

mind and something called the quality of life for many millions of older Americans.

I thank the President and yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Kentucky.

#### EXTENSION OF MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that morning business be extended until the conclusion of my remarks.

I say to my friend from Michigan, who I know is concerned about the length of my statement, that it might run slightly past 4 o'clock, and I estimate not much.

Mr. LEVIN. Reserving the right to object, and I will not object. Parliamentary inquiry, Mr. President, what will be pending at the conclusion of the remarks of the Senator from Kentucky?

The PRESIDING OFFICER. The gift reform bill.

Mr. LEVIN. S. 1061.

The PRESIDING OFFICER. S. 1061.

Mr. LEVIN. I thank the Chair.

#### ETHICS COMMITTEE HEARINGS

Mr. McCONNELL. Mr. President, on July 14, the Senate Ethics Committee received a letter from the junior Senator from California which threatened that if the committee did not take a specific procedural action in an ongoing case, the Senator from California would pursue a resolution on the floor compelling the committee to take that action. In fact, the letter went so far as to stipulate a deadline for the committee's action, saying, "I plan to seek a vote on the resolution requiring public hearings unless the select committee takes such action by the end of next week."

That deadline expired last Friday, July 21. That Friday afternoon, I came to the floor and informed the Senate the committee would not meet that day, nor would it schedule a future meeting that day. I said we would not respond to any attempts to threaten the committee. I assured the Senate that everyone on the committee would like to complete work on the case now before it, but perhaps we needed a cooling-off period, and I assured the Senate that as long as the threat of the Senator from California remained, the cooling-off period would continue as well.

It is now the afternoon of Thursday, July 27. Four long legislative days have come and gone since the artificial deadline expired. It has become evident that the Senator from California has elected not to proceed with her resolution, at least at this particular time. Although we were fully prepared to provide floor time and debate the matter and have a vote, I strongly want to

commend the Senator from California for deciding not to move forward. I think it is the right decision for both the Senate and the Ethics Committee at this critical point in our inquiry.

Earlier today, Senator BYRD gave us all a moving speech on the occasion of his 14,000th vote in the Senate. He spoke about the need for more civility in the Senate and less high-profile conflict. I think this latest development indicates that we were all listening.

As I said last Friday, the committee could not in good conscience give in to an ultimatum handed to it, whether by a Senator or, frankly, for that matter, by anybody else. But now that plans for imminent floor action appear to have been suspended, I believe the Ethics Committee will be able to proceed with its work, independent of outside demands, deadlines, and divisiveness.

There has been a lot of discussion on this floor and elsewhere in the past few weeks about precedent. For example, we have heard that it would be unprecedented for the Ethics Committee not to hold a full-scale public hearing in the wake of a major investigation. This assertion is simply erroneous. In fact, the committee elected not to have a full-scale public hearing in the Durenberger case. What occurred was a staged presentation by the committee and the accused Senator only. There were no witnesses, no cross-examination, and no new testimony. In essence, it was a prescribed, prepackaged event.

In the well-known Keating case, the Ethics Committee did hold extensive public hearings but as part of its preliminary fact-gathering process, not as a final airing of collected evidence. This is a critical distinction.

In the Cranston case, in particular, Mr. President, the committee decided that the public proceeding should be held for the purpose of obtaining testimony and evidence, and it decided not to hold a public hearing once the investigation had been completed. In other words, the public phase of the Cranston case was limited to the preliminary inquiry stage, and deliberations over the evidence and penalties were conducted entirely in private.

One can argue whether the committee should have proceeded differently in those cases, but that is exactly what it chose to do. I do not recall anyone complaining about the fact that the committee did not hold full-scale public hearings in the investigative phase of those cases.

One thing, however, is clear: The assertion that it would be "unprecedented" for the Ethics Committee not to hold full-fledged public hearings in the wake of a major investigation is simply contrary to the facts.

Naturally, you can give whatever weight you like to precedent. You can ignore it, you can consider it, or you can be bound by it. A few Senators have argued that precedent ought to be controlling on the question of public hearings. But, as I have explained,

there is no clear and consistent precedent in this matter.

