former Deputy Assistant Secretary of State for Intelligence and Research (G.H.W. Bush), Former Ambassador and Coordinator for Counter-Terrorism, Department of State (G.H.W. Bush), Former Ambassador to Sri Lanka and the Maldives (Clinton), Former Deputy Assistant Secretary of State for Personnel (Clinton), Former U.S. Deputy Permanent Representative to the U.N. and Acting Permanent Representative to the U.N. (Clinton)

Ambassador (ret.) Patricia M. Byrne, Former Deputy U.S. Permanent Representative to the U.N. Security Council (Reagan), Former U.S. ambassador to Mali and Burma (Carter, Reagan)

Ambassador (ret.) James Cheek, Former U.S. ambassador to Sudan and Argentina (G.H.W. Bush, Clinton)

Ambassador (ret.) Paul M. Cleveland, Former U.S. ambassador to New Zealand and Western Samoa and Malaysia (Reagan, G.H.W. Bush), Former U.S. representative to the Korean Energy Development Organization (Clinton)

Ambassador (ret.) Carleton S. Coon, Former U.S. ambassador to Nepal (Reagan)

Ambassador (ret.) Jane Coon, Former U.S. ambassador to Bangladesh (Reagan)

Ambassador (ret.) James F. Creagan, Former U.S. ambassador to Honduras (Clinton), Former U.S. Consul General, Sao Paulo, Brazil (G.H.W. Bush)

Ambassador (ret.) T. Frank Crigler, Former U.S. ambassador to Rwanda and Somalia (Ford, Reagan)

Ambassador (ret.) John H. Crimmins, Former U.S. ambassador to the Dominican Republic and Brazil (Johnson, Nixon, Ford)

Ambassador (ret.) Richard T. Davies (signed before he passed away on March 30, 2005), Former U.S. ambassador to Poland (Nixon, Ford, Carter)

Ambassador (ret.) John Gunther Dean, Former Deputy for CORDS, Military Region 1, Vietnam (Nixon), Former U.S. ambassador to Cambodia, Denmark, Lebanon, Thailand, India (Nixon, Ford, Carter, Reagan)

Ambassador (ret.) Jonathan Dean, Former U.S. representative to the Mutual and Balanced Force Reduction Talks, Vienna (Carter)

Ambassador (ret.) Willard A. DePree, Former U.S. ambassador to Mozambique and Bangladesh (Ford, Reagan, G.H.W. Bush)

Ambassador (ret.) Robert S. Dillon, Former U.S. ambassador to Lebanon (Reagan), Former Deputy Commissioner General of the U.N. Relief and Works Agency for Palestine Refugees (UNRWA) (Reagan)

Ambassador (ret.) Donald B. Easum, Former U.S. ambassador to Nigeria and Upper Volta (Burkina Faso) (Nixon, Ford, Carter), Former Assistant Secretary of State for African Affairs (Nixon, Ford)

Ambassador (ret.) William B. Edmondson, Former U.S. ambassador to South Africa (Carter)

Ambassador (ret.) Nancy H. Ely-Raphel, Former U.S. ambassador to Slovenia (Clinton)

Ambassador (ret.) James Bruce Engle, Former U.S. ambassador to Dahomey (Nixon, Ford)

Ambassador (ret.) Richard K. Fox, Former U.S. ambassador to Trinidad and Tobago (Carter)

Ambassador (ret.) Lincoln Gordon, Former U.S. ambassador to Brazil (Kennedy, Johnson), Former Assistant Secretary of State for Inter-American Affairs (Johnson)

Ambassador (ret.) Robert Grey, Jr., Former U.S. representative to the Conference on Disarmament, Geneva (Clinton)

Ambassador (ret.) Holsey Gates Handyside, Former U.S. ambassador to Mauritania (Ford, Carter)

Ambassador (ret.) William C. Harrop, Former ambassador to Israel, Kenya, and Zaire (Reagan, G.H.W. Bush, Clinton), Former Inspector General, U.S. Department of State (Nixon)

Ambassador (ret.) Samuel F. Hart, Former U.S. ambassador to Ecuador (Reagan)

Ambassador (ret.) Arthur A. Hartman, Former U.S. ambassador to France and the Soviet Union (Carter, Reagan), Former Assistant Secretary of State for European Affairs (Nixon)

Ambassador Ulric Haynes, Jr., Former U.S. ambassador to Algeria (Carter)

Ambassador Gerald B. Helman, Former U.S. ambassador to the United Nations, Geneva (Carter)

Ambassador (ret.) Robert T. Hennemeyer, Former U.S. ambassador to Gambia (Reagan)

