

is recognized to speak for up to 15 minutes.

THE RUBY RIDGE INCIDENT

Mr. SPECTER. Mr. President, I have sought this special order for recognition this morning to renew my urging that the Senate conduct oversight hearings into the incident at Ruby Ridge, a subject that I have spoken on at length on the Senate floor—on May 9, 10, 11, 18 and 26—and on those occasions urged that hearings be conducted before the August recess because of what I view to be the urgency of the situation.

I renew that request in light of the release by the Federal Bureau of Investigation yesterday, and the extensive publicity in the news media today, reporting on the suspension of a ranking FBI agent involved in the Ruby Ridge incident, the suspension occurring "after authorities allege that he destroyed a document that could have altered the official account of what happened at the standoff on August 22, 1992."

Mr. President, it has been my judgment for some considerable period of time that the Congress has been derelict in failing to have oversight hearings on very serious matters involving Federal law enforcement operations in the United States, and that it is up to the Congress as a matter of congressional oversight to make sure that there is accountability at all levels of the Federal Government.

I have considered very carefully the very heavy responsibility of law enforcement officials, the FBI, the Bureau of Alcohol, Tobacco and Firearms, and others, agencies that I have worked with extensively over my whole career of public service—since I was district attorney of Philadelphia—and have a full appreciation of the very high risks that law enforcement officers at all levels undertake. But there is great concern in America today about excessive Federal authority, and about the incidents which have occurred not only at Waco but also at Ruby Ridge.

This is in line with the concern in this country, which is as old as the Declaration of Independence itself, in challenging the legitimacy of government.

That brought the revolution and the founding of the United States of America. Our history is full of challenges to be sure that the Bill of Rights is respected. It is no coincidence that the United States has had the longest record in world history for stable government, no coincidence that record is the result of having a Bill of Rights which has been meticulously enforced, and one of the agencies of enforcement is the constitutional prerogative and responsibility of the Congress of the United States to conduct oversight.

Mr. President, it is a matter of the utmost gravity when there are allegations that there has been the destruc-

tion of a document which could shed light on what happened at Ruby Ridge, and this is only another step along the way on matters which already were in the public record suggesting substantial impropriety.

In my statement on the Senate floor on May 26, I referred to a letter from FBI Special Agent Eugene Glenn, who was on the scene at Ruby Ridge, and who was disciplined, and Mr. Glenn had this to say on page 6 of an extensive letter which he wrote to Mr. Michael Shaheen of the Justice Department's Office of Professional Responsibility:

On August 22, 1992, then Assistant Director Potts advised during a telephonic conversation with the special agent in charge that he had approved the rules of engagement and that he articulated his reasons for his adjustments to the Bureau standard shooting policy.

At that time, I called the attention of my colleagues to the fact that in my personal conversation with Mr. Potts on May 17, he said to me categorically, "There was never a change in the rules of engagement." And Mr. Potts advised me further that there was "no authorization to change the deadly force policy."

Mr. President, as I have said previously in this Chamber, I have talked extensively to people who have participated, been involved in the incident at Ruby Ridge. I talked to Mr. Randy Weaver at some length back on May 13, 1995, and got his account of what was truly a tragic incident which resulted in the killing of a deputy U.S. marshal, the killing of Mr. Weaver's young son, Sam, who was shot in the back, and the killing of Mr. Weaver's wife, who was holding their infant daughter.

The entire incident involving Mr. Weaver occurred, according to Mr. Weaver, when he was approached by agents from the Bureau of Alcohol, Tobacco and Firearms asking if he could sell them sawed-off shotguns, which apparently he later did in a context where a court found it to be entrapment. I questioned Mr. John Magaw, the Director of the Bureau of Alcohol, Tobacco and Firearms, and he conceded to me that there was what he called borderline entrapment in the Weaver case.

So that you have a sequence of events of Mr. Weaver living in Boundary County, ID, right next to the Canadian border, really wanting to be left alone, an incident with this issue of entrapment, and later the marshals coming to the premises of the Weaver household. And then you have an incident, tragic, the killing of a deputy U.S. marshal, two members of the Weaver family, and then a dispute as to whether the FBI acted properly under the rules of engagement; and then yesterday the disclosure that in fact there had been some indication of further wrongdoing.

This is a matter, Mr. President, in which it seems to me it is imperative that the Congress of the United States exercise its oversight responsibilities.

