

now turn to a resolution extending the Special Committee To Investigate Whitewater Development Corporation.

I ask for its consideration under the following agreement: 2 hours to be equally divided in the usual form, and that no amendments be in order, other than one amendment to be offered by Senator DASCHLE, or his designee, limited to 1 hour equally divided.

Further, I ask that following the debate on the amendment and resolution, the Senate proceed to vote on the amendment, and immediately following that vote, that the resolution be advanced to third reading and passage to occur immediately without further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. D'AMATO. Mr. President, in light of the objection, I make the same request for the legislation to be the pending business on Friday, March 1, at 10:30 a.m., under the same restraints as the previous consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

WHITEWATER

Mr. D'AMATO. Mr. President, I am deeply concerned about the minority's refusal to allow the Senate to consider the resolution that I just offered. This resolution would provide additional funds for the Whitewater Special Committee. It would allow the Senate to fulfill its obligation to the American people to obtain the full facts about Whitewater and related matters.

Make no mistake about it, this debate is not about money, it is not about deadlines, it is about getting the facts. That is our job. We are committed to getting all the facts about Whitewater. It is now quite clear that the minority is not. With its actions today, and over the past few days, the minority has sent the unmistakable message that it wants to prevent the American people from learning the full facts about Whitewater. That is wrong. What is the minority concerned about?

From the beginning, I have said that our committee must get the facts and we must let the chips fall where they may. If the facts exonerate, then so be it. That is good. Again, let the chips fall where they may.

If the facts, on the other hand, reveal improper conduct by anyone, the American people have a right to know that as well. Our committee wants the facts. The American people are entitled to the facts.

Two days ago, we attempted to move to consideration of a resolution that would have funded Whitewater. But the minority invoked Senate rules to block floor consideration of that resolution.

That is their right. But, as the New York Times wrote in a syndicated editorial, "The committee, politics notwithstanding, has earned an indefinite extension. A Democratic filibuster against it would be silly stonewalling."

That, Mr. President, is from an editorial in yesterday's New York Times. That is not a partisan spokesperson, nor a partisan policy paper. I will come back to this editorial again. I will ask at this time that the full editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 28, 1996]

EXTEND THE WHITEWATER INQUIRY

Senator Christopher Dodd of Connecticut, reluctantly agreeing to renewal of the Senate Whitewater Committee's expiring mandate, suggests limiting the extension to five weeks, ending April 3. Along with the minority leader, Tom Daschle, and other leading Senate Democrats, Mr. Dodd told reporters yesterday that they were prepared to filibuster against any extension beyond early April.

Their position is dictated by worry about the 1996 campaign, and it is understandable that Mr. Dodd, as chairman of the Democratic National Committee, would hope that the public has an endless tolerance of Whitewater evasions. Mr. Dodd has a point in noting that this is a campaign year. It is impossible to separate this matter entirely from partisan pressures. He wants to protect President and Mrs. Clinton from the embarrassment that the chairman of the Whitewater Committee, Senator Alfonse D'Amato, would be pleased to heap upon them.

But Senator D'Amato, who by and large has curbed his customary partisan manner, has a stronger point. The Senate's duty cannot be canceled or truncated because of the campaign calendar. Any certain date for terminating the hearings would encourage even more delay in producing subpoenaed documents than the committee has endured since it started last July. The committee has been forced to await such events as the criminal trial next week of James McDougal, a Clinton business partner in the failed Whitewater land venture.

No arguments about politics on either side can outweigh the fact that the White House has yet to reveal the full facts about the land venture, the Clintons' relationship to Mr. Douglas banking activities, Hillary Rodham Clinton's work as a lawyer on Whitewater matters and the mysterious movements of documents between the Rose Law Firm, various basements and closets and the Executive Mansion. The committee, politics notwithstanding, has earned an indefinite extension. A Democratic filibuster against it would be silly stonewalling.

Mr. D'AMATO. Mr. President, let us be clear. All of my colleagues have a right, Democrat or Republican, to utilize all the rules of the Senate as it relates to sustaining their position. I certainly do not have a quarrel with that. But I am concerned as it relates to what the underlying objective is. The underlying objective is to prevent the committee from doing its work, from being the factfinders. That is our job. That is a clearly different job from that of the independent counsel or special prosecutor, clearly different. The independent counsel's job is to ascer-

tain whether there was criminal conduct. He uses a grand jury, secret proceedings. We are not entitled to know, nor do we know what facts are uncovered. That is a big difference. People have very particular roles, interests, and needs. Witnesses are protected. They are given absolute constitutional guarantees. That is as it should be. Most of the discovery of the information and facts is done in camera, secretly. That is a far different role than that of congressional investigatory committees. Let us understand that.

There are those who say, "Why, when you have a special counsel, do you have this committee?" It is because it is our duty to ascertain what, if anything, the White House or the administration may have done to impede an investigation, which may or may not have criminal implications. It very well may not. But it is our duty to gather those facts. It is our duty to gather the facts as they relate to what, if anything, took place, whether proper or improper. The facts may not have criminal implications as they relate to the events that transpired in Little Rock, AR. The two investigations are distinct. They are different.

Indeed, this is not the first time in the history of this country that we have had investigations by congressional committees and, at the same time, by an independent counsel, a special prosecutor. Indeed, we have taken precautions so as not to impede upon the work and make it more difficult for the independent counsel to conduct its work. And it is fair to say that much of the delay as it relates to the committee's work has not been created by partisan politics, by Democrats, by the White House, or others acting in their interests. Let us be fair about that. A good deal of the delay has been occasioned, both for the previous committee that undertook this mission and by this committee, due to our legitimate concerns about the work of the special counsel.

Indeed, we have agreed in the resolution that we would not grant immunity where the independent counsel objected. Indeed, we have, painstakingly, gone out of our way, notwithstanding our own constitutional responsibilities, not to willy-nilly insist that we get our way as it relates to subpoenaing of records, documents, and witnesses. On a number of occasions, we have withheld enforcement of subpoenas for documents because we were advised that it would have an impact on the criminal trial, which will start this Monday in Little Rock, AR. The defendants in this trial are the present Governor, Jim Guy Tucker, and Susan and Jim McDougal, the business partners of the Clintons.

We agreed, Republicans and Democrats, to withhold enforcement of these subpoenas. We have, I believe, made the sensible choice in not attempting to force key witnesses to come before this body. When I say "this body," I am

talking about the committee in its fullest sense, which is representative of the Congress of the United States, and more particularly of the Senate of the United States.

Although there are key witnesses, I believe it would be irresponsible to simply put aside the concerns of the independent counsel and call these witnesses just so that they can give us information. Some of these witnesses have been defendants and have already pled guilty to various crimes and their testimony may be necessary as it relates to the criminal prosecution which the special counsel, Mr. Starr, is now undertaking in Little Rock.

We have always maintained that there may come a time when we may have to insist upon our prerogatives, we have certain constitutional obligations. Even though the independent counsel has his obligations we never agreed that we would at all times forgo calling various witnesses. Indeed, it was the wish and the hope of this Senator, and I think of the majority of the committee, both Democrats and Republicans, to have one of the key witnesses, Judge David Hale testify. Judge Hale has apparently made statements, most of them through other people, that indicate that he was asked, by the then-Governor of the State to make a loan of as much as \$300,000 to Mrs. McDougal.

