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Thursday February 1 6:12 MET

U.S. Senate Approves Ashcroft, 58-42



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Narrow Senate Vote
Approves John Ashcroft
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By Thomas Ferraro

WASHINGTON (Reuters) - A sharply divided Senate confirmed John Ashcroft ([news](#) - [web sites](#)) as attorney general on a 58-42 vote on Thursday with an overwhelming majority of Democrats sending President George W. Bush ([news](#) - [web sites](#)) a "shot across the bow" by voting no.

All 50 Senate Republicans, plus eight Democrats, backed Ashcroft, an ardent conservative and hero to the religious right, which helped Bush win the White House last year.

Democrats said their nearly united front against Ashcroft -- 42 of 50 Senate Democrats -- should be read as a warning by Bush that he can expect an even tougher fight if he ever offers another

such conservative nominee.

There were enough Democrats opposed to Ashcroft to block the nomination with a filibuster, a procedural delay. But Democrats said they wanted to give the new president an up-or-down vote, at least on putting together his Cabinet.

Sen. Charles Schumer ([news](#) - [bio](#) - [voting record](#)), a New York Democrat, called the vote "a shot across the bow" of the Bush White House. "I think we have helped set the tone for many of the upcoming issues that will face us," he said.

Forty-one is the number of senators needed to continue a filibuster and thereby tie up legislation or even a presidential nominee.

Shortly after the vote, Ashcroft, who during confirmation hearings promised to enforce all of the nation's laws, even ones he has opposed -- like abortion rights, gay rights and gun control -- went to the U.S. Supreme Court ([news](#) - [web sites](#)) to take the oath of office in private as the nation's 79th attorney general.

"Let me send a clear message today," Ashcroft said in a statement. "I will confront injustice by leading a professional Justice Department

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- [Oppose Ashcroft](#) - from People for the American Way. Also: [ROEvBUSH.com](#) from Planned Parenthood, [DefeatAshcroft.com](#) from Act for Change, and [StopAshcroft.com](#) from the Million Mom March.
- [BackBush.com](#) - in support of Bush cabinet nominees, including Ashcroft and Norton. Includes online petitions and polls. Also: [ConfirmAshcroft.com](#).

([news](#) - [web sites](#)) that is free of politics, that is uncompromisingly fair, a department defined by integrity and dedicated to upholding the rule of law."

Justice Clarence Thomas ([news](#) - [web sites](#)) was picked to administer the oath to Ashcroft. Thomas had a stormy Senate confirmation in 1991 as an appointee of Bush's father, then-President George Bush.

Democrats Pleased

Earlier on Thursday, Senate Democratic Leader Tom Daschle said, "I'll be very, very pleased if we can do better than 40 (votes against Ashcroft), in part, because I do think it's important for us to demonstrate that we can stay together."

"Obviously, this one is a very difficult one because it's compounded by personal relationships with a former colleague," Daschle told reporters referring to Ashcroft's one term as a senator from Missouri.

"But we will attempt to be as clear and as unequivocal as we can that we hope that nominees for the courts, we hope nominees for sensitive positions, come from the center not from the far right," Daschle said.

Republicans said Ashcroft, 58, Bush's most controversial Cabinet-level nominee, should be taken at his word when he promised to uphold all the nation's laws.

But a number of Democrats challenged him, along with a coalition of more than 200 largely liberal special-interest groups, including the National Organization for Women ([news](#) - [web sites](#)), Handgun Control and the AFL-CIO.

Sen. Kit Bond, a Missouri Republican, said a number of Democrats told him they voted against Ashcroft because of fear of retaliation at the polls by liberal groups.



"I think it's very unfortunate," Bond said.

Sen. Edward Kennedy ([news](#) - [bio](#) - [voting record](#)), a Massachusetts Democrat who helped lead the charge against Ashcroft, said opposition was based on distrust of Ashcroft, not fear of liberal groups.

"I hope this vote sends a very strong message to the president" about the commitment by Senate Democrats to civil rights, Kennedy said.

Approval of Ashcroft, 58, leaves only one of Bush's Cabinet level nominees to be confirmed by the Senate 12 days after his inauguration. Robert Zoellick, Bush's choice for U.S. trade representative, will be voted on next Tuesday and is expected to be approved, probably unanimously.

At the White House, spokesman Ari Fleischer said Bush made congratulatory phone calls to Ashcroft and Senate Republican Leader

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Trent Lott shortly after the vote. "We're very pleased," Fleischer said.

Lott Says "Move On"

In the debate prior to the vote, Lott of Mississippi urged colleagues to "vote for John Ashcroft -- you won't regret it." But he also said, "Let's move on. Let's work together."

"Let's move on to important legislation. Let's argue about ideas. Let's argue how to make education better. Let's argue about how to give tax relief."

"That's what the people want us to talk about," Lott said. "They want us to get the vicious and partisan stuff behind us."

"I don't think insurmountable damage has been done," Lott said. "I think we can build on the other things that we have done in the last month."

The eight Democrats voting in favor of Ashcroft were: John Breaux of Louisiana, Ben Nelson of Nebraska, Christopher Dodd of Connecticut, Robert Byrd of West Virginia, Zell Miller of Georgia, Russ Feingold of Wisconsin, and Kent Conrad and Byron Dorgan, both of North Dakota.

Among the Democrats voting against was Sen. Jean Carnahan ([news](#) - [bio](#) - [voting record](#)) of Missouri, who was named to the Senate in place of her dead husband after he beat Ashcroft last November.

"We won," said Sen. Orrin Hatch ([news](#) - [bio](#) - [voting record](#)), a Utah Republican and chairman of the Judiciary Committee. "Sen. Ashcroft is going to be attorney general. That's a very powerful position."

"There was a time that we were worried that none of them would vote for Ashcroft," Hatch said.

Even if no Democrat had voted for Ashcroft and the chamber had deadlocked on the nomination, 50-50, he would have been confirmed, with Vice President Dick Cheney ([news](#) - [web sites](#)) casting the tie-breaking vote.

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