Nonetheless, there are other precedents that bear directly on the issue of compelling the Ethics Committee to take an action during an ongoing investigation through the mechanism of a floor resolution.

Senator BYRD, just this morning, mentioned the importance of "knowing the precedents." Of course, he was speaking about parliamentary precedents, and no one in this body knows precedents like Senator BYRD. But there are other kinds of precedents that speak clearly to the issue of whether the Ethics Committee should properly be forced by a Senate resolution to do whatever the majority voting for that resolution desires. These precedents are the ones that ought to guide our response to this question, not merely because they are precedents, but because they speak to the integrity of the ethics process in the Senate and, for that matter, the viability of the Ethics Committee itself.

The first precedent, in fact, is the establishment of the Senate Ethics Committee itself to regulate official behavior and prosecute official misconduct. I am personally proud to say that it was the distinguished Senator from Kentucky, John Sherman Cooper, who proposed the resolution that created the committee in 1964. A year earlier, right before 1964, in 1963, the Senate had been confronted with allegations of misconduct involving Bobby Baker, a close advisor to then Vice President Lyndon Johnson, and at that time secretary to the Senate majority. Back in those days, the Committee on Rules and Administration was responsible for examining charges of wrongdoing here in the Senate. And while the matter was taken seriously, the final resolution of the Baker case left the public, as well as many Members of the Senate, deeply dissatisfied. This created an opening for the Senate to reconsider how it would handle cases of official misconduct in the future. And that led to the establishment of the Ethics Committee.

In our view, for the creation of such a committee, Senator Cooper persuaded his colleagues of the need to take misconduct cases out of the regular committee structure, where the party in power obviously has a built-in advantage. Instead, he argued a select committee with equal representation from each party would inspire the confidence of both the Senate and the public. Senator Cooper said right here on this floor:

First . . . it is to give assurance that the investigation would be complete and, so far as possible, would be accepted by the Senate and by the public as being complete.

Second—

Senator Cooper said this—

and this is important to all Members and employees of the Senate—it is to provide that an investigation which could touch their rights and their offices, as well as their honor, would be conducted by a select committee which—by reason of its experience

and judgment—would give assurance that their rights and honor would be justly considered.

Senator Cooper went on to say:

It would be better for such investigations to be conducted by a select committee . . . a select committee of the type my substitute amendment contemplates would have the prestige and experience to properly exercise its great authority. . .

The committee—

Referring to the proposed select committee—Senator Cooper said:

would, of course, have the authority, if it found it to be necessary after conducting an investigation, to report to the Senate and recommend such disciplinary action as it found to be necessary.

Now, I have quoted from Senator Cooper's floor statement because it underscores some important points about the precedent of establishing a special committee to handle cases of official misconduct. First, there can be no question that the Ethics Committee was specifically intended to function as an independent body, free from interference by the outside politically charged partisan forces. In fact, that was considered a major and positive innovation at that time.

By design, strict partisan neutrality is preserved by two key features of the Ethics Committee. First, and obviously, it has an equal number of members from each party. Second, a majority vote of the committee members is required to take any affirmative step in all cases and complaints.

The second point that is underscored by Senator Cooper's remarks is that the committee was to be completely entrusted with the authority to investigate cases as it saw fit—the committee—in accordance with its unique experience and jurisdiction.

Third, it is clear that the committee's authority was intended to be exclusive and absolute throughout the investigative stage. I repeat, it is clear that the committee's authority was intended to be exclusive and absolute throughout the investigative stage.

The only check on the committee's power was the requirement that it report to the Senate and submit any recommendation for disciplinary action to the entire body, which could then approve, disapprove, or amend the Ethics Committee's recommendation. Although the full Senate clearly had an important role to play, its work began only—I repeat only—after the committee's work had ended.

