



**Statement of Senator Joseph R. Biden, Jr.
Nomination of John Bolton to be UN Ambassador
May 12, 2005**

AS PREPARED FOR DELIVERY

Mr. Chairman, it is my intention to keep our commitment to vote by 3:00 p.m. today on the Bolton nomination, notwithstanding the fact that I have serious concerns about the lack of cooperation of the Executive Branch in working with this Committee, or at least this side of the Committee.

I recognize that the State Department, the CIA, and AID have provided hundreds of pages of documents, and declassified many of them. I do not minimize that.

State and CIA have made many government officials available for interview, some more than once.

But this cooperation has been grudging, to say the least. Prior to the April 11 hearing, very little cooperation was provided in response to Democratic requests – until you, Mr. Chairman, stepped in.

After our first meeting on April 19, we made additional document requests of the Department. The Chairman intervened to help again, but he also implicitly invited the Department to ignore part of our 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.

The Department took the hint – and has failed to turn over some important materials related to preparation of speeches and testimony.

Even after we narrowed our request – at the urging of the State Department – only a relatively small number of materials were provided.

In rejecting our 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.”

Think about this for a minute. First, the Department is responding only to the requests endorsed by the majority. Second, the Executive Branch is deciding for itself the issues which are relevant to the Committee's review of nomination.

I believe a very important issue before this Committee is whether Mr. Bolton sought to stretch the intelligence – 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.

I am also concerned that the nominee may have given the Committee misleading testimony.

The material that was not provided would shed further light on both these concerns. It relates to the preparation of congressional testimony on Syria's weapons of mass destruction program. The preparation for this testimony occurred in the summer and fall of 2003. We already know from intelligence officials that there was an intense debate about what Mr. Bolton wanted to say.

Mr. Bolton told us that he hadn't seen the drafts; and the State Department told us in a 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 State Department's letter yesterday says that the material is "highly classified and compartmented" and that the Department is not prepared to "share these internal deliberations that cut across the intelligence community."

This answer is unsatisfactory. We have already received deliberative process materials, some of which are highly classified.

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?

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

I am even more concerned about the failure of this Committee to receive any information related to Mr. Bolton's requests for NSA information and the identity of U.S. persons in these intercepts. On April 13, Senator Dodd first made a request for this information. By letter dated April 28, Senator Lugar also made a request for this information through the Intelligence Committee.

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.”

In other words, the Chairman made clear our expectation that the NSA would provide all the information to the Intelligence Committee, which in turn would share it with us.

I understand that the Chairman and Vice Chairman of the Intelligence Committee were briefed on Tuesday by General Hayden, Deputy Director of National Intelligence. I understand that they were not given the identities of the U.S. persons that Mr. Bolton requested and received. And I have no information on when or whether this Committee, or even Senator Lugar and I, will be given access to the same information given to the Intelligence Committee.

So as far as I can tell, Mr. Chairman, your request has not been fulfilled. I don't know why. I think it's unacceptable. We have a right to this information, not only as members of the Committee, but in our specific responsibility of exercising advice and consent on this nomination.

Mr. Bolton can see this information. But we cannot?

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 will not be provided?

After all the work we have done in the past decade to strengthen the role of this Committee, it is a serious mistake to acquiesce in the Administration's withholding of relevant information, whether they think it is relevant or not.

The integrity of the nomination process, and our constitutional role, are being challenged.

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.

What makes the Administration think that it has the right to determine what the United States Senate needs in order to perform its constitutional responsibility?

The Administration has asserted neither executive privilege nor any other constitutionally-based rationale for not cooperating with this Committee. They have 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, we are a co-equal branch of government, and it is within our power – and ours alone – to decide what we think is relevant to our deliberations in the exercise of the advice and consent power.

With all due respect, Mr. Chairman, I think we’re making a big mistake. We should not stand for this encroachment on our authority. I know how tough your job is. I realize you’re in a difficult position and trying to be fair. Lest my colleagues think that I am being partisan, let me remind you that, when I chaired the Judiciary Committee during the Clinton Administration, I insisted that all records and requests from our Committee related to the nominations of Zoe Baird and Kimba Wood to be Attorney General of the United States, notwithstanding the fact that the Democratic President and the Democratic Administration told me that our requests were not specifically tied to issues under deliberation.

We do not work for the President. No one is entitled to appointment to an office requiring advice and consent – unless they have our consent. No President is *entitled* to approval of a nominee.