Now, Mr. President, let me be clear: I do not know nor do I subscribe to the truth or the falsity of that statement. I do not say it to be sensational. This has been published. This has been published. Both Democrats and Republicans have been interested in bringing Judge Hale before the committee.

Let me say I think we acted in a responsible way. We attempted to make, and did make contact with his attorney. We were advised that his attorney was engaged in a number of matters before the Supreme Court of the United States, and indeed we ascertained that he was; further Judge Hale's attorney could not even consider these matters until he had disposed of his arguments. While Judge Hale's attorney did recently dispose of his last argument—sometime I believe in late January or early February—it was, unfortunately, too close to the approaching trial to call Judge Hale before the committee.

I believe, and I was not able to share, through counsel, what his definitive thinking was, that Mr. Hale was not made available. We were led to believe that if we insisted and issued a subpoena, that not unlike several other witnesses, Judge Hale's attorney would indicate that his client would raise an issue of privilege, asserting a privilege against self-incrimination.

Once this privilege is asserted the Senate rules or the congressional rules are quite clear that you can no longer even call the witness to testify. We recall the days gone by when witnesses were called in and asked questions and they asserted, under oath, their right not to incriminate oneself under the

fifth amendment. At some point in our history, and I do not have the exact date, the Congress decided that was not how the Congress should conduct itself. When Congress is advised, by counsel, that a witness would, assert the privilege of taking the fifth amendment, it no longer could bring the witness in just to have a show. To do so would simply appear to be a show where you brought someone in, you asked him a question, he repeated to every question that he was asserting his rights not to incriminate himself or herself.

That is the dilemma that we have faced. Otherwise, I want to assure this body it would have been the intent of this Senator, and I believe of every member of the committee, to bring Judge Hale forward and to find out what, if anything, he could share. What information he had, what were the facts to assert. We were unable to do that. We have been unable to do that with maybe 11 or 12 various witnesses that are connected with the trial, which will start this coming Monday. Those witnesses are key to our getting the facts, the whole picture.

Again, I am not in a position to offer a judgment with respect to what they may or may not testify to. The information they give to us may be absolutely exculpatory and clear away the cobwebs. They may demonstrate clearly there was no wrongdoing. It may not. But, by gosh, we have an obligation to get the facts.

Now, I am going to refer to the New York Times editorial of February 28. This is an editorial position that has been shared in whole or in part by just about every major newspaper. I am talking about the main editorial of the New York Times, not a letter to the editor, not something written by a partisan on one side or the other. The New York Times:

The Senate's duty cannot be canceled or truncated because of the campaign calendar. Any certain date for terminating the hearings would encourage even more delay in producing subpoenaed documents than the committee has endured since it started last July. The committee has been forced to await such events as the criminal trial next week of James McDougal, a Clinton business partner in the failed Whitewater land venture.

No arguments about politics on other side can outweigh the fact that the White House has yet to reveal the full facts about the land venture, the Clintons' relationship to Mr. McDougal's banking activities, Hillary Rodham Clinton's work as a lawyer on Whitewater matters and the mysterious movements of documents between the Rose Law Firm, various basements and closets and the Executive Mansion. The committee, politics notwithstanding, has earned an indefinite extension. A Democratic filibuster against it would be silly stonewalling.

Mr. President, again, as I have said to my friends and colleagues, any colleague, on any side of an issue, of any party has a right to raise whatever rules or procedural questions that they deem appropriate. I respect everyone's view on this. They have a right. It was never my intent nor did I believe we

would be debating this issue on the Senate floor without having completed or essentially completed our work. I did not anticipate, nor do I think the committee anticipated, that those delays would take place; some delays may have been occasionally deliberate; some, perhaps negligent.

I am willing to accept the fact that there have been key documents, we wanted from very important people, that were delayed for whatever reason. In some situations because a person left and went from one office to another; in another, someone took one position and thought the papers would be turned over; or one attorney thought another attorney had turned over papers. I am willing to accept that.

But the fact of the matter is that those delays have occasioned the problems that we have. Suppose they were accidental, all of them. Accepting that, here is where we are: We have dozens of witnesses yet to be examined. It is not because the committee has not been diligent. While there are those who can come and say, "You have only met 1 day or 3 days," that is a bit disingenuous when one understands the schedules we have. One must take into consideration the scheduling difficulties the committee faces, first; there are witnesses that we have to accommodate for depositions and testimony; the fact that there are at this time, key witnesses that we have been asked not to examine—some because of physical problems, some because of attorneys' schedules. We should be candid about this. Let us try to be forthright. I do not think we do the process any good by attacking one another, applying political labels, indicating that the chairman or anyone else is undertaking this because of partisan politics.

Of course, there are political overtones to this. Everyone understands that. But, by gosh, we have a duty to get the facts, and we should do it as expeditiously as possible.

Under ordinary circumstances I would think we could accomplish this task, if we had access to all of the witnesses and all of the documents, within a period of 10 weeks or 12 weeks. That should be a reasonable period. But I cannot say that. I am not going to be able, nor will the committee be able, to ascertain with certainty when we will have completed our business. And let me say this, with all honesty and candor, I know this is a tough debate and I know certain people will be compelled to say certain things. I hope we will not engage in that kind of rhetoric. I have attempted to be moderate. I have really attempted to frame this debate in a manner both sides can participate in reasonably.

I understand the concern of my colleagues when they say, let us not run this investigation into September or October. That is not the intent of this Senator. The intent is to get the facts, and I will work to do it in a thorough, coordinated, expeditious manner with my colleagues.

But the trial of a key witness starts Monday. It may go 4 weeks, 6 weeks, 8 weeks. I hope it will end sooner rather than later.

The committee must have the opportunity to examine key witnesses and documents—documents, at the very least, that we should have access to, and cannot have access to unless we seek enforcement of the subpoena. Let me ask, should we have insisted that documents from various witnesses be produced, notwithstanding the concern of the court—we had a right to do it, constitutionally. We could have ordered enforcement of those subpoenas. But we decided together, Democrats and Republicans, that it would not be in the interest of this body to delay that prosecution. If we enforced the subpoenas the defendants rightfully, could ask,—and we were advised through their attorneys, would ask—to put that case off.

We withheld. I think that was the prudent action. We could have insisted on enforcing the subpoena. I do not think we would have met the mandate under that resolution because the resolution was quite clear. The leaders, Democrat and Republican, were concerned that we not impede the independent counsel.

We had other questions, as it related to Iran-Contra, whether or not immunity should or should not be granted. This committee never even crossed that bridge. We could have asked the Senate to consider, or the committee to consider, granting immunity. I think it would have been irresponsible. I think the committee would have decided against it, particularly in light of the objection that would have come.

I am not going to characterize the suggestion that was put forth by my Democratic colleagues as anything but a sincere attempt to establish a timeframe so that we could wind up the business of the committee. It was a bona fide offer. I will accept that. But I have to tell you, then, and we say it publicly, that I hope you will understand why, notwithstanding the good intention or motivations, that my colleagues' offer was impossible to accept.

Mr. JOHNSTON. Will the Senator yield?

Mr. D'AMATO. No. I would like to complete my statement. I certainly will yield for questions. And I assure my colleague he will have an opportunity to make whatever observations he wishes.

I cannot accept my colleagues offer simply because we would not even begin to have access to key documents and key witnesses until after that trial. We may never get them and if we do not get them, then we will have to wind up, and we will.