Senator Cooper, and all those who voted for the creation of the Ethics Committee, wanted to establish an ethics process that was not driven by the politics of partisan advantage. And further, they wanted the ethics process to have only limited exposure to the pressures and the publicity of this Senate floor. And so they restricted the full Senate's role in misconduct cases to the disciplinary phase alone. That precedent—the creation of an independent Senate Ethics Committee—speaks directly to the matter of the floor resolution that was to be offered by the Senator from California.

Simply put, such a resolution offered at this critical juncture would shatter the presumption of the committee's independence and authority. It would reverse a 31-year precedent that the Ethics Committee, and not the Senate as a whole, shall conduct investigations of official misconduct as it sees fit.

Such a resolution would tarnish the vision of Senator Cooper and others of an ethics process that could be protected from partisan advantage and the highly charged atmosphere of the Senate floor and the press gallery. A resolution directing the Ethics Committee to take a particular action or changing its rules or procedure in the middle of a case pending before the Ethics Committee while it is still in the investigative phase.

Now, as I have previously suggested, this approach points us down a steep and dangerous road and disconnects the brakes. Let me just give you one example of what we would have to look forward to if such action were taken on the floor. Just before each election day, like clock work—like clock work—the Senate Ethics Committee receives a rash of complaints filed against Senators who are up for reelection. Most of these complaints are filed by their opponents, who then hold press conferences and demand that the committee take action immediately. The committee's current practice is to simply set those complaints aside until after the election, at which time they receive a full and fair investigation.

Now, the reason for this policy is obvious. While we treat every complaint seriously, we are not about to do anything that would allow the Ethics Committee to become somebody's political pawn.

Now, what would happen if the Senate had approved a resolution like the one proposed earlier by the Senator from California?

If there were a close reelection battle, not only would we have the Senator's opponent calling for immediate action by the Ethics Committee, we would have a resolution out here on the floor requiring the committee to open preliminary inquiries on all complaints received just before the election—just to clear up the record, of course; just to clear up the record.

After all, it would be said that the public has a right to know.

We cannot sweep preelection complaints under the Ethics Committee's rug. As we have been told ad nauseam, the Senate is not a private club.

Now, whether such a resolution actually passed or not would hardly matter. It would hardly matter. The accused Senator would be sufficiently tainted by the debate over the resolution itself. And that is only the beginning.

The precedent which such a resolution would establish is that the Ethics Committee can be treated like a political football, propelled in any direction that happens to suit a majority here in

the Senate, and kicked around by any Member who wants to serve their own political or personal agenda.

Since we are concerned about precedents, let me mention another precedent that bears upon the proposed resolution.

In November 1993, the Senate dealt with the very difficult issue of enforcing a subpoena that the Ethics Committee had issued to obtain the personal diaries of Senator PACKWOOD.

In accordance with the rules, the committee came to the full Senate seeking enforcement of its subpoena on the grounds that we believed Senator PACKWOOD's diaries contained information relevant to our ongoing preliminary inquiry.

Now, this unusual step was required by the fact that one Senator had challenged the investigative authority of the Ethics Committee—had challenged that authority.

In that instance, the Senator happened to be the accused.

In essence, the accused Senator wanted to dictate the terms of the committee's investigation to us, the members of the committee. He wanted to tell the committee which procedures it ought to follow with regard to its investigation, and he wanted to unilaterally decide what was relevant and irrelevant to our inquiry.

Basically, the Ethics Committee was not interested in going along with that. So we went to the floor and—fortunately—our position was overwhelmingly sustained by a vote of 94 to 6.

In the course of that 3-day debate, another Senator, entirely within his rights, offered an amendment to our resolution.

That amendment stipulated that the Ethics Committee's factfinding responsibility be subcontracted out, if you will, to a neutral third party. There was an extensive debate over that amendment, most of it centered on what the proposal did to the committee's authority.

The Senate decisively rejected the amendment by a vote of 77 to 23, on the grounds that the Ethics Committee, and no one else, should dictate the procedures and protocols the committee may follow in conducting its investigations.

Although both of those votes involved going against Members of my own party, there was no question in my mind that I had to uphold the committee's prerogative.

