

imperial presidency"—and we have seen an imperial presidency in this land—would be destroyed."

It is a power too sacred to be trifled with. As Lyndon Baines Johnson said on March 9, 1949:

\*\*\* if I should have the opportunity to send into the countries behind the iron curtain one freedom and only one, I know what my choice would be. \*\*\* I would send to those nations the right of unlimited debate in their legislative chambers.

Peter the Great did not have a Senate with unlimited debate, with power over the purse, when he enslaved hundreds of thousands of men in the building of Saint Petersburg.

\*\*\* If we now, in the haste and irritation, shut off this freedom, we shall be cutting off the most vital safeguard which minorities possess against the tyranny of momentary majorities.

As one who has served both as majority leader and as minority leader, as a senator who has engaged both in filibustering and in breaking filibusters during my thirty-one years in this body, I believe that Rule XXII today strikes a fair and proper balance between the need to protect the minority against hasty and arbitrary action by a majority and the need for the Senate to be able to act on matters vital to the public interest. More drastic cloture than the rules now provide is neither necessary nor desirable.

We must not forget that the right of extended, and even unlimited, debate is the main cornerstone of the Senate's uniqueness. It is also a primary reason that the United States Senate is the most powerful upper chamber in the world today. The occasional abuse of this right has been, at times, a painful side effect, but it never has been and never will be fatal to the overall public good in the long run. Without the right of unlimited debate, of course, there would be no filibusters, but there would also be no Senate, as we know it. The good outweighs the bad, even though they may have been exasperating, contentious, and perceived as iniquitous. Filibusters are necessary evil, which must be tolerated lest the Senate lose its special strength and become a mere appendage of the House of Representatives. If this should happen, which God avert, the American Senate would cease to be "that remarkable body" about which William Ewart Gladstone spoke—"the most remarkable of all the inventions of modern politics."

Mr. President, I yield the floor.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADDITIONAL COSPONSOR TO S. 2

Mr. LOTT. Mr. President, I ask unanimous consent that I be added as a cosponsor of S. 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEASURE PLACED ON THE CALENDAR—S. 2

Mr. LOTT. Mr. President, I ask unanimous consent that S. 2, the congressional coverage bill introduced earlier today, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent that at 10:15 on Thursday, January 5, 1995, the Senate resume consideration of Senate Resolution 14, and at that time the debate on the Harkin amendment prior to a motion to table be divided in the following manner: 30 minutes under the control of Senator BYRD and 45 minutes under the control of Senator HARKIN. I further ask unanimous consent that at 11:30 a.m., the majority leader or his designee be recognized to make the motion to table amendment No. 1. I ask unanimous consent further that, if the amendment is not tabled, it be subject to further debate and amendment. I further ask unanimous consent that if the amendment is tabled, the Senate proceed immediately to adoption of the resolution without any intervening action or debate. Finally, I ask unanimous consent that immediately following the adoption of the resolution the Senate proceed to S. 2, the congressional coverage bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### "DISPLACED STAFF MEMBER"

Mr. LOTT. Mr. President, I send an enclosed resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:  
S. RES. 25

*Resolved*, That, for the purpose of section 6 of Senate Resolution 458 of the 98th Congress (agreed to October 4, 1984), the term "displaced staff member" includes an employee in the office of the Minority Whip who was an employee in that office on January 1, 1995, and whose service is terminated on or after January 1, 1995, solely and directly as a result of the change of the individual occupying the position of Minority Whip and who is so certified by the individual who was the Minority Whip on January 1, 1995.

The PRESIDING OFFICER. If there is no debate on the resolution, the question is on agreeing to the resolution.

The resolution (S. Res. 25) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The resolution is as follows:

*Resolved*, That, for the purpose of section 6 of Senate Resolution 458 of the 98th Congress

(agreed to October 4, 1984), the term "displaced staff member" includes an employee in the office of the Minority Whip who was an employee in that office on January 1, 1995, and whose service is terminated on or after January 1, 1995, solely and directed as a result of the change of the individual occupying the position of Minority Whip and who is so certified by the individual who was the Minority Whip on January 1, 1995.

#### AWARDS FOR ATTORNEY'S FEES

Mr. LOTT. Mr. President, I send a bill to the desk and ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill to amend section 526 of Title 28, United States Code, to authorize awards for attorneys' fees.

Mr. LOTT. Mr. President, I ask for a second reading.

Mr. FORD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

#### MODIFICATION OF SENATE RESOLUTION 16

Mr. FORD. Mr. President, I ask unanimous consent to modify S. Res. 16 adopted earlier today with language which I now send to the desk. This modification has been cleared by the majority leader and it does not change the ratio agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MODIFICATION OF SENATE RESOLUTION 17

Mr. FORD. Mr. President, I ask unanimous consent that S. Res. 17 adopted earlier today be modified by the following language, which I send to the desk. This request has been cleared by the majority leader and does not alter our agreements with the committee ratios.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE SENATE GIFT RULE

Mr. FORD. Mr. President, I understand that S. 71 regarding the Senate gift rule introduced earlier today by Senators WELLSTONE and FEINGOLD is at the desk.

The PRESIDING OFFICER. That is correct.

Mr. FORD. Mr. President, I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 71) regarding the Senate gift rule.