We have had on the record for some time glaring conflicts which need to be investigated, inquired into by the Congress—the disparity between Special Agent Glenn, who is in charge of the FBI office in Salt Lake City, and the account of Mr. Potts, who has since been promoted to the position of Deputy Director of the FBI.

As noted in this morning's Washington Post:

Last year, a Justice Department task force sharply criticized the FBI action during the incident.

Referring to Ruby Ridge.

The task force concluded that the Bureau's conduct "contravened the Constitution" and that criminal charges should be considered against the responsible agents. The task force report was forwarded for comment to the Justice Department's Office of Professional Responsibility and the Civil Rights Division. Those offices in their evaluations held that no criminal conduct took place.

Now, Mr. President, I submit that in the context of a task force report saying the Constitution has been violated and suggesting criminal prosecution, and a disagreement within the Department of Justice itself, that we have is the quintessential circumstance where the Congress of the United States has oversight responsibilities. And yet we sit by idly and do nothing.

I have said on the Senate floor that in my judgment Congress has been derelict in its duties. I think it is a matter of nonfeasance, the failure to perform a positive obligation and a positive duty. And for the Congress, the Senate, the Judiciary Committee to continue to turn its back would amount to more than nonfeasance, perhaps misfeasance, perhaps malfeasance.

There is great unrest in America today, Mr. President, as we all know, with the development of extensive militia around the country and a vivid, active distrust for what goes on in Washington. I can understand that distrust in the face of what I see personally as a Member of the Senate and as a Member of the Senate Judiciary Committee. I not only understand that distrust and skepticism, but I share it in the absence of any oversight having been undertaken by the Congress, the Senate, and the Judiciary Committee on these important matters.

I made an effort to hold these hearings with the Subcommittee on Terrorism, the subcommittee which has jurisdiction over these matters, and I was thwarted in that attempt to do so. And I took the highly unusual step of bringing the matter to the floor of the Senate in a resolution calling for hearings on Ruby Ridge, among other things, in advance of the August 4 recess.

I had no doubt, Mr. President, no naïveté that that resolution was not going to be adopted in the face of our standards as to prerogatives of chairmen, but it seemed to me sufficiently serious to bring it to the floor of the Senate and to bring it to a head.

In my capacity as chairman of the Terrorism Subcommittee, I have had a

series of hearings, four hearings on the subject, one of which involved the militia where law enforcement officials from the FBI, the Bureau of Alcohol, Tobacco and Firearms, the State police chief from Missouri, and prosecuting attorneys from Phoenix, AZ, and Musselshell County, MT, came forward and testified about the dangers of the militia and at the same time, same hearing, a second panel testified about the reasons why the militia are growing in the United States, members of the militia talking about the distrust of what goes on in Washington, accusing the committee, accusing the Senate, accusing this Senator of corruption, and a very heated exchange followed in which I did not take that accusation lightly. And I do not. But I must say, Mr. President, that I worry about our country when this kind of information is open and notorious and there is no response from this body, from the Judiciary Committee, to have these oversight hearings.

I think that when you now have, beyond the issues which I have raised, where you now have the lead story in this morning's Washington Post, under the banner headline, "Probe of FBI's Idaho Siege Reopened," detailing the destruction of documents on top of the contradictions and problems in this investigation, that this is highly likely to produce the kind of public pressure which it appears is the only way to get any results on a matter of this sort.

Mr. President, I think it is a matter of the utmost gravity and the utmost seriousness, and we sit really on a powder keg with a lot of distrust and anxiety and anger welling up across the country as to excessive action by the Federal Government. Accountability at the highest levels is absolutely mandated, and it is the responsibility of the Congress and the Senate and the Judiciary Committee to conduct these oversight hearings and, in addition to having discussed these matters privately with the appropriate authorities within our own body, I think it absolutely necessary to make the statement as forcefully as I can to urge that these hearings be conducted, conducted promptly and, in any event, before we adjourn for the August recess.

TRIBUTE TO FRANCIS J. BAGNELL

Mr. SPECTER. Mr. President, I would now like to take the few minutes remaining before morning business expires, in the absence of any other Senator on the floor, to comment on the passing of a great American, Francis J. Bagnell, commonly known as "Reg" Bagnell, who, as we speak, is having memorial funeral services conducted in the Philadelphia suburbs.