It was the right thing to do then, and it is the right thing to do now.

While it takes a different tack, the resolution discussed earlier by the distinguished Senator from California is fundamentally indistinguishable from these previous attempts to subvert the committee's authority and manipulate its procedures, except in one important respect.

The amendment that was offered during consideration of the diary's subpoena was at least part of a proceeding

in which the Senate rules required the Ethics Committee to come to the floor for ratification of its actions.

In that case, the committee had to obtain the full Senate's approval before proceeding further.

To pursue a floor resolution now would interrupt the committee's ongoing work, meddle with its operations, and dictate the terms of its investigation, wholly outside of what the rules allow for the Senate's role in ethics matters.

For that reason, the Senate needs to do the right thing again.

Approval of such a resolution at this point in the process would effectively negate the Ethics Committee's unilateral authority to investigate misconduct. If we change the committee's rules in the middle of the game, it will send an unequivocal and destructive message: If any Member of the Senate does not like what the committee is doing today, they can just offer a resolution to rewrite its rules—on the spot.

It is no exaggeration to say that such a measure, proposed at this stage of our inquiry, would destroy the independence of the Ethics Committee, and that is the beginning of the end of the committee altogether.

Senator BYRD, whom I mentioned earlier in my remarks, is admired for being a distinguished historian of this body.

He spoke eloquently on this very point during the floor debate in November 1993 over the Ethics Committee's subpoena of the personal diaries of Senator PACKWOOD.

Senator BYRD said:

[L]et us not bring further dishonor to the Senate by refusing to back our own Ethics Committee. . . .

If we turn our backs on our colleagues, three Republicans and three Democrats, who have so carefully investigated this difficult matter, and now ask for our support, we may as well disband the committee.

Many others, from both sides of the aisle, joined Senator BYRD in arguing for the committee's prerogative in investigative matters.

I will quote just one more statement made during that memorable debate, because it is so compelling. This Senator said:

I am not going to substitute my judgment for [the committee's], because they have sat with this day after day, week after week, month after month.

The speaker went on, strongly exhorting the Senate to "trust this committee" and "stand united with the Ethics Committee."

Those are compelling words. I could not have said them better myself. The one who spoke those words was the Senator from California—who has now decided, I hope, not to offer the resolution she had planned to bring to the floor earlier.

The precedent established by two overwhelming bipartisan votes on the subpoena matter was that the Senate should not substitute its judgment for the committee's judgment.

It should not attempt to manipulate an ongoing investigation of the committee.

And it should respect the 31-year-old dividing line—established by Senate Resolution 338, offered by Senator John Sherman Cooper, and adopted in 1964—a dividing line, Mr. President, between the exclusive authority of the Ethics Committee to conduct investigations, as it sees fit, and the separate power of the full Senate to take disciplinary action, as it sees fit. That was the precedent of November 2, 1993.

Let me say clearly, in case there is any doubt: the Committee has not yet completed the Packwood matter.

If my colleagues on the committee and I agree on anything, it is that the case has taken much longer than any of us had hoped, planned, or desired.

However, we simply had no choice, given the fact that all of us were committed to the most thorough and fair investigation possible.

I think it is fair to say that no case has ever been so thoroughly investigated in the preliminary inquiry phase than this one.

For those of you who have forgotten—and I do not blame you if you have—the committee opened this case on December 1, 1992, after several women complained of sexual misconduct by Senator PACKWOOD.

We decided early on to conduct the most comprehensive inquiry we could. The staff was instructed to follow every lead and, as a result, the case took several unpredictable turns.

Our inquiry was broadened to include a number of other allegations that surfaced in the course of our fact-gathering. At each stage, we determined to press forward and fully investigate every new indication of wrongdoing that we uncovered.

When the committee issued its bill of particulars on May 17, we asked the staff to give us a report on all the work the committee had done on this one investigation thus far.

Even we were surprised by the massive scale our inquiry had taken: interviews with 264 different witnesses; 111 sworn depositions; as well as a systematic effort to contact every former female employee of Senator PACKWOOD.