It is the hope of this Senator, without setting a specific time limit, that we can conclude the business of this committee within 6 to 8 weeks after the conclusion of that trial—I say conclude the business of this committee in a way that makes sense—quickly and

expeditiously, but only after we have either gathered all of the facts or made every reasonable and possible effort to have those facts.

Let me tell you the problem in agreeing to a time limit. It is spelled out in a book called, "Men Of Zeal." This book was coauthored by two of our distinguished colleagues, two of our most distinguished colleagues, both of them from Maine, the former Democratic majority leader, Senator George Mitchell, and our own colleague, Senator BILL COHEN. In "Men Of Zeal" they talk about "a candid inside story of the Iran-Contra hearings." I turn to one of the observations that was made, as it fits the situation and the dilemma that we have here now, a bona fide dilemma. Some can say, "Senator D'AMATO, you are a proponent of Senator DOLE. You are on his campaign team. Therefore, you have a reason and the occasion, to make this go longer." That is not true.

I do support Senator DOLE. By the way, it is a constitutional right of every citizen to support whomever he chooses. And I hope, when we go in to do the business of the committee—we understand that we have different political philosophies, that we can support different candidates. I respect that right of all of my colleagues. But to simply say that because you are campaigning on behalf of one candidate, then, you cannot discharge your duties, I think is rather illogical. We would wipe out everybody.

All of my friends on the Democratic side, I think with very few exceptions—I can think of only one, whose remarks may not have been interpreted as fully supportive of the President of the United States—are fully supportive of the President and the leader of their party. Does that mean they should all, therefore, be disqualified? That they cannot make rational judgments? Or that all of their judgments will be made just simply on a partisan basis? I hope that is not the case.

I do not think that it is right to then apply that logic to a Member or Members of the Republican side, to say you cannot make judgments because you support this candidate, you are in a key position, and therefore you are not going to be able to be impartial and fair.

I have attempted to discharge my duties in a fair and even-handed way. I have attempted to do that. I am not going to tell you that I have not made mistakes. But certainly I hope that the minority will acknowledge that we have attempted to run this committee in a fair manner; wherever possible, and in 90 percent of the cases, subpoenas that have been issued in a bipartisan manner; in terms of working out problems—even when we have had some of the most rancorous disagreements, we have eventually been able to settle them.

I am not going to be able to, nor will I attempt to, say who has been right and who has been wrong. Sometimes

we may have asked for information in an overreaching way. And my colleagues rightfully have said, "Wait a second." And we have attempted to accommodate their concerns.

There was only one instance when we came to the floor of this Senate, where we could not reach an agreement, and even in that case eventually we did. And the information that we sought—let me go right to the heart of it, the notes of one of the White House employees, Mr. Kennedy—was found to be appropriate. I ask anybody if they thought we got information we were not entitled to? Of course we were entitled to that information. You cannot on one hand say we are being cooperative, we will not raise the privilege issue, executive privilege, and then on the other withhold. So we even in this case; but again the important thing is that we came to a definitive termination that avoided a test in the courts. Those famous notes revealed a series of meetings. They revealed the question of the Rose Law Firm and, of course, even now is open to interpretation as to a question of what they mean by a "vacuum" in the Rose files. Reasonable people might disagree on that. I would find it hard to give one interpretation. But that is honest disagreement.

One of the reasons that our colleagues find that we are in this position today is because we did not think—nor did I believe—that there would be these delays. It was my hope that we would wind these hearings up before we got into this session. It was always my hope. When I say session I am talking about and I should say season; the political season that is upon us but still has not come upon us as it relates to the general election. And again, I hope that we can bring these hearings and get the facts sooner rather than later. I am not looking to run this thing. I say that to my friend and colleague, Senator DASCHLE, and other colleagues.

But here is the problem that I have and I think we legitimately have. And it is not something that is new. It is not novel. It did not just become visited upon us. And our colleagues in their book, again, "Men of Zeal," by Senator COHEN and former majority leader, Democratic majority leader, Senator Mitchell, said finding the committee's deadline—talking about the Iran-Contra, and the deadline that they had fixed to the committee to finish its work—"provided a convenient stratagem for those who were determined not to cooperate. Bureaucrats in some agencies appeared to be attempting to thwart the investigative process by delivering documents at an extraordinarily slow pace."

This was their observation about what took place during these hearings less than 10 years ago; during their problems. Listen to that. "Bureaucrats in some agencies appeared to be attempting to thwart the investigative process by delivering documents at an extraordinarily slow pace."

I mean as much as things change they never change, when you set a deadline on these kinds of things, as our colleagues are calling for. "But, perhaps most importantly, the deadline provided critical leverage for attorneys of witnesses in dealing with the committee on whether their clients would appear without immunity and when in the process they might be called."

I have to tell you that we have been experiencing that. That is not because of the ill will of my Democratic colleagues. I do not say that is a cabal that has been hatched by the Democratic Party, or their stratagem. I just say if you are an attorney representing your client and you are going to do what you can to protect the client—and it may be that you are going to assert various privileges—It may be that you are going to do whatever you can to get past a particular time or deadline. That is a fact.

Let me go to one of the conclusions again, and it is important to know that these men—colleagues of ours, distinguished colleagues of ours, the former Democratic leader writing this to share with us their insight, candid inside story, of not only the events that transpired, in the attempt to leave us a blueprint for what we should or should not do and some of the problems attendant—in their conclusions they say, "Setting fixed deadlines for the completion of congressional investigations should be avoided."

This is not Senator D'AMATO. They go on to say, "Such decisions are often dictated by political circumstances and the need to avoid the appearance of partisanship."

I suggest to you that is one of the reasons we originally set a time limit because we wanted to avoid that. It is exactly on point, and it is the intent of this Senator—and it is still the intent of this Senator—to keep this out of the partisanship. The Banking Committee, which essentially serves as the mainstay of this Whitewater committee, has acted in a bipartisan manner, I have to tell you, in 90 percent of our undertakings.

I ask my colleagues to think about that. It is not the intent of the chairman of that committee to bring us into a situation that is not going to reflect well upon Republicans or Democrats—the work of the committee, both the Banking Committee and now as a Whitewater committee. It is not my intent. Indeed, it was with that intent in mind that we worked out a date for attempting to finish—listen to the words which are prophetic. I wish my colleagues, when we were attempting to affix a time limit to this that would have been cognizant of this warning because that is what it is. "Setting fixed deadlines for investigations should be avoided." And it goes on to say again with great clarity, "But such decisions are often dictated by political circumstances, and the need to avoid the appearance of partisanship." That is how it is that we came to this situation. "In this case, a compromise was struck between those who believed an

adequate investigation could be completed within 2 or 3 months and those who believed no time limitation was necessary."

It goes on to conclude that, "We hope that in future cases such an artificial restraint on this pursuit of facts will not be necessary."

That is what we have. We have an artificial restraint in the pursuit of facts, not occasioned by meanspiritedness, not occasioned by benevolence, no one fixed this date. As a matter of fact, we chose this date to attempt to avoid this debate.

Look. The Rules Committee did not have a quorum. Otherwise, we could have brought this amendment to the floor without asking for unanimous consent. I hope that next week at some point—I think Tuesday—the Rules Committee is scheduled again to take this matter up so that we can come to the floor without asking unanimous consent. At that point, my colleagues will have every right to raise their objections to have extended debate; indeed to undertake that which we have commonly known—and they are determined not to have a vote—as a filibuster. I think that would be wrong. But that is their right. I still hold out the hope that somehow, some way, men and women of good will can work out a way in which the committee can proceed to do its work without the need for us tying up the floor for days creating a political event, one that is highly charged, one that I suggest does not benefit either Republican or Democrat, one which I would just as soon avoid. I say that with all sincerity. I think I have some credibility with my colleagues that if I give a commitment, I keep the commitment. I want to work out this dilemma.

