

**SENATE COMMITTEE ON THE JUDICIARY
HEARING ON NOMINATION FOR ATTORNEY GENERAL
CHAIRED BY: SENATOR PATRICK LEAHY (D-Vt.)
325 RUSSELL SENATE OFFICE BUILDING, WASHINGTON, DC
WITNESSES: JOHN ASHCROFT, NOMINEE FOR ATTORNEY GENERAL
JANUARY 17, 2001**

Exchange Between Senator Maria Cantwell (D-Wash.) and John Ashcroft
Regarding the Roadless Rule

SEN. LEAHY: Why don't have the senator from Washington State and the --

SEN. KENNEDY: Apologize.

SEN. LEAHY: -- senator from Massachusetts. And then, just so that people understand, once the senator from Washington State and the senator from Massachusetts, using the time of the senator from Delaware -- I've discussed this with the senator from Utah -- we will recess for an hour to have a -- we will recess for dinner and return.

Senator Cantwell.

SEN. CANTWELL: Thank you, Mr. Chairman. Senator Ashcroft, thank you for your patience and fortitude.

SEN. HATCH: Can I ask -- excuse me. Can I ask one question? Are we coming back to re-question Senator Ashcroft, or will that be it for him?

SEN. LEAHY: Well, I've got a couple questions. I mean, I'd be happy to --

SEN HATCH: Why don't we finish the questions for Senator Ashcroft?

SEN. LEAHY: Well, I tell you what we'll do. We'll do this, we'll stay till 6:30. We'll stay till 6:30 and break at that time. And then -- which seems like a logical time -- and come back at 7:30. And keeping my commitment to the senator from Utah to go late at night if need be to help get this done.

Restart on the senator from Washington State.

SEN. CANTWELL: Thank you. Again, Senator Ashcroft, thank you for your patience and your fortitude. Yes, the hour is getting late, so I appreciate your attention to these issues.

If we could go back to the roadless area question that I brought up earlier, and I can go back to the record of your statement. I wasn't -- I'm not -- since I don't have that in front of me, I'm not clear whether you said you were unfamiliar with it or unfamiliar with where it was in the Administrative Procedures Act and the rulemaking authority.

MR. ASHCROFT: Maybe I need to be refreshed. And I'm very sorry, but I don't understand what you're talking about.

SEN. CANTWELL: Okay, the roadless area policy --

MR. ASHCROFT: Oh, roadless area. Okay.

SEN. CANTWELL: Roadless area policy that the -- that has now been implemented by the Administrative Procedures Act and just completed that process. And I asked you earlier about that, and I was unclear exactly -- you said you weren't familiar. I wasn't clear whether you were -- and I can go back to the record where you say you were unclear about the policy or --

MR. ASHCROFT: It's my responsibility to defend both the laws and the rules and regulations, and it's my understanding that it would be my responsibility to defend these regulations if and when they're attacked.

SEN. CANTWELL: Okay.

MR. ASHCROFT: But I'm not familiar with them.

SEN. CANTWELL: Well, you've send a -- according to Mining Voice, you've sent a letter basically raising concern about the roadless area policy and the Clinton administration's, as you called it, "it appears the administration has launched an orchestrated campaign to preclude mining on vast acreages of public lands and multiple-use lands." So, and I understand you don't always remember everything that you --

MR. ASHCROFT: Well, I think that this maybe makes reference to what would be the situation in the Mark Twain National Forest in Missouri, the old lead and zinc mines. But that's -- I shouldn't speculate. Frankly it's getting late in the day.

SEN. CANTWELL: Yes.

MR. ASHCROFT: And I don't want to do that.

SEN. CANTWELL: Here's why I think it's such an important issue, because you may have, again, legislatively, which we've said numerous time today, what you did at -- what you've done as a senator is different as you might do as attorney general, but yet it seems as if you raised concerns about or opposition to that policy. Now it's actually been, as far as the Administrative Procedures Act, completed. It is now law. It may be that the president-elect opposes that policy. But you, as attorney general -- and there are court cases already now being filed in challenge to that administrative -- to the roadless area policy that has now been implemented by this Administrative Procedures Act. So even if the president-elect is opposed to that policy, will you, as the enforcement agency underneath your office, enforce and uphold that law and defend those cases?

MR. ASHCROFT: Well, I will, regardless of whether or not I supported something as a senator, defend the rule. And if it is a rule with the force and effect of law, I will defend those cases.

SEN. CANTWELL: Even if the president might be seeking a new administrative overturn of that?

MR. ASHCROFT: I think if the president wants to change the law, he has to follow the law in order to do so.

SEN. CANTWELL: Okay.

MR. ASHCROFT: And I will support and enforce the law. I think that's the responsibility, and I think that's what I've promised to do. I can't be result-oriented, I have to be law-oriented. And I think I would disserve the president and the country were I to do otherwise.

SEN. CANTWELL: Thank you very much.

Thank you.

SEN. LEAHY: Thank you.