Reg Bagnell has been an outstanding figure in the Philadelphia area in Pennsylvania and in America as a contributor to important causes. He achieved legendary fame as a young football player at the University of Pennsylvania in the fall of 1946. Reg

Bagnell and I were classmates at the University of Pennsylvania in 1951. And I was one of those who sat in the stands and admired his prowess. He weighed about 160 pounds and played tailback. On the old single wing on one glorious autumn day in 1946, he threw 14 consecutive passes against Dartmouth. And he followed his all-American status by being an all-American contributor to the American scene. And I thought it appropriate to take just a few moments to recognize Reg Bagnell's great contribution, not only as an athlete but as a community activist and as a great American.

I see it is now 10:45, Mr. President, the time to adjourn morning business, so I conclude and yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order the hour of 10:45 having arrived, morning business is closed.

COMPREHENSIVE REGULATORY REFORM ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 343. The clerk will report.

The legislative clerk read as follows:

A bill (S. 343) to reform the regulatory process, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 1487, in the nature of a substitute.

Roth/Biden amendment No. 1507 (to amendment No. 1487), to strengthen the agency prioritization and comparative risk analysis section of the bill.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. Mr. JOHNSTON is recognized.

Mr. JOHNSTON. Mr. President, last night after I had left the Chamber and repaired to my home, a cloture motion was filed on this bill of which I was totally unaware. Mr. President, I believe that that was exactly the wrong thing to do on this bill. I believe we were making good bipartisan progress on this bill. It is a difficult, complicated bill. I think the legislative process was proceeding, if not with dispatch, at least with a spirit of dealing with the issues. And I think we have begun to make great progress.

Just overnight last night, for example, in a good spirit of bipartisan progress, I understand we have worked out the Roth amendment, I believe to the satisfaction of both sides. That will remain to be seen. But I believe that is so. I think we had a session scheduled this morning for 9:30 dealing with some of those on our side of the aisle who, in a spirit of bipartisan cooperation, wanted to try to work out some of the remaining issues. And I think there was some hope that that could take place.

With the filing of the cloture motion, that meeting was called off because our

side, the Democratic side, had to repair to put in all of these amendments which had to be prepared by, I think, 1 p.m. today.

Mr. President, I have just come from a meeting with the majority leader and have urged him in the strongest way possible to withdraw the cloture motion, to let us continue on in a bipartisan spirit to work our way through these amendments. I have not seen yet on this bill delaying tactics. All of the amendments which have been proposed obviously have not been amendments which I have agreed with. But I think they were legitimate amendments. And on, for example, the cryptosporidium amendment last night—I think that was a serious amendment—there was also a time limit agreed to. And, Mr. President, that is not the stuff of a filibuster, when you have a serious amendment with a time limit. So, I am in good hopes, Mr. President, that we can withdraw that cloture motion and let us legislate.

Today, I hope to deal, for example, with the suggestion that Senator GLENN made yesterday about extending the 180-day period for completion of the cost-benefit analysis when you invoke the emergency provisions of the bill when there is an emergency with respect to health, safety, or the environment. I think we can agree to that. It was a good amendment. I hope we can agree to that.

I am very strongly for removing environmental cleanup or Superfund from this bill. I hope to join with Senator BAUCUS in proposing that amendment this morning. I hope we can get that done with a short time agreement.

So, Mr. President, I have urged the majority leader, as I say, in the very strongest way possible to withdraw the cloture motion. Let us return to legislating rather than having to prepare a finite list of amendments. I will say from my side of the aisle I believe that we can secure cooperation. I do not believe there is a filibuster.

Mr. President, if there were a filibuster, we would not have had, believe me, a 30-minute time limit on cryptosporidium last night. That is a great issue to talk about for days. I mean, it has all those elements—public health, people dying. It is a serious issue. But it was a serious amendment. We took a vote on it. I happen to be for the motion to table, not because I do not have sympathy on the issue—I mean more than sympathy; I think it is a tremendous issue—but because I think we had it taken care of. And I might say that I and others spoke to Senator KOHL last night and said we believe we are confident that this issue has been resolved by the earlier Johnston amendment.

However, we will look at that issue between now and the conference, and if it needs fixing, if there is any assurance that we need to give to people that cryptosporidium will not be a problem, that the regulation of it will