We have undermined our authority and shirked the constitutional responsibility of this Committee. I intend to continue to seek this information. I hope you will join me, Mr. Chairman.

Let me now turn to the nomination.

My concern is not about the United Nations. My concern is that U.S. interests at the United Nations will be damaged. Simply put, I believe it is not in our national interest to send John Bolton to be our Ambassador at the United Nations.

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

First, Mr. Bolton repeatedly sought the removal of intelligence analysts who disagreed with him.

Second, in speeches and testimony, Mr. Bolton repeatedly tried to stretch intelligence to fit his views and repeatedly went back to the community to try to get the answer he wanted.

Third, in his relations with colleagues and subordinates in and out of government, Mr. Bolton repeatedly exhibited abusive behavior and intolerance for different views.

And fourth, Mr. Bolton repeatedly made misleading, disingenuous or non-responsive statements to this Committee.

But don't take my word for it. Listen closely to the senior officials in this Republican administration who have testified before this Committee or its staff.

Listen to Carl Ford, a respected intelligence professional with three decades of government service, who describes himself as a "huge fan" of Vice President Cheney.

He described for us not only the attempt by Mr. Bolton to remove Mr. Westermann – who worked for Mr. Ford – but the unprofessional manner in which Bolton treated his analyst:

"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 he's one of the sort of memorable moments" in my career.

Continuing to quote -- "I've never seen anybody quite like Secretary Bolton, doesn't even come close. I don't have a second and third or fourth, in terms of the way he abuses his power and authority with little people."

Afterward, Mr. Ford said, the news of the Westermann incident "spread like wildfire" in the bureau, so much so that Secretary Powell made a "special point of coming down to an assembled group of people at 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."

Listen to John McLaughlin, a career CIA professional who served as Deputy Director of Central Intelligence and for a time as Acting Director, both under President Bush.

When Mr. McLaughlin was told that Mr. Bolton was seeking to have the National Intelligence Officer for Latin America transferred, Mr. McLaughlin recalls that he firmly rejected the request: "Well, we're not going to do that, absolutely not. No way. End of story."

Mr. McLaughlin explains why he was adamantly opposed to this request:

“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 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.”

Listen to Robert Hutchings, the Chairman of the National Intelligence Council from 2003 to 2005.

He said that, in the summer of 2003, Mr. Bolton and his team prepared a speech on Syria and weapons of mass destruction that “struck me as going well beyond...where the evidence would legitimately 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 that 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.”

Listen to Larry Wilkerson, a retired Marine colonel who served as Colin Powell’s chief of staff.

He said that Mr. Bolton is a “lousy leader” and had objections to him being UN Ambassador because there are “100 to 150 people [in New York] that have to be led [and] led well.” He described Mr. Bolton as a man who “counted beans,” 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.”

Mr. Wilkerson knows of what he speaks. He was the chief of staff. He kept an open door. And he described a regular flow of officials walking through it -- to complain to him about Mr. Bolton’s behavior.

Mr. Wilkerson also told us that because of problems with Mr. Bolton’s speeches not always being properly cleared by other State Department offices, Deputy Secretary Armitage “made a decision that John Bolton would not give any testimony, nor would he give any speech, that wasn’t cleared first by Rich [Armitage].” And he later told the *New York Times* that “if anything, the [restrictions] got more stringent” as time went on. “No one else was subjected to these tight restrictions,” he said.

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 the Assistant Secretary of State for Nonproliferation.

Mr. Wolf told the Committee staff 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 this officer.

And Mr. Wolf says that Mr. Bolton asked him to remove two other officials because of disagreements over policy, and that Mr. Bolton “tended not to be enthusiastic about alternative views.”

Listen to Will Taft, who served as State Department Legal Adviser under Secretary Powell, and before that was General Counsel in two other government departments as well as Deputy Secretary of Defense and Ambassador to NATO. He told the Committee that he had to take the extraordinary step of going to Deputy Secretary Armitage to have him remind Mr. Bolton that he was required to work with Mr. Taft on a lawsuit 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 the attorney working for Mr. Taft that he was “off the case.”

Mr. Bolton is an attorney. He was once General Counsel at AID, and Assistant Attorney General in the Civil Division. He should understand this simple concept – that the lawyers for Colin Powell would need to work on a lawsuit against Colin Powell. Yet he had the arrogance to think that he knew better.

Read the memo from 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 will 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.

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, “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.’”