To this point, the committee has compiled and reviewed more than 16,000 pages of evidentiary documents. It has issued 44 subpoenas for sworn testimony and documents, including telephone logs, schedules, memoranda, meeting notes, contribution records, and correspondence.

A special investigator detailed to the committee from G.A.O. has logged approximately 650 hours on the Packwood matter.

Committee members and staff have spent more than 1,000 hours of their time in meetings, just on this one case. The vice chairman and I, along with our staffs, have had more than a hundred additional meetings and conferences, again just on this one case.

Given all of that it is amazing that all of us are still on speaking terms with each other.

The dispute over the diary subpoena alone consumed nearly a year of the committee's time.

Not only did we have to seek approval from the Senate, but we also had to obtain a court order to enforce our subpoena, which Senator PACKWOOD—acting within his legal rights—appealed all the way to the Supreme Court.

More than 700 additional hours were spent by the Senate Legal Counsel and Ethics Committee staff preparing and filing legal documents in connection with the committee's extensive diary litigation.

After we won in court and obtained the diaries, the committee's special master spend another 1,000 hours, probably more, reviewing the diary materials and checking entries that had been masked.

In conclusion, Mr. President, this has been the mother of all ethics investigations.

It is also the first full-fledged investigation of sexual misconduct ever conducted in the Senate. Although allegations of sexual misconduct were leveled against two other Senators in the past, the committee dismissed both of those cases rather than proceed to an in-depth inquiry.

Thus, the investigation into this case is a precedent in itself, at least for the Senate.

The House, on the other hand, has dealt with a number of ethics matters involving sexual misconduct.

I think it is worth reviewing some of these cases briefly, to see how far we have come in handling such sensitive and sensational charges.

In 1983, for example, Representatives GERRY STUDDS and Daniel Crane were found to have engaged in sexual activity with House pages. Both were censured; both retained all their rights and privileges; no hearings were held.

In 1989, Congressman Jim Bates was accused of sexually harassing many of the female members of his staff.

I will read some excerpts from a Roll Call article on the matter, which appeared on October 2, 1988, because I think it demonstrates how differently the Packwood matter has been handled in comparison to the Bates case just 6 years ago. Here is what the Roll Call article said:

The staffers knew Bates' behavior was wrong, but, they said, they felt trapped. If they complained to the House Ethics Committee, they said, they risked being labeled traitors or liars. . . .

Former employees who spoke to Roll Call portrayed remarkably similar pictures of life in Bates' office. . . . Nearly all of the women described his daily requests for "hugs" so he "would feel better" and "have more energy." When the women embraced him, they said he often patted their behinds and thanked them for being good. "Of course I was disgusted," said one woman. "But it was my first real job on the Hill. You either put up with it or he'll run you out of town." . . .

One former aide remembered Bates asking her if she would sleep with him if the two

were stranded on a desert island. . . . Another detailed how, in front of a male constituent, Bates embarrassed a female staffer by staring at her breasts and commenting, "Yes, they do look good, don't they?" . . .

One ex-aide recalled an encounter that still makes her cringe. A female employee was seated at her desk with her legs crossed. . . . In full view of the staff. . . . Bates approached the woman, wrapped his legs around her extended leg, began to sway back and forth, grinning, while he inquired about a specific legislative project.

The Roll Call article I have just quoted from revealed multiple incidents of aggressive sexual harassment by Congressman Bates. You would surely expect them to throw the book at him for such gross and repeated conduct.

But Congressman Bates got off lightly: he received a letter of "reproval" from the House Ethics Committee and was told to "apologize" to his victims. In essence, they told him, "You've been a bad boy; now say you're sorry and try not to do it again."

The House did not take any disciplinary action; no hearings were held; and no one said a word.

A year later, Congressman Gus Savage was accused of sexually assaulting a Peace Corps volunteer who was supposed to brief him during an official trip.

