



Opening Statement
Senator Joseph R. Biden, Jr.
Nomination of John Bolton to be UN Ambassador
April 11, 2005

Today the Committee considers the nomination of John Bolton to be Ambassador to the United Nations.

I do not believe this hearing is ready to be conducted, because we have not completed a review of certain allegations involving the nominee. I want to be clear: these allegations do not go to his honesty or integrity but rather to the way he has handled dissenting views on intelligence questions.

On March 24, I asked the Department of State for access to certain individuals and documents related to an incident involving the nominee. For two weeks, the Department stonewalled.

It was only after you intervened last Thursday, Mr. Chairman, that we started to receive some cooperation. That day, at 1:45 p.m., the Democratic staff was informed that two individuals 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, but only take notes, further handicapping the ability to review the materials.

Since Thursday afternoon, staff on both sides has worked diligently to interview witnesses and review materials. I am grateful for your intervention, but the Committee's work to investigate this matter – which could have proceeded over a two week period – was compressed into the last 90 hours.

The staff still has at least two more interviews to conduct, and I do not 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 for review unless they happened to be in Washington during the recess period.

This is not the way we should do business.

The Department's lack of cooperation 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 received full cooperation, and obtained hundreds of pages of documents without delay or resistance.

But here we are.

Four years ago, Under Secretary Bolton, when you came before this Committee with little background on arms control, there is no question you have extensive experience in U.N. affairs.

You served as Assistant Secretary of State during the first Bush administration, supervising policy regarding the U.N. You have written and testified frequently about the subject.

It is precisely this record that concerns me.

I believe the President is entitled to significant deference in his senior appointments. I have often opposed nominees, however, who I believed were hostile to the mission to which they were assigned. For example, I voted against many nominees for Secretary of Interior under President Reagan and the current President for that reason.

John, I'm surprised you want this job given the many negative things you've said about the U.N., international institutions and international law.

You said that "there is no such thing as the United Nations."

You said that if we removed 10 stories from the 38-story U.N. headquarters, it "wouldn't make a bit of difference."

You said that if the Security Council were remade today, you'd only have one permanent member, the United States.

You said that international law isn't really law, and that "while treaties may well be politically or even morally binding, they are not legally obligatory."

You said that the International Court of Justice, a body created under the U.N. Charter, is a "travesty" and a "pretend court."

You said that "peace enforcement" operations and "nation-building" should be "relegated to history's junk pile at the first opportunity" because they result in "American personnel and resources being committed to U.N. operations far removed from America's vital interests."

I want to give you a chance to explain, clarify or repudiate these and other statements you've made over the years.

But for now, let me point out two things.

First, the logical conclusion of your views is that if a 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 is no such thing as international law. How can that possibly be in America's interests?

Second, it seems to me your views about the U.N., treaties and international law are out of sync with those of President Bush and Secretary Rice.

Soon after his re-election, the President stated that one of his priorities for the second term was "to defend our security and spread freedom by building effective multinational and multilateral institutions and supporting effective multilateral action."

The President is demanding full Syrian withdrawal from Lebanon... under the authority of a *U.N Security Council Resolution*.

The administration finally joined the European effort to convince Iran to forego nuclear weapons. "We're working closely with Britain, France and Germany," the President said, "as they insist that Tehran comply with *international law*."

The President recently decided that the United States will "discharge its international obligations" under a decision of the International Court of Justice by having several state courts, including courts in Texas, give effect to a decision of that court in certain death penalty cases – does he know he's implementing an order of a "pretend court"?

The administration strongly endorses the *U.N.*'s decision to send 10,000 *peacekeepers* to Sudan to help secure the North-South peace agreement – a mission your statements about peacekeeping suggest you would have trouble supporting.

During her confirmation hearing, Secretary Rice told this Committee that "the time for diplomacy is now."

This month, speaking before the American Society of International Law, she said: "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." I suspect that if President Clinton's Secretary of State had made that statement, you might be leading the charge against her.

In the last two months, the President and the Secretary have made clear there is a new-found commitment to work closely with others, including the United Nations. I am hopeful that they are 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, based on what you've said in the past, seem to be contrary to the direction the President and Secretary now want to take this administration.

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 once said that "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 interests of the United States." I wonder what you think of the motivations of me and my seven colleagues sitting on this side of the dais.

You once quoted the head of the International Law Commission as evidence of the grandiose ambitions of supporters of the International Criminal Court by saying "that's not some knuckle-dragging Republican from some southern state, it's the head of the International Law Commission."

I don't think this is the kind of attitude that will serve us well at the United Nations if it continues.

The U.N. needs reform – lots of it. I worked with our former Chairman Jesse Helms to promote such reform. That work is not done. 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 to which people will not listen. And I fear that, knowing your reputation, 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 will be like Nixon going to China; I'm concerned it will be more like sending a bull into the China shop.

Ambassador Jeane Kirkpatrick, who served at the U.N. under President Reagan, and strongly supports the nominee, may have summed it up best in describing Mr. Bolton to *The New York Times*: "He may do diplomatic jobs for the U.S. government, but John is not a diplomat."

So we will want to spend some time exploring your views on the U.N. and how you will 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 under your watch, in the areas for which you were responsible, the world has gotten more, not less, dangerous for America.

We didn't create these threats, but it is our responsibility to contend with them wisely and

effectively. In my judgment, your judgment has not been particularly helpful

Over the past four years, North Korea has increased its nuclear weapons capacity by as much as 400 percent. It may now have as many as 8 nuclear weapons which it could test, hide or sell to the highest bidder.

During your 2001 confirmation hearing, you highlighted the danger posed by North Korea *27 times*. You were right.

But the record suggests that your approach has undermined efforts to address the growing threat posed by Pyongyang.

Over the past four years, Iran has accelerated its own nuclear program. It is much closer to the bomb now than when the President took office. The record suggests you opposed the policy President Bush has finally come around to after years of paralysis: 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 for and destroy its excess nuclear weapons and complementary programs to deal with its chemical arsenal had to withstand efforts by some in this administration to cut it. Now, these programs have become mired in red tape that you have done little to cut through, despite the fact that loose Russian weapons pose one of the greatest potential threats to our security.

The Administration did succeed in convincing Libya to give up its weapons of mass destruction programs. But according to press accounts, that only happened after you were taken off the case. And that success was the result of a policy begun by the previous administration that you disparaged.

Finally, serious concerns have 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 kind of approach we should be rewarding. You will have a full opportunity to address these complaints.

John, I have great respect for your abilities and intellectual capacity. It's your judgment and temperament – as well as your approach to many issues – that give me great pause.

Let me conclude with this. After a necessary war in Afghanistan and an 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 – the kind that persuades others to follow. I am not convinced that such leadership is this nominee's strong suit.