Ambassador (ret.) H. Kenneth Hill, Former U.S. ambassador to Bulgaria (G.H,W. Bush)

Ambassador (ret.) John L. Hirsch, Former U S. ambassador to Sierra Leone (Clinton)

Ambassador (ret.) Lewis Hoffacker, Former U.S. ambassador to Cameroon and Equatorial Guinea (Nixon)

Ambassador (ret.) H. Allen Holmes, Former U.S. ambassador to Portugal (Reagan), Former Assistant Secretary of State for Political-Military Affairs (Reagan), Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (Clinton)

The Hon. Thomas L. Hughes, Former Director, Bureau of Intelligence and Research (INR), Department of State (Kennedy, Johnson)

Ambassador (ret.) Dennis Jett, Former U.S. ambassador to Mozambique and Peru (Clinton)

Ambassador James A. Joseph, Former U.S. ambassador to South Africa (Clinton)

Ambassador (ret.) Philip M. Kaiser, Former U.S. ambassador to Senegal, Mauritania, Hungary, Austria (Kennedy, Carter)

Ambassador (ret.) Robert V. Keeley, Former U.S. Ambassador to Mauritius, Zimbabwe, and Greece (Ford, Carter, Reagan), Former Deputy Assistant Secretary of State for African Affairs (Carter)

Spurgeon M. Keeny, Jr., Former Deputy Director, U.S. Arms Control and Disarmament Agency (ACDA) (Carter)

Ambassador (ret.) Andrew I. Killgore, Former U.S. ambassador to Qatar (Carter)

Ambassador Henry L. Kimelman, Former U.S. ambassador to Haiti (Carter)

Ambassador (ret.) Roger Kirk, Former U.S. ambassador to Somalia and Romania (Nixon, Ford, Reagan)

Ambassador (ret.) Dennis H. Kux, Former U.S. ambassador to Ivory Coast (Reagan)

Ambassador (ret.) James F. Leonard, Former Deputy U.S. Permanent Representative to the United Nations (Ford, Carter)

Ambassador (ret.) Samuel W. Lewis, Former Assistant Secretary of State for International Organization Affairs (Ford), Former Director of Policy Planning, State Department (Clinton), Former ambassador to Israel (Carter, Reagan)

Ambassador (ret.) Princeton N. Lyman, Former Assistant Secretary of State for International Organization Affairs (Clinton), Director, Bureau of Refugee Programs. U.S. Department of State (G.H.W. Bush), Former U.S. ambassador to South Africa and Nigeria (Reagan, G.H.W. Bush, Clinton)

Ambassador (ret.) David L. Mack, Former U.S. ambassador to the United Arab Emirates (Reagan, (G.H.W. Bush)

Ambassador (ret.) Richard Cavins Matheron, Former U.S. ambassador to Swaziland (Carter, Reagan)

Ambassador (ret.) Charles E. Marthinsen, Former U.S. ambassador to Qatar (Carter, Reagan)

Jack Mendelsohn, Deputy Assistant Director of the Strategic Programs Bureau, Arms Control and Disarmament Agency (ACDA) (Reagan), Senior ACDA representative on U.S. START delegation (Reagan)

Ambassador Carol Moseley-Braun, Former U.S. ambassador to New Zealand and Samoa (Clinton)

Ambassador (ret.) Ambler H. Moss Jr., Former U.S. ambassador to Panama (Carter, Reagan), Former Member, U.S.-Panama Consultative Committee (Carter, Reagan, Clinton)

Ambassador (ret.) Leonardo Neher, Former U.S. ambassador to Burkina Faso (Reagan)

Ambassador (ret.) David D, Newsom, Former U.S. ambassador to Libya, Indonesia, the Philippines (Johnson, Nixon, Carter), Former Assistant Secretary of State for African Affairs (Nixon), Former Undersecretary of State for Political Affairs (Carter)

Ambassador (ret.) Donald R. Norland, Former U.S. ambassador to the Netherlands, Botswana, Lesotho and Swaziland, and Chad (Johnson, Ford, Carter)

Ambassador (ret.) David Passage, Former U.S. ambassador to Botswana (G.H.W. Bush)

Ambassador (ret.) Edward L. Peck, Former U.S. ambassador to Iraq and Mauritania (Carter, Reagan)

Ambassador (ret.) Jack R. Perry, Former U.S. ambassador to Bulgaria (Carter)

Ambassador (ret.) Christopher H. Phillips, Former Deputy U.S. Permanent Representative to the U.N. (Nixon), Former U.S. ambassador to Brunei (G.H.W. Bush)

Ambassador (ret.) Sol Polanaky, Former U.S. ambassador to Bulgaria (Reagan, G.H.W. Bush)