The Washington Post was tipped off about the incident and interviewed the volunteer. The matter was reported in an article dated July 19, 1989, from which I am going to quote:

[The volunteer] was selected to give the briefing by a supervisor who repeatedly stressed that making a good impression on [Representative] Savage could help the agency win additional funding in Congress. . . .

But she never gave the briefing, which had been scheduled for a few days later. After the Ambassador's dinner, she agreed to accompany Savage and several others. . . .

Savage insisted that the woman ride alone with him in a chauffeur-driven car, according to a U.S. diplomat. During the next two hours Savage aggressively and repeatedly fondled her in the back seat of the embassy car, despite her strong spoken protests and physical resistance.

Further into the article, the Post reports some of the details of the assault:

"As soon as the cars pulled off from the Ambassador's residence, he grabbed me." . . . "He tried to force me to have sex with him. He touched me against my will," she said. "He put his arms around me. He pulled me up against him. He made me—I mean, he forced me, to kiss him—physically forced me, pulled my mouth onto his. He felt my body \* \* \* . He was trying to lean over, get on [top of] me, in the car."

[The Peace Corps volunteer] said she "tried everything I could think of, short of hitting him or hurting him physically, to make him stop \* \* \* . He kept touching me, after I told him to stop, many times, loudly." In addition to pushing [Congressman] Savage's hands away from her thighs, shoulders and face, the woman said, she endured his taunts about her religion and her attitude toward sex \* \* \* .

Finally, an information officer from the U.S. Embassy \* \* \* escorted [the woman] away from Savage and took her home.

The Post's narrative goes on to say:

The woman said in an interview that she considered the episode an assault, but she chose not to file a formal complaint because she did not want to publicize the incident and risk damaging the Peace Corps \* \* \* . About a week later, she was medically evacuated back to the United States, where she underwent six weeks of intensive therapy designed for victims of sexual assaults, which was paid for by the Peace Corps. Although she had completed less than half of her two-year tour, she never returned to Zaire.

As a father of three precious daughters, I find that kind of conduct reprehensible beyond measure. It almost makes me physically ill to read it aloud. It is disgusting, and it ought to be punished.

Yet the Home Ethics Committee decided merely to issue a report disapproving of Congressman Savage's grotesque actions. The full House did not act at all on any disciplinary measure. There were no hearings of course, and no one said a word.

In each of these horrendous cases, and there are others I could cite, there was a conspiracy of silence accompanying the slap on the wrist and wink of the eye that each offending Congressman received.

In the Washington Post account I just read, Congressman Savage was reported to have said to the woman he was molesting, "That's the way the world works."

Sadly, Congressman Savage was right—at least in the House at that time. That was the way the world worked.

Well, that was then—and this is now.

The Senate Ethics Committee has conducted the toughest, most unpromising investigation of sexual misconduct that has ever been held in the United States Congress. I do not think there is a single witness in this case who would say that we have tried to cover up anything, or that we have treated them less fairly than the accused.

And certainly, no one can accuse the Senate Ethics Committee of the kind of shoddy, cavalier treatment which the House accorded to thoroughly despicable acts of sexual misconduct occurring in just the last 6 years.

And we are not finished yet.

It is easy to be an ethics dilettante. It is hard to serve on the Ethics Committee. It is hard to make the kinds of judgments that you know will have a lifelong impact on the lives of people, both in and outside of this chamber.

But that is what we are called to do, and I know of no member of this Ethics Committee who takes their duty lightly.

In fact, until an ultimatum was forced upon the Committee, it had operated almost entirely in a bipartisan fashion. Decisions were worked out together, with constructive discussions among everyone; and nearly every action the committee has taken in this case has had the unanimous support of all six members, both Democrat and Republican.

It is deeply troubling to me that one of the effects of this highly-publicized ultimatum is that a wedge has been driven through the committee for the first time in this investigation.

I know it is not a permanent rift, because I know the members of this committee too well for that. Frankly, we have been through too much together for that to happen.