Mr. Hubbard remembers it quite differently. And he voluntarily contacted the Committee to make clear that he disagreed with the tone of the speech, thought it was unhelpful to the negotiating process, and that 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 22 without the Democratic staff present – Hubbard said that he felt compelled to contact the Committee because “It’s misleading, to say the least, to have me praising him for the speech.”

If you're keeping track, 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 actions, and told us that Mr. Bolton –

- seeks retribution against intelligence analysts or policy officials who disagree with him;
- pushes the envelope on intelligence information;
- doesn't like to hear dissent;
- doesn't like to follow the rules;
- is a bad manager of people;
- can't see the forest for the trees; and
- mischaracterizes the views of his colleagues.

This is neither hearsay nor innuendo, as was suggested in our prior meeting. This is what a judge would call “direct evidence” – testimony and documentary evidence. It is all there for every senator to see.

Some people might say that none of this matters. Nobody lost their jobs. Mr. Bolton gave the speeches he was authorized to give. After yelling at the State Department lawyer, the lawyer was put back on 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 come forward – with little to gain and a lot to lose – and tell their stories? We didn't subpoena a single person. We didn't pressure anyone to come. We asked, and they came. They came forward because they think Mr. Bolton's actions matter.

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

If you think his actions didn't matter, why did Armitage, according to Larry Wilkerson's account, get mad at his Asia expert, Jim Kelly, for clearing the Seoul speech? Because it almost impeded the Six Party talks – and led to Secretary Powell having to send an envoy to New York to encourage the North Koreans to come to the talks.

If you think his actions didn't matter, why did Mr. Armitage postpone Mr. Bolton's testimony on Syria? By the way, Mr. Bolton told us he canceled this testimony on his own. But Larry Wilkerson said that Secretary Armitage did so, because there was “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.”

Remember, this is the summer of 2003. We're in Iraq. Some people are talking about "who's next?" Syria is high on that list. And 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 war in Iraq – and Mr. Bolton is trying to pushing the intelligence envelope on Syria. And Armitage intervenes to stop it.

Connect the dots, folks. Of course it matters.

We don't know what exactly Mr. Bolton wanted to say, because these are among the documents that the State Department has refused to turn over. But we do know the Intelligence Community said "no way."

If you think his 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 them to do their jobs? Carl Ford said he had made visits to INR before, but both Ford and Larry Wilkerson said this instance was a special trip.

If you think his actions didn't matter, why did John Wolf have to assign his brilliant mid-level officer to another bureau? Because, he said, he didn't want him manning an "empty desk." He stayed on a good career track only because Wolf worked to secure him assignments away from Mr. Bolton's reach.

If you think his actions didn't matter, listen to Robert Hutchings on the dangers of policymakers pushing to stretch the intelligence, even if they fail:

"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 even when it's successfully resisted, it has an effect...it creates as a climate of intimidation and a culture of conformity that is damaging."

Is Mr. Bolton really worth all this trouble? Is this really the best we can do? Are there no other tough-talking professionals in the Republican Party?

It has been said, usually in the same breath about Mr. Bolton's reputation as a straight-talker, that if you oppose Bolton, you oppose UN reform.

I sat here with our friend Jesse Helms and together we passed the toughest UN reform bill in the last two decades. At the time, my friend from Indiana proposed amendments to take out the reform conditions and he was supported by Senator Sarbanes, among others. Reasonable people can debate the best approach to UN reform. But Bolton isn't the only guy who can push UN reform.

In fact, the Secretary of State has said as much, because four days after the Bolton nomination was announced, she 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.”

“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.”

The press release makes no mention of Mr. Bolton. So let’s not kid each other.

No, this is not about UN reform, it is about whether the appointment of Mr. Bolton is in the national interest.

Is it in the national interest to have a “bully” and a “lousy leader”, as senior Republican officials have characterized Mr. Bolton, running our mission in New York, with 150 people who need strong leadership?

Is it in the national interest to have an ideologue who appears to have no governor on his internal engine representing us at the UN?

Is it in the national interest to have someone who has a reputation for exaggerating intelligence speaking for the United States when the next crisis -- whether it is Iran, North Korea, or Syria -- arises?

We have already lost a lot of credibility at home and abroad after the fiasco over the intelligence on Iraq. Mr. Bolton is not the man to help us rebuild it. He is the wrong choice.

We can do a lot better than this.

Vote your heart. Vote no on Mr. Bolton.