Ambassador Stanley R. Resor, Former Secretary of the Army (Johnson, Nixon), Former U.S. representative to the Mutual and Balanced Force Reduction Talks, Vienna (Nixon, Ford, Carter)

Ambassador Nicholas A. Rey, Former U.S. ambassador to Poland (Clinton)

John B. Rhinelander, Deputy Legal Adviser, U.S. Department of State (Nixon), Legal Adviser to the U.S. Strategic Arms Limitation Delegation (SALT I) (Nixon)

Ambassador (ret.) Stuart W, Rockwell, Former U.S. ambassador to Morocco (Nixon)

Ambassador James R. Sasser, Former U.S. ambassador to the People's Republic of China (Clinton)

Ambassador (ret.) Cynthia P. Schneider, Former U.S. ambassador to The Netherlands (Clinton)

Ambassador (ret.) Talcott W. Seelye, Former U.S. ambassador to Tunisia and Syria (Nixon, Ford, Carter)

The Hon. John Shattuck, Former Assistant Secretary of State for Democracy, Human Rights and Labor (Clinton), Former Chairman, Secretary of State's Advisory Committee on Religious Freedom Abroad (Clinton), Former U.S. ambassador to the Czech Republic (Clinton)

Ambassador (ret.) Thomas W. Simons, Jr., Former Deputy Assistant Secretary of State for European and Canadian Affairs (Reagan), Former U.S. ambassador to Pakistan and Poland (G.H.W. Bush, Clinton)

Ambassador Richard Sklar, Former U.S. ambassador to the United Nations for Management and Reform (Clinton)

Ambassador Robert Solwin Smith, Former U.S ambassador to Ivory Coast (Nixon, Ford), Former Deputy and Acting Assistant Secretary of State for Africa (Nixon), Former Deputy Permanent Delegate to UNESCO (Truman, Eisenhower)

Ambassador (ret.) Carl Spielvogel, Former U.S. ambassador to the Slovak Republic (Clinton)

Ambassador (ret.) Monteagle Stearns, Former U.S. ambassador to Greece and Ivory Coast (Ford, Carter, Reagan), Former Vice President, National Defense University (Carter)

Ambassador (ret.) Andrew L. Steigman, Former Ambassador to Gabon, Sao Tome and Principe (Ford),

Ambassador (ret.) Michael Sterner, Former U.S. ambassador to the United Arab Emirates (Nixon, Ford), Former Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs (Carter)

Ambassador (ret) John Todd Stewart, Former U.S. ambassador to Moldova (Clinton)

Ambassador (ret.) Richard W. Teare, Former U.S. ambassador to Papua New Guinea, Solomon Islands and Vanuatu (Clinton)

Ambassador (ret.) Harry E.T. Thayer, Former U.S. ambassador to Singapore (Carter, Reagan)

The Hon. Hans N. Tuch, Career Minister, U.S. Foreign Service, USIA

Ambassador (ret.) Theresa A. Tull, Former U.S. ambassador to Guyana and Brunei (Reagan, G.H.W. Bush, Clinton)

Ambassador William J. vanden Heuvel, Former Deputy U.S. Permanent Representative to the United Nations (Carter), Former U.S. representative to the United Nations, Geneva (Carter)

Ambassador (ret.) Christopher van Hollen, Former Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs (Nixon), Former U.S. ambassador to Sri Lanka (Nixon, Ford)

Ambassador (ret.) Richard N. Viets, Former U.S. ambassador to Tanzania and Jordan (Carter, Reagan)

Ambassador (ret.) Frederick Vreeland, Former U.S. ambassador to Morocco (G.H.W. Bush), Former Deputy Assistant Secretary of State for the Near East (G.H.W. Bush)

Ambassador (ret.) Lannon Walker, Former Principal Deputy Assistant Secretary of State for African Affairs (Carter, Reagan), Former U.S. ambassador to Senegal, Nigeria, and Ivory Coast (Reagan, G.H.W Bush, Clinton)

Ambassador (ret.) Alexander F. Watson, Former U.S. ambassador to Peru (Reagan), Former Deputy Permanent Representative to the United Nations (G.H.W. Bush), Former Assistant Secretary of State for Western Hemisphere Affairs (Clinton)

Ambassador (ret.) Melissa F. Wells, Former U.S. ambassador to Guinea Bissau and Cape Verde, Mozambique, Zaire, Estonia (Ford, Reagan, Carter, Clinton), Former U.S. representative to

the United Nations Economic and Social Council (ECOSOC) (Carter)

Ambassador (ret.) Thomas C. Weston, Former Special Coordinator for Cyprus (Clinton, G.W. Bush), Former Deputy Assistant Secretary of State for European and Canadian Affairs (Clinton)