Mr. FORD. Mr. President, I ask for its second reading.

Mr. LOTT. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

### MEASURE INDEFINITELY POSTPONED—S. RES. 19

Mr. LOTT. Mr. President, I ask unanimous consent that S. Res. 19, a resolution regarding committee funding, submitted earlier today be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDERS FOR TOMORROW

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand adjourned until 10 a.m., Thursday, January 5, and that when the Senate reconvenes the Journal of proceedings be deemed to have been approved to date, that the call of the calendar be waived, that no motions or resolutions come over under the rule, that the morning hour be deemed to have expired, and that the time until 10:15 a.m. be reserved for the two leaders. I further ask unanimous consent that at 10:15 the Senate resume consideration of Senate Resolution 14 under the terms of the previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, if there are no further Senators seeking recognition, I ask unanimous consent that the Senate stand in adjournment under the previous order.

The PRESIDING OFFICER. Will the Senator withhold for a moment?

### APPOINTMENTS BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair announces the following two appointments made by the Democratic leader, the Senator from Maine [Mr. MITCHELL], during the sine die adjournment:

Pursuant to provisions of Public Law 103-236, the appointment of Senator MOYNIHAN and Samuel P. Huntington, of New York, as members of the Commission on Protecting and Reducing Government Secrecy.

Pursuant to provisions of Public Law 100-458, Sec. 114(b)(1)(2), the reappointment of William Winter to a 6-year term on the Board of Trustees of the John C. Stennis Center for Public Training and Development, effective Oct. 11, 1994.

### APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair announces the following appointment made by the Republican leader, the Senator from Kansas [Mr. DOLE], during the sine die adjournment:

Pursuant to provisions of Public Law 103-359, the appointment of Senator JOHN WARNER of Virginia, and David H. Dewhurst of Texas, as members of the Commission on the Roles and Capabilities of the United States Intelligence Community.

### APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair announces the following appointment made by the President pro tempore, Senator BYRD of West Virginia, during the sine die adjournment:

Pursuant to provisions of Public Law 103-394, and upon the recommendation of the Republican leader, the appointment of James I. Shepard, of California, as a member of the National Bankruptcy Review Commission.

### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

### MESSAGES FROM THE HOUSE

At 3:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following resolutions:

H. Res. 2. Resolution informing the Senate that a quorum of the House of Representatives has assembled.

H. Res. 3. Resolution notifying the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

### MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

S. 2. A bill to make certain laws applicable to the legislative branch of the Federal Government.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1. A communication from the President of the United States, transmitting, consistent with the War Powers Resolution, a report on deployment of a U.S. Army peacekeeping contingent as part of the United Nations Protection Force in the Former Yugoslav Republic of Macedonia (received on December 22, 1994); to the Committee on Foreign Relations.

EC-2. A communication from the President of the United States, transmitting, consistent with the Use of Military Force Against Iraq Resolution, a report on the status of ef-

forts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council (received on January 3, 1995); to the Committee on Foreign Relations.

EC-3. A communication from the President of the United States, transmitting, pursuant to law, the third monthly report on the situation in Haiti (received on January 3, 1995); to the Committee on Foreign Relations.

### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-1. A petition from a citizen of the State of California; to the Committee on Rules and Administration.

#### PETITION FOR ELECTION CONTEST

##### INTRODUCTION

Now comes Petitioner and contestant Michael Huffington before the Senate of the United States. Petitioner prays that the Senate deny Dianne Feinstein a seat in the 104th Congress of the United States on the grounds that she has not been "duly elected" by a majority of legal ballots cast in the State of California in the election held on November 8, 1994. In the alternative, Petitioner asks that if the Senate seats Feinstein, it do so without prejudice because the misconduct, irregularities and fraud in the California election system were so widespread that the true results of the election cannot be known. Furthermore, Petitioner is informed and believes that additional investigation by the Senate before her seating becomes final will make clear that the serious systemic problems in California's and the nation's voter registration and verification system are so pervasive as to render the results of the 1994 California Senate election invalid.

In support thereof, the petitioner alleges the following:

##### JURISDICTION

1. The Senate of the United States, pursuant to Article 1, Section 5, clause 1 of the Constitution of the United States, is "the Judge of the Elections, Returns, and Qualifications of its own Members" and has final jurisdiction over election contests concerning its Members.

##### PARTIES

2. The Petitioner and contestant, Republican Party candidate for the Office of United States Senator from the State of California in the November 8, 1994 general election, is an elector and citizen of the State of California and the United States and a legal voter in the State of California in the November 8, 1994 general election. He is qualified to bring this petition, and brings this action as a contestant and on behalf of the almost 4,000,000 voters of the State who cast legal ballots on his behalf.

3. Dianne Feinstein, the Democrat candidate for the office of United States Senator from the State of California in the November 8, 1994 general election, was certified as the winner of the election by approximately 160,000 votes by the California Secretary of State on December 16, 1994, prior to numerous of the facts alleged herein being known.

##### FACTUAL ALLEGATIONS

4. Article I, Section 4, clause 2 of the Constitution of the United States grants the states the power to prescribe the time, places, and manner of holding elections for United States Senators and Representatives, subject to the congressional power to preempt state law on this subject.

5. The State of California has adopted a comprehensive California State Elections