But what has happened to the committee and the Senate in the wake of this incident make the argument—better than I ever could—that we absolutely must preserve the separateness and independence of the Ethics Committee.

What has occurred as a result of the ultimatum of July 14th should make it clear to everyone why the Ethics Committee must operate on its own, as it sees fit, and out of the limelight.

Let me just say: I appreciate the concern that has been shown for this case by the Senator from California and I know her motivations are sincere.

Under the Senate rules, she has every right to challenge any recommendation the committee makes to the Senate.

She is certainly free to disagree with our findings of fact, our conclusions, and any proposals we make for disciplinary action.

What is more—and I think it is important for everyone to understand this—she is free to offer any motion she wants on the Senate floor to obtain a result that she believes is better than the one we recommend, if we come up short of the mark in her opinion.

But the rules governing the ethics process authorize the full Senate to act upon a case only—only—when the committee has completed its work and made its report to the floor.

Let me point out who that protects the most, Mr. President. That protects mostly the minority party, because if ethics cases are going to be dealt with on a bipartisan basis here on the Senate floor, I suspect—I could be wrong about this—there would be enormous temptation by the majority to take advantage of the minority.

The Ethics Committee guarantees a bipartisan result. It was crafted intentionally in that way. And clearly, the principal beneficiaries of that are those in the minority party in the Senate who are protected from the potential abuse of the majority in matters of personal misconduct.

Further, if my friend from California sincerely believes the Ethics Committee's rules of procedure—if that is the direction she may go—ought to be changed, then certainly pursue that or any other option.

But it would be a terrible mistake for Members who think there is some merit to an idea to change the rules or to give the committee directions or to take any floor action during the course of our consideration here on the floor because there will be ample opportunity—ample opportunity—at the end

of the process for any Senator to criticize what is proposed, and to do whatever any Senator may feel appropriate in this matter.

To take a premature step before the committee's report would make a mockery of the committee's independence and its authority.

Members of the committee would live in fear that any decision could be the pretext for a loud and nasty floor fight, for a hasty, ill-conceived change to the committee's rules, or any other directives. I hope we will not allow that to happen.

And again, the principal beneficiaries of that not happening are those who are in the minority.

As a result of conversations I have had with many Members—and I must say on both sides of the aisle—I believe the clear majority of the Senate would allow the Ethics Committee to be able to complete its work, get a recommendation to the floor, and then give everybody an opportunity to say whatever they feel about the final product.

Respecting the concern that every Member of this body has that every case of sexual misconduct be fully and fairly investigated, we want to make sure that happens.

I hope the Senator from California will allow the committee to complete its work. I want to thank her for at least withholding this week. I think that was a gracious gesture. I am confident that if we can get back to work, we can finish the job.

So what I would like to do in conclusion today is announce that the committee will be meeting starting next Monday. It is my intention to have a meeting each day—if that is necessary—each day next week, and each day of the next week, in the hope that we can wrap this matter up, make all the critical decisions that need to be made and, if possible, wrap this matter up before the August recess.

I appreciate, Mr. President, the attention of the Senate. Frequently, when various ones of us speak, no one listens. But I hope that at least the staffs in the various offices who handle ethics matters will take a look at the speech that I have given today—it will be in the RECORD for tomorrow—to look at the history of the Ethics Committee; why it was set up; what it was designed to do; why it is best not to begin the process of criticizing its work before it is completed.

I hope we would all proceed with a cooling-off period and let the committee get back to work.

I say in conclusion, Mr. President, again that the committee will get back to work beginning Monday, and it would be my plan to meet each day next week and each day of the week after that, with the hope that we can make substantial progress on this case, which has taken quite some time to reach this stage.

Mr. President, I thank you for the time and thank you for the attention.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

#### ETHICS COMMITTEE PROCEDURE

Mrs. BOXER. Mr. President, I am pleased that the Senator from Kentucky has announced that the Ethics Committee will be meeting Monday, Tuesday, Wednesday, and I certainly wish to thank Senator BRYAN from Nevada, who took to this floor yesterday and asked for that meeting. I also want to be clear about what my intentions are, because those intentions cannot be stated by any other Senator but this Senator.