I thank my colleagues for being patient so I could give a speech that is not all written down with dates and times and who held back what and why and when. We are here at this point. I say let us say that everybody had engaged in this with their best effort—the White House witnesses, the people that have been called forth. We still do not have the facts. Let us not ascribe it to ill will. We have a duty to gather the facts. Let us see if we cannot do it in a way that makes sense, that fulfills the obligations of the committee without the rancor, and without the partisanship.

Let me say this to you. This is not one-sided. I do not say here that my colleagues on the Democratic side have been the only ones to make unwarranted attacks. There have been plenty of attacks on both sides. There has been plenty of conjecture—plenty of it. I think it is about time though, that at least we control our own actions; we cannot control everybody out there in the universe. We cannot even control some of those who support us on either the Democratic or the Republican side. But at least we can control how we conduct ourselves, and how we move forward with what statements we make.

I could fight it out just as tough as anybody else. I do not think I am

known as a shrinking violet. I have to tell you I think there is a point when we should attempt to come together—we have between now and next Tuesday—to see if we cannot work out some reasonable way to avoid some of the pitfalls that have been outlined in "Men of Zeal" and those pitfalls that we have already experienced. Again, if we set an arbitrary time limit, it invites the kind of thing that our colleagues, Senator COHEN, and former Democratic leader, Senator Mitchell, experienced. It will inevitably take place. We have seen some of that already. Again, I do not say it will be through any malicious actions of one party or the other.

Again, if you are an attorney attempting to defend your client, you are going to avail yourself of everything possible. You are not going to be concerned about the committee and its duty.

I would suggest, by the way—and I just leave you with this last thought—if we do not set a time line it will provide occasion to those who may be attempting to hold back to get past that date, to be more forthcoming because they are going to know that these matters, whatever they are, whatever the testimony, whatever the documents are going to come out. Better to let the chips fall where they may now as opposed to later.

I suggest to you that we will probably have a good chance of winding this up sooner rather than later. Can I give assurance, and I am willing to give assurance as to some specific time that we will cut it off? If the facts lead us to move forward, or if we have the occasion to move forward, then I think we will have to do that. Maybe we can agree to a situation whereby after the trial—and I am putting this forth; I am thinking out loud; I suggest this to the Democratic leader—after the trial, and after a certain period of time, that the leaders will confer again and we may have to come back to the investigation. You may at that time say it is unreasonable or we are going to a filibuster or we are not going to do it.

But let us attempt to work our way out of this together as opposed to us insisting and my colleagues and friends on the other side of the aisle taking their position of raising their rights and going to a filibuster. Let us see if we cannot find a solution to this problem that will permit the committee to do its work in the proper way, and to find the facts.

I thank my colleagues and my friends for affording me this opportunity.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, my colleagues from the Banking Committee, especially the ranking member and

the distinguished Senator from Connecticut, are far more qualified to address many of the points raised by the chairman of the Banking Committee than am I. And let me say at the outset, I thank them for the remarkable job that they have done over the months in addressing this very difficult matter as ably as they have, day after day, week after week. I will leave it to them to raise many of our shared concerns and respond to many of the specific points that have been raised by the chairman.

The chairman has spoken now for over 45 minutes. In spite of all of his assurances and in spite of all of the explanation we have just heard, Mr. President, this issue boils down to one which is very simple. This issue has now become a political one.

The motivation is very clear. It is politics pure and simple. That is what it is. We ought to recognize it as that. We need to deal with it. We ought to confront it. We ought to try to find ways to contain it. But that is really what this issue is about. It is politics. And the chairman so ably stated before the Senate Rules Committee a year ago that the single biggest reason why it was so imperative that we finish by the 29th of February—the 29th of February—is that, and I quote, “We want to keep it out of the political arena, and that is why we have decided to come up with a 1-year request.”

That is our chairman. He was right then. And unfortunately, I am disappointed that he has changed his mind now. There has never in the history, to our knowledge, of the Senate been a request of this kind—never. It is unprecedented. No one has ever said we want a fishing license to allow us to go for whatever length of time it takes. Such proposal has never been made before. And never have we found ourselves in a situation like this in a Presidential year.

Is it coincidental that given all the problems we see now in the Republican Party that they conveniently need another 6 or 7 months to take this into the Republican and Democratic Conventions? Is that what it is all about? This is unprecedented, and it is wrong. I daresay there are a lot of Members on the other side of the aisle who know it is wrong.

Mr. President, it is not just the length of time and the amount of money that we have already expended that concerns me; it is the nature of this whole investigation. Were it not for the able leadership given on so many occasions by the ranking member and so many of our colleagues on the Banking Committee, I do not know what this committee would have done. But to make an initial request that over an 18-month period any communication of any kind relating to any subject by the President, the First Lady, any present or former White House employee or any employee of the RTC and dozen and dozens of other named individuals be turned over, is

that a fishing license or what? Is that a witch hunt or what?

The committee authorized a subpoena asking for all telephone calls from the White House to area code 501, the entire State of Arkansas, for a 7-month period. What is that? Is that a reasonable request? Above and beyond the committee's overbroad authorization, the majority staff unilaterally issued a subpoena for all White House telephone calls from any White House telephone or communications device for a 7-month period to anywhere in the country.

So I hear the chairman talk about how difficult it has been to get a response from the White House, how much they have been dragging their feet. My heavens, how could anyone comply with requests of that nature. I am surprised that they have gotten anything if the nature of the requests has been as broad as this. But the fact is that White House cooperation has been extensive. So that is point No. 1.

Point No. 2 is that this committee has already been operating longer than any other we have experienced in the Senate in recent history. The Watergate committee has now run for 20 months, almost 2 full years. How does that compare to ABSCAM? Do you remember that one? That lasted 9 months. What about the POW/MIA committee? I was on that one. The effort that we made on both sides of the aisle to come up with information about what happened in Vietnam, what happened to all of the POW's and MIA's who are still missing, do you know how long we spent on that? The Congress spent 17 months investigating that, and came up with a 1,000-plus page report. Watergate only lasted 16 months. The Iran-Contra hearing mentioned by the chairman, that only lasted 10 months.

So, Mr. President, I must say 20 months and counting with a request for an indefinite time period from here on out to keep going regardless seems extreme. Our majority leader had it right. Our majority leader in talking about this issue—and you talk about men of zeal; he could write a chapter himself—this is what the majority leader had to say. He said, “If we get bogged down in finger pointing, in tearing down the President and the administration, we are not just going to be up to the challenges ahead but all of us, all Americans will be the losers.” That was the majority leader, BOB DOLE, as he was talking about the Iran-Contra inquiry. They made a prudent decision to come to some closure here. They took 10 months to do their work.

The third point I would say is equally as important. I do not know how much longer we can continue to ask the taxpayers to fund this fishing expedition. We have already spent over \$1.3 million. The independent counsel has spent \$26 million and counting. We do not know how much the House has spent. But it is our estimation that we have already spent over \$30 million investigating this matter—\$30 million.