Ambassador (ret.) Robert E. White, Former U.S. ambassador to Paraguay and El Salvador (Carter), Former Deputy U.S. Permanent Representative to the Organization of American States (Ford)

Ambassador (ret.) James M. Wilson, Jr., Former Deputy Assistant Secretary of State, East Asia and Pacific Affairs (Nixon), Coordinator for Human Rights and Humanitarian Affairs, Department of State (Ford)

Ambassador (ret.) W. Howard Wriggins, Former U.S. ambassador to Sri Lanka (Carter)

Ambassador (ret.) Kenneth S. Yalowitz, Former U.S. ambassador to Belarus and Georgia (Clinton)

APRIL 22, 2005

The Hon. JOSEPH R. BIDEN, Jr.,
U.S. Senate.
Washington, DC.

DEAR SENATOR BIDEN: Knowing your commitment to truth and patriotism, I permit myself to write urging that the Senate Foreign Relations Committee reject the nomination of a person as unworthy of your trust, and that of your colleagues, as John Bolton. In 1991, I had the honor of being a Deputy Assistant Secretary in the Department's Bureau of Near Eastern and South Asian Affairs with responsibilities that covered, inter alia, U.N. affairs. In this capacity I would meet with John Bolton when my Bureau's matters had to be discussed with the Bureau of International Organization Affairs of which he was Assistant Secretary. It was the only unpleasant part of my assignment—and it was very unpleasant. He dealt with visitors to his office as if they were servants with whom he could be dismissive, curt and negative. He was well known for never being good-tempered or even well-mannered. He spoke of the U.N. as being the enemy, so that those in the Department who had to deal with him wondered why he had precisely that job. My experience bore out his anti-U.N. reputation. It is totally erroneous to speak of Bolton as a diplomat. My personal experience with him shows that there is no diplomatic bone in his body. Having had 9 years experience with the U.N. myself, my considered judgement is that he would do the U.S. terrible harm in the world body. In the U.S. Mission to the U.N., New York, from 1967 to 1971, I served under 5 fine U.S. ambassadors to the U.N. both Democrat and Republican. They were of different temperaments and qualities—but they all knew how to promote U.S. interests in the U.N. meetings and their contacts. For one thing they knew how to listen, something essential for the U.N. job which I found totally lacking in my dealings with Bolton.

Bolton has none of the qualities needed for that job. On the contrary he has all the qualities needed to harm the image and objectives in the U.N. and its affiliated international organizations.

If it is now U.S. policy not to reform the U.N. but to destroy it, Bolton is our man.

Respectfully,

FREDERICK VREELAND,
Retired Foreign Service Reserve Officer & Intelligence Officer,
Former U.S. Ambassador to Morocco.

JUDGE STEPHEN M. SCHWEBEL,
Washington, DC, April 7, 2005.

Hon. JOSEPH BIDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BIDEN: Please permit me to set out my view that the Senate should decline to approve the nomination of Mr. John Bolton as Permanent Representative to the United Nations of the United States. That view is informed by my years of service in the Department of State as Assistant Legal Adviser for United Nations Affairs (1961–66), Deputy Legal Adviser (1974–81), and Judge of the International Court of Justice (1981–2000), having been President of that Court 1997–2000.

Mr. Bolton Is on public record (as in an "op/ed" published in The Wall Street Journal) in maintaining that there is no legal obligation binding upon the United States to pay the financial assessments upon it as a U.N. Member. His position contravenes the U.N. Charter, a treaty binding upon the United States, which specifies: "The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly" (Art. 17(2). In 1962, the International Court of Justice held—sustaining the argument of the United States, among other Members—that apportionment of expenses by the General Assembly creates the obligation of each Member to bear that part of the expenses apportioned to it.

Mr. Botton however claims that, when the U.S. Congress enacts legislation determining payment of U.N. assessments by the United States, that legislation governs not oniy the United States but its international legal obligations. He maintains that that legislation frees the United States of any international legal obligation to pay its assessments.

It follows from Mr. Bolton's position that any State can free itself of its international legal obligations by national enactment. That position runs counter to elemental principles of international law. The Vienna Convention on the Law of Treaties provides that: "Every treaty in force is binding upon the parties to it and must be performed by them in good faith" (Art. 26). It specifies that: "A State party to a treaty may not invoke the provisions of its internal law as justification for its failure to perform the treaty" (Art. 27(1).

In my view, a man who demonstrates such ignorance of, or contempt for, the international legal obligations of the United States, notably those under the United Nations Charter, is unsuited for service as the Permanent Representative of the United States to the United Nations.

Yours sincerely,

STEPHEN M. SCHWEBEL.