First of all, I was very pleased that my colleague from Kentucky did not raise the specter of threats against any other Senator. That is a step forward from where we were last week. But I do feel that since the Senator from Kentucky did not ask this Senator what my intentions were, he really has no idea what I am planning to do in this matter, although he has essentially taken it upon himself to tell the Senate what I am not going to do.

Now, I also wish to thank the Senator from Kentucky for realizing that I have rights as a Senator. He did not need to remind me of that. I am aware of my rights. He said that I had a right to vote for tougher penalties in the Packwood case if I felt that the committee penalties were not tough enough. I know that because I voted for tougher penalties than had been recommended by the Ethics Committee in the House twice on sexual misconduct cases, once against a Democrat and one against a Republican. There was no room for partisanship. And contrary to what the Senator from Kentucky said, Congressman GERRY STUDDS was stripped of his chairmanship. In the next Congress, he ran again, he won and he got back his seniority. But he was stripped of his chairmanship.

So, yes, I understand the rights of Senators very well. And I will absolutely, absolutely make sure that all my rights are protected.

Now, let me make it clear I do plan to offer my amendment on the public hearings issue if the committee does not meet in a timely fashion—and I am very delighted to hear that they are going to meet on Monday; that is a timely fashion—or if after they meet, they do not vote for public hearings.

Let me repeat that. If they do not meet or if after they meet they do not vote for public hearings, I will be offering my amendment.

The Senator says my amendment treads on the Ethics Committee. We have never discussed my amendment, but nothing could be further than the truth. My amendment is very respectful of the Ethics Committee.

Yes, it says that Senate precedents and procedure should be upheld. And the Senator says there is no precedent for public hearings. I beg to differ with him. Senator BRYAN laid that out in this Chamber yesterday. I have laid that out for all to see. Public hearings

in cases that reach the final stage of an investigation is the practice of the Senate.

My amendment is very respectful of the Ethics Committee because the crux of it is that there will be public hearings but—but—the Ethics Committee by majority vote could say we will not have public hearings. And rule 26 is an important Senate rule that is there to protect witnesses, or matters of national security will allow the committee to close off parts of that hearing.

So the Boxer amendment, as I will offer it, if I have to offer it—and let me say I hope the committee votes overwhelmingly for public hearings so I will not have to—will be respectful of the committee.

My colleague from Kentucky mentioned Senator BYRD's name quite a few times. And who more reveres the Constitution than Senator BYRD?

Well, just read article I, section 5 of the Constitution, and you will find that in there it says we must police ourselves. We must discipline our own. And that is a serious responsibility of every Senator, not just the Senators who serve on the Ethics Committee but every single Senator. And that is why every Senator has a right, in my view a responsibility, if he or she feels that the investigation at this stage should be open to the public, to say so and not be intimidated and not be threatened privately, publicly, in the press, outside this floor.

Well, it was serious to me in the House. It was serious to me in the House. And for a freshman in the House to override the committee is speaking with a very loud voice.

A colleague came to me, a friend, and said, "If you persist in this, they are going to talk about your record in the House." I said, "Good. Good. I'm proud of it." Not only did I vote tougher penalties, but in 1989 I voted to change the rules in the House so that hearings would be public in the final stage of an investigation. Look at the record, 1989. And that is all I am asking for here.

How about changing the subject? We have the Senator from Kentucky reading articles from Roll Call about things that happened in the 1980's. How about working on things that happen right here?

How about bringing justice and upholding the precedents of the Senate? Let the sunshine in and let us deal with these matters.

I want again to compliment Senator BRYAN. I think in no small measure he is responsible for the fact that the committee is meeting again because the rules of the Senate allow the vice chairman to call a meeting if the chairman does not. So I want to thank him for his leadership in getting the committee going again.

My colleagues, I have never heard of a circumstance where a committee's work grinds to a halt because the chairman is unhappy with another Senator's view on a matter and says,