I do not know whether anybody cares about what that would buy, but it buys about 26 million school lunches. It would fund 400 cops on the street, and 15,000 computers in America's classrooms. I could go on and on, if you want to get a better picture of what \$30 million buys.

And when you talk about hearings, it is interesting; the American people want us to start looking into ways we can improve public education, ways we can improve the crime situation, ways that we can deal with good jobs and good health care. Do you how many hearings we have held on crime? We have had 12 days in this entire 104th Congress on crime. Do you know how many days we have spent on jobs in this whole 104th Congress? We have spent zero days. We have not found the time to find 1 day to ask people to come in to see if we can deal with the chronic problems we have in the economy in dealing with underemployed and unemployed people.

What about health care? We have not found the time to hold any hearings for health care either. Zero. Zero days on health care, zero days on jobs and the economy, 3 days on public education.

So I do not know, Mr. President, it seems to me we ought to be relooking at what our priorities are in this Senate.

The fourth point I would make is this. The chairman has said time and again that he has to wait for the end of the trials that are ongoing. The independent counsel begins next week. But we also know that on October 2 the chairman advised Kenneth Starr that the special committee did not intend to call the trial defendants and could not delay the committee's proceedings to accommodate the independent counsel.

There has not been any change in the factual circumstances, Mr. President, to explain this—I will not call it a flip-flop—but this change of heart on the part of the chairman. In any event, regardless of why he has changed his mind in that short period between October 2 and now, February 29, the legal proceedings relating to those trials could go on for years. We have seen it happen in Iran-Contra. We have seen it happen in a whole range of other cases. We have no guarantee it is going to be finished this year. I think there is a chance that none of us may be in the Senate when all that work gets done. Who knows how long this is going to last. And whether convicted or acquitted, the defendants retain their fifth amendment protections against self-incrimination. So no one should be misled, the end of the first phase of those court proceedings are by no means—no means—an indication that they will then be prepared to come before the Banking Committee.

So, Mr. President, the American people know what this is all about. They know it is a political fishing expedition. Poll after poll has shown what we already know in this Chamber. The

D'Amato hearings are politically driven. By a large margin, the poll just completed yesterday, 66 to 22, the D'Amato hearings are seen as politically driven. The public opposes granting—

Mr. D'AMATO. Mr. President, personal privilege. I do not think the minority leader—may I make a point of order? When we address Members and begin to address Members by their names, when we begin to bring this business of calling them "D'Amato hearings," I think that the minority leader is out of line. I make that point.

Now, if the minority leader wants to attempt to get into personalization, then take it off the floor. Then you might be absolutely within your rights as a citizen, but not on the Senate floor.

Mr. DASCHLE. Mr. President, the hearings chaired by the distinguished Senator from New York, Senator D'AMATO, are hearings that the public fully appreciates and fully understands. The hearings chaired by the distinguished Senator from New York, Senator D'AMATO, are political. By 71-23 percent, the American people say it is time to let the independent counsel complete its work.

We have laid out in as clear a way as we can our sincere desire to come to some resolution to this issue. In the last several days we have made a good-faith effort to say, let us resolve it. We do not want to politicize it, we do not want it to drag on forever, as some on the other side would have us do. We have proposed that we finish the hearings by April 3 and complete our work by May 10. That is reasonable. It is way beyond what any other committee has done on any other set of circumstances involving investigations in the past.

We, too, hope we will not be compelled to prevent the committee from completing their work next week. Let us resolve this matter in a bipartisan way, in a way that accommodates the needs of the committee but also accommodates the recognition that we need to do our job on a whole range of other issues that must be addressed this year. With that, I yield the floor.

Mr. SARBANES. Would the Senator yield for a question?

Mr. DASCHLE. I will be happy to yield to the Senator from Maryland.

Mr. SARBANES. I say to the distinguished minority leader, when this resolution was enacted under which the special committee has been operated with the February 29 deadline, was it not the recognized intention at the time that this was in an effort to keep it out of the political season?

In fact, the chairman of the committee, Senator D'AMATO, stated when we were before the Rules Committee—and I quote him—"We wanted to keep it out of that political arena. That is why we decided to come forth with just the 1-year request."

And I, in appearing with him before the Rules Committee, stated, "I think it is important to try to finish this in-

quiry, to be very candid about it, and not take it into an election year with the appearance and the aspect that it is an election-year political effort."

I say to the leader, was it not the understanding at the time that we wished to keep it out of the political season, a view expressed by both Republicans and Democrats?

Mr. DASCHLE. If the Senator will allow me to respond, Mr. President, the answer is absolutely yes. We decided last year that this had extraordinary political sensitivity. We understood last year that this would be a Presidential election year, and that before we got mired in all the Presidential politics, before we ended up trying to resolve this in the midst of Republican and Democratic conventions, that it was critical that we came to closure. That was critical, that we allow the independent counsel to do its work. That is why Senator D'AMATO said it so well: "We want to keep it out of the political arena. That is why we feel the need for a 1-year request."

So the Senator from Maryland is absolutely right. It was our intention back then, it is our intention now. Let us keep it out of the political arena.

Mr. SARBANES. This issue that we are facing now has been prompted, has it not, by the request by the chairman of the committee, the distinguished Senator from New York, Senator D'AMATO, for an additional \$600,000 to carry on the inquiry for an unlimited period of time?

The distinguished minority leader put forward a proposition to allow the committee to continue until the 3rd of April with hearings and a little over a month thereafter to file the report with additional funding of \$185,000, which would enable the committee to go on to do the last set of hearings but not involve us in an open-ended inquiry that could carry right through the entire political year. Is that not correct?

Mr. DASCHLE. The Senator is correct. Our intent—I think the intent of every Member when they voted on the authorization last year—was to maximize the opportunity that we get our work done, to do all we could to resolve what outstanding questions there were, and then to complete our work with the opportunity to write a report by February 29.

Mr. SARBANES. Chairman D'AMATO has quoted the Iran-Contra. I just want to turn to that for a moment, if the distinguished leader would indulge me. At that time Senator DOLE—and the distinguished leader quoted one of his quotes—but Senator DOLE also said, "I am heartened by what I understand to be the strong commitment of both the chairman and the vice chairman to avoid fishing expeditions and to keep the committee focused on the real issues." He was working for a limited time period, originally just 3 months. In the end, a longer period was established. But it was pointed out at that time that it escaped no one's attention that an investigation that spilled into

1988 could only help keep Republicans on the defensive during the election year.

Chairman INOUE, who chaired the Senate committee, and Chairman HAMILTON, who chaired the House committee, recommended rejecting the opportunity to prolong and thereby exploit President Reagan's difficulties. In other words, they were not willing to turn it into a political gain, which is what is now happening here. They determined that 10 months would provide enough time to uncover any wrongdoing.

Let me say to the leader, in order to meet that standard, the Iran-Contra committee, in the period between July 7 and August 6, held 21 days of hearings. It met Monday through Friday, over a 5-week period, with only 3 open days during that period. There were 21 hearings—this is Iran-Contra—in order to complete its work, keep it out of the 1988 election year, and not turn it into a political charade.

We urged the chairman of the committee earlier. In fact, the distinguished leader, I believe, wrote to the majority leader in the middle of January urging that the committee intensify its work in order to complete it by the February 29 date; is that not correct?

Mr. DASCHLE. The Senator is absolutely right. Based upon conversations, discussions we had with members of the committee, it became apparent we were not maximizing the opportunities that were already there. We went days, in some cases weeks, without any hearings in the committee, delaying, it seemed to us, in a very concerted and intentional way the opportunities to complete the work on time.

So without any doubt, there have been many, many opportunities for the committee to continue to do the work that the chairman articulated in his remarks. We have run out of time not because we have run out of calendar, but because we did not use the time appropriately.

Mr. SARBANES. I think the minority leader is absolutely correct.

Let me draw this contrast. I want Members to focus on this. This is the hearing schedule in the Iran-Contra hearings, an instance in which the Democratically controlled Congress set a date and undertook to meet it in order to keep that inquiry out of—out of—the Presidential election year. In other words, we sought not to play politics with that issue, and in order to complete in a 1-month period, we held 21 days of hearings in order to complete that work.

Contrast that with the Whitewater hearings over the last 2 months of the committee's existence—not the last 1 month; the last 2 months. In January, no hearings this week; no hearings except 1 day; no hearings here except 2 days; no hearings here except 2 days; 2 days. Eight days of hearings over the entire month of January, 8 days only during the entire month of January.

Actually 7 days. I misspoke; 7 days of hearings.

In February, did it get much better? No, it did not. In the month of February, 8 days of hearings. Seven days in January, 8 in February, for a total of 15 over a 2-month period, as we are coming toward the deadline. Contrast that with the Iran-Contra committee, which held 21 days of hearings in a 1-month period as it approached its deadline in order to complete its work.

In fact, this week there are no hearings at all. Last week, there was only one hearing. So instead of an intensification, which the leader requested and which we urged on the chairman of the committee, we had just the contrary—just the contrary.

It was our articulated position in mid-January, and one I continue to hold to in retrospect, that if we had followed an intense hearing schedule, as the Iran-Contra committee did, the work could have been completed. That did not happen. Then we get a request for \$600,000, which would take this committee's allocation up to \$2 million, and an indefinite time period for the inquiry.

The minority leader, the distinguished Senator from South Dakota, offered an alternative, which I thought was eminently reasonable. The alternative of the minority leader provided that the hearing schedule would be extended 5 weeks, until the 3rd of April, and the time for the filing of the report until the 10th of May.

This matter was taken up in the committee and it was rejected, I regret to say, on a straight party-line vote of 9 to 7; an eminently reasonable proposal. The proposition now that advanced out of the Banking Committee and went to the Rules Committee, the resolution that Chairman D'AMATO is referring to, is a proposal for \$600,000 and an indefinite time period, which, of course, guarantees that this matter will be carried out right through the election year.

The public confidence in this inquiry, to the extent it has not yet been eroded, will, in my judgment, be severely eroded by pushing this inquiry further and further into the election year. That was recognized when we passed Resolution 120.

I think there is a growing perception in the country that these hearings are being seen as being politically driven. Of course, that undercuts the credibility of the hearings. The public contrasts the attention and hearings here compared with no hearings on Medicare cuts, hardly any hearings on jobs, and so forth. The independent counsel is there to carry out inquiry, in any event, and many obviously feel that he should be allowed to do his work.

No congressional committee has ever placed itself behind an independent counsel. We did not do that in Iran-Contra, and we should not do it here.

I say to the leader that an intense hearing schedule could complete this matter. That is what ought to be done.

I think the proposition put forward by the leader is right on target.

Mr. DASCHLE. If I can just respond to a point made by the distinguished ranking member, I direct attention, again, to the chart that the distinguished ranking member has displayed, because I think it really—keep the one that is right here; that is the one that I think says a lot.

Mr. SARBANES. I have both January and February.

Mr. DASCHLE. But the one in February, I think, makes the point you have been making very well. We have heard the assertions by the chairman of the committee that, indeed, they need the extension of time to hold more hearings. And yet, if you look at just February, no hearings were held on Mondays. No hearings in the entire month of February were held on Fridays. No hearings in the entire last week prior to the expiration of the resolution were held at all. No hearings, except for one, were held in the second to the last week in February.

So it seems to me, Mr. President, that, indeed, this chart speaks for itself and is the best response we can make to the consideration of additional time.

If there was such a need, why did they not meet on Mondays? Why did they not feel the need to meet on Fridays? Why did they not hold any hearings in the last week in February? Why just one in the second to the last week?

Mr. President, I thank the ranking member for so clearly articulating what the circumstance has been during this critical last month of effort by the committee itself.

Mr. SARBANES. Let me just make the further point to the leader, in these months of January and February, the Senate was not in session voting on the floor. We urged the chairman of the committee to have an intense hearing schedule, which would be made easier by the fact that it would not be interrupted for votes, that we would be able to really begin early in the morning and go late into the day.

Many of these hearings that were held began at 10:30 or 11 o'clock and ran until 1:30 or 2 o'clock in the afternoon. Not all of them; some extended through the day. But once again, the comparison between this hearing schedule and what occurred in the last month of Iran-Contra is absolutely dramatic.

In spite of the fact that we did not have intensified hearings, the minority leader said, "Well, we'll provide some additional time." That was the alternative that was offered.

In other words, Chairman D'AMATO said, "Well, we want the \$600,000, and we want an unlimited time period to carry on this inquiry," right straight through 1996, I assume, until the eve of the election. My distinguished colleague from Illinois commented in the committee one day. He said, "There will be no more hearings after November 5." He said, "I can guarantee you

that," if he will recall making that statement. That would obviously make it political—the very thing that Senator DOLE spoke about in 1987 when we were considering the Iran-Contra, and the very thing that was spoken about here last year when we were considering this committee, on both sides of the aisle. Then at least there was a recognition of the desirability of keeping it out of the political year, not politicizing the inquiry, and not leading to a public perception that what was going on was a straight political exercise.

Now, the minority leader, in order to try to accommodate, I thought, made a very reasonable proposal. That is the one that we offered in the committee and, unfortunately, it was rejected on a straight partisan vote. A straight partisan vote rejected the proposition for a further extension until the 3d of April, and some time beyond that, to do the report. And so the proposition now that moved out of our committee, and is pending in the Rules Committee, is for an indefinite extension and \$600,000 worth of additional money.

I say to the distinguished leader that, in my perception, he has offered a very reasonable proposition. My own strong view, obviously, is that it should have been accepted. I do not think that we ought to undertake an indefinite extension. I think that is an unreasonable proposal on its face, and that is the issue that is now joined, that we are now contending with here on the floor of the Senate. But the contrast between Iran-Contra and how that was handled by a Democratic Congress with a Republican administration could not be sharper.

Mr. DODD. Will the minority leader yield?

Mr. DASCHLE. I will soon yield. I was just given a notice that would be of interest, I think, to our colleagues. Congressman HENRY GONZALEZ just released the February 25, 1996, supplemental report to the Resolution Trust Corporation, entitled "A Report on the Representation of Madison Guaranty Savings and Loan by the Rose Law Firm." In releasing the document, Congressman GONZALEZ makes the following very brief statement:

The report completely supports the Clintons and shows that they have been wrongly accused. The report shows clearly that the Clintons told the truth about Whitewater. As for Madison Guaranty Savings and Loan, the Clintons knew nothing about the shady activities of Madison's owners. With regard to the charges that Mrs. Clinton knew about wrongdoing in the Casa Grande development, the report shows that these claims are false.

Mr. President, I yield to Senator DODD.

Mr. DODD. Mr. President, I was going to raise that question. I was wondering whether or not the minority leader is familiar that the report prepared by Pillsbury, Madison & Sutro, at the cost, I point out, of nearly \$4 million, using the services of former Republican U.S. attorney Jay Stephens. They reached the conclusion—to quote from the report, that "there existed no basis

whatsoever. There is no evidence, however, that the Rose Law Firm had anything to do with the sales. In essence the evidence suggests that these transactions were put together by Mr. McDougal and others at Madison." It further concludes, "It provides no basis for any sort of claim against the Rose Law Firm and, hence, Mrs. Clinton."

I point that out and ask the leader whether or not he is aware of this. But the earlier report, which this latest report supplements, concludes on page 78 of the report, "Therefore, pending the results of the criminal case, it is recommended that no further resources be expended on the Whitewater part of the investigation." Was the minority leader aware of that conclusion?

Mr. DASCHLE. I respond to the distinguished Senator of Connecticut that I was not aware, until today, that the report had been completed and made available, and that it had such a resounding exoneration of the Clintons. I am not sure all of our colleagues are aware who wrote the report and under what circumstances this investigation was taking place.

Mr. DODD. It was done by a private law firm hired by the FDIC—not Congress, or by Democrats or Republicans—that has expertise in this area. The law firm is Pillsbury, Madison and Sutro, located, I think, on the west coast, using the services, I point out, of a former Republican U.S. attorney, Jay Stephens. They spent \$4 million, in addition to the almost \$26 million being spent by the independent counsel, the almost \$2 million for the committee—and I do not know what the number is in the House—totaling more than \$30 million spent on this investigation. Here is their report now that was added because, after the billing documents were discovered in December, they decided they better wait and take a further look at this. These conclusions are based on after examining those billing records that the people have talked so much about. Their conclusion is to stop it, do not spend another nickel on this, not another red cent. That is the conclusion of an independent body under the leadership of a former Republican U.S. attorney. Stop it. No more money on this.

Now, I inquire of the minority leader. That is not what we recommend. The minority leader's recommendation was to allow another month of hearings, and another month after that for a report to be filed; is that not correct?

Mr. DASCHLE. The Senator is absolutely correct. Just to make sure everyone fully appreciates what it is we are suggesting, you have an extraordinary investigation being conducted, as the Senator has indicated, by an independent body, largely directed by a Republican, who is not known for his love or affection for the President or the First Lady, who have concluded, as was just indicated, that there is no merit to continuing any further in this investigation. That is No. 1. Then you have an independent counsel whose ac-

tivities and extraordinary amount of effort already put forth will go on for who knows how long, requiring millions and millions of dollars more and months and months and months more. So we have on top of that a Senate committee, which has now been in existence for more than 20 months, which is not asking for a week, 2 weeks, or 3 weeks to complete its work. But they want an unlimited amount of time. They cannot tell us whether it is going to be this year, next year, the year after, or how much longer they are going to want.

So I say to the distinguished Senator from Connecticut, the recommendations made by the Pillsbury report, I think, are shared by the vast majority of the American people. It is time to end this. We have to take those limited tax dollars and put them to better use here, in areas like education, the environment, in hearings on how to find better jobs, in areas that this Senate ought to be directing its effort toward, not in more politicized Whitewater investigations.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The minority leader has the floor.

Mr. DASCHLE. I yield to Senator DODD.

Mr. DODD. I say further to the minority leader, I do not know if he was aware of the amount of work. But here are almost 300 pages of a report by the Pillsbury firm. It was the initial report in December, and then this is the supplemental report of February that comes in. There is in excess of 300 pages after a 2-year study, by the way. This is 2 years of work, some \$4 million, as I pointed out earlier. I was not aware whether or not the minority leader knew exactly how extensive this report was.

Further, may I inquire of the minority leader, he pointed out earlier how much time had been spent on matters such as Medicare, Medicaid, education, health, and the environment. I inquire of the minority leader whether or not he was aware that over the past 2 years, in addition to almost 50 hearings, by the way, on the Whitewater matter, and I gather another 15 hearings on Waco and Ruby Ridge, some 60 hearings, more than 60 hearings were conducted, juxtapose that with the hearings that were not held, frankly, in this 104th Congress on the issues that people do care about.

The minority leader, was he aware of the number of hearings?

Mr. DASCHLE. First, I respond by saying I was not aware that \$2 million had been spent on the Pillsbury investigation—

Mr. DODD. Mr. President, \$4 million.

Mr. DASCHLE. Excuse me, \$4 million on the Pillsbury investigation.

They have now completed their work. As the Senator from Connecticut has indicated, they have recommended that there be nothing else done. They have completed their work, they have come to a definitive understanding of what

happened, and are recommending that no additional action be taken. In spite of that, we are recommending additional time.

The Senator makes a very important point. In a poll taken just recently, the American people said of all the issues that they care the most about, public education by more than 2 to 1 is the most important priority that they hope the Senate and the Congress will devote its attention to; following closely is the effort to control crime.

Mr. President, 64 percent, almost as many people, felt we ought to look at the economy and good jobs. Here we have the American people saying, if it is up to them, they want to talk about education, they want us to deal with it. They want to talk about crime control and want us to deal with it more effectively. They certainly want us to try to find ways to build an economy that creates better jobs.

Yet, on those issues, there have been no hearings on the economy and jobs designated to examine ways with which to try to improve this situation. Of all the days we have had, now more than 400 days since the 104th Congress began, we can only find 3 days out of more than 400 to find time to hold a hearing on public education—3 days.

Mr. President, I think that speaks for itself. We can do better than that. In part, that is really what this is all about. Where do we put our attention? Do we really feel the need not for another month, not for another 2 months as we propose for the hearings and the report, but for an unlimited period of time? Do we really feel the need to go on and on and on with these hearings, given the record just in the last month of February, of this committee and the work that it has done so far?

Mr. DODD. Further, I inquire of the minority leader—he made the point earlier about other investigations that have been done by Congress. I asked our staff to compile a list of the most prominent of those hearings, Watergate being the one that most people probably recall the best, with the Church committee, going back to 1975. Some Members may recall that committee's work. Billy Carter and Libya—we have probably forgotten about that, but that got a lot of attention—ABSCAM; Iran-Contra; HUD; POW-MIA.

I just inquire, in every single one, I do not know if the minority leader was aware, but every single one of these hearings there was a termination date. I do not know if the minority leader was aware of that. I ask unanimous consent, Mr. President, that this list be printed in the RECORD for the purpose of people looking at it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL INVESTIGATIONS

1. Watergate:

Authorizing resolution—February 7, 1973.

- Initial reporting date—February 28, 1974.¹
 Final report—June 27, 1974.
2. Church Committee (Intelligence activities):
 Authorizing resolution—January 27, 1975.
 Initial reporting date—September 1, 1975.
 Final report—April 1976.
3. Billy Carter (and Libya):
 Authorizing u.c. agreement—July 24, 1980.
 Date for interim or final report—October 4, 1980.
 Report (designated interim, actually final)—October 2, 1980.
4. Abscam:
 Authorizing resolution—March 25, 1982.
 Reporting date—December 15, 1982.
 Final report—December 15, 1982.
5. Iran-Contra:
 Authorizing resolution—January 6, 1987.
 Initial reporting date—August 1, 1987, extendable to October 30, 1987.
 Final report—November 17, 1987.
6. Special Committee on Investigations, Indian Affairs (Federal administration of mineral resources and other matters):
 Authorizing resolution—April 12, 1989.
 Initial reporting date—February 28, 1990.
 Final report—November 20, 1989.
7. HUD/MOD Rehab (Banking Committee):
 Authorizing resolution—November 21, 1989.
 Reporting date—February 28, 1991.
 Final report—November 1990.
8. POW/MIA:
 Authorizing resolution—August 2, 1991.
 Committee to terminate—end of 102d Congress (January 2, 1993).
 Final report—January 13, 1993.
9. Leaks (Judiciary—Anita Hill; Ethics—Keating):
 Authorizing resolution—October 24, 1991.
 Reporting date—not later than 120 days after appointment of counsel.
 Final report—May 13, 1992.
10. First phase of Whitewater:
 Authorizing resolution—June 21, 1994.
 Reporting date—end of 103d Congress.
 Report—January 3, 1995.

Mr. DODD. Mr. President, every single major investigation done by the U.S. Congress over the last 20 years that I can find in resolutions that had to come before this body had termination dates in them, primarily because of the very reason the minority leader has raised the issue today—they become open ended, they become political, it becomes a fishing expedition. That is why the wisdom of our colleagues historically has said, "Look, we will let you run, but you do not run indefinitely. You have to finish up your work. If you do not, we know what you do." They did not say "Republicans," they did not say "Democrats." They said, "All of you." We will put a termination date on here so you come back to the full body and report and get it over with.

Otherwise, these things go on indefinitely. With all respect to my colleague from New York, his proposal is just that—to go on indefinitely with another half million dollars.

I inquire of the minority leader whether or not he was aware that, in fact, there were termination requirements in every single major hearing by this Congress?

Mr. DASCHLE. I respond to the distinguished Senator from Connecticut

saying the answer is, yes, I was aware of it. I think most people are aware this is an unprecedented request. Never, at least in recent history here in the Senate, has a committee ever asked for an unlimited amount of time to continue an investigation. Never. The list that has just been submitted for the RECORD demonstrates what has happened through all the investigations that we have had in recent times. We have submitted a date. Now, in some cases those dates have been extended. In fact, I think that happened with the Iran-Contra at one point. Those dates had to be extended.

However, in no case has any committee been given the authorization for an unlimited period of time to continue to carry on whatever it is they were doing. This is unprecedented. This is precedent setting and just one of the myriad of reasons why we feel so strongly about the impropriety of this request.

Mr. SARBANES. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. SARBANES. One of the strongest—

Mr. D'AMATO. Mr. President, is that for a question?

Mr. SARBANES. Yes.

Mr. D'AMATO. I just wanted to ascertain if it was for a question or for the purpose of yielding the floor. It is proper to yield for a question. I have now watched this discussion and observed this for a period of time, but I do believe there is a manner by which Members can seek the floor. It should not be by way of any Member yielding to a Member unless it is a unanimous-consent request and reserving time. Certainly, the posing of a question is proper, and if it is yielding for a question, I understand and will not object.

I ask my colleagues, in the interest of comity, because the Senator from New York would have engaged in the same situation and I understand people want to make their points, but there are others who would like to make their points. I hope that if you yield it would be for a question and we can work out some way in which my colleagues can make their points without having to impinge on the rules.

Mr. DASCHLE. We could probably ask the clerk how much time has been allotted to this debate so far and who holds the majority of time so far consumed. I know that the chairman had a good deal of time to express himself, and we did not object to that. We certainly will not object to further comments by the chairman or anybody else, but certainly in keeping some balance, I certainly hope that he understands the need for us to have an equal opportunity to address many of the points he raised.

I yield to the Senator from Maryland for a question.

Mr. D'AMATO. May I inquire of the clerk if they have kept time?

The PRESIDING OFFICER. The Democratic leader has the floor.

Mr. DASCHLE. I yield to the Senator from Maryland for a question.

Mr. SARBANES. Is the minority leader aware that one of the strongest advocates of placing a time limit in order to ensure that the hearings would not drag into a political year was the then-minority leader, now majority leader, Senator DOLE, at the time of Iran-Contra?

At that time, he said there was a conflict between some Democrats, both in the House and Senate, who wanted no time limitations placed on the committee and Republican Members who wanted those hearings completed within 2 to 3 months, which was an absolutely truncated period.

I want to point out that we joined in a resolution last year in May that carried these hearings to February 29, so we made no effort then to have such a truncated period that it would not be possible to do the work.

Senator DOLE then said he wanted to shorten the time period even more. He says, "I do believe that shortening the time period from October 30 to August 1 is a step in the right direction. If, in fact, we do want to complete action on this resolution at the earliest possible time, then the August date will be extremely helpful."

Then he went on to say, "I am heartened by what I understand to be the strong commitment of both the chairman and vice chairman to avoid fishing expeditions, to keep the committee focused on the real issues." Later in debate he said, "There is still a national agenda that needs to be pursued. There are a number of issues that must be addressed. The American people are concerned about the Iran-Contra matter, but they are also concerned about the budget, about the trade bill, about health care, and a whole host of issues that will have to be addressed in this Chamber. The problems of the past, as important as they are, are not as important as the tasks of the future."

Now, the Democratic-controlled Congress recognized—it escaped no one's attention—that if the investigation spilled into 1988, it would keep the Republicans on the defensive during an election year. And Chairman INOUE of the Senate, Democratic chairman, and Chairman HAMILTON of the House, recommended rejecting the opportunity to prolong the hearings. They determined that 10 months would be enough, and they agreed to a termination date.

Mr. DODD. Will my colleague yield to me, in response to a question, just on the point the Senator from Maryland is making?

Mr. DASCHLE. I will yield to the Senator from Connecticut.

Mr. DODD. This is a very good point. I ask the minority leader if he would not agree this is a tremendously important point. I want to point out to my colleagues here and the minority leader that prior to that time, Mr. Poindexter and Mr. North had deleted—this was public information—over 5,000 e-mails. Mr. North had a

¹ Often reporting dates are in the form of, as in the Watergate resolution, "at the earliest practicable date, but no later than _____."

shredding party at the White House, as reported by the United Press International. Fawn Hall had changed sensitive documents on North's orders, as reported, by the way, all prior to the consideration of abbreviating the hearings. I ask the minority leader—so we have had none of this, by the way, under this present investigation.

Here, with this information of shredding documents, destroying e-mails, trying to take documents by stuffing them in their cowboy boots and sneaking them out of the White House—knowing that, with full information, is it not correct, I ask the minority leader, that the point that the Senator from Maryland is making is even more poignant, because even with that information, the Democratically controlled Congress said, give a finite period and wrap up these hearings. Is that not true?

Mr. DASCHLE. Both Senators make a very important point. In the face of tremendous evidence of obstruction of justice, that Congress decided that there were more important considerations.

There has been no finding of wrongdoing in this case. So the analogy that others have used with regard to this particular investigation is wrong. It is baseless. So I think the Senator from Connecticut makes a very, very important point.

Mr. DODD. When the two Senators from Maine made the case about extending the hearings, they were fully aware of this kind of information. Was that not the basis for the point in the book they talk about?

Mr. DASCHLE. That was exactly the basis and that was the whole point made by the Senators in their book.

Mr. SARBANES. Furthermore, if the leader will yield, is it not the case that any charge relating to obstruction of justice will be handled by the independent counsel? This committee is not going to bring such a charge, or instigate any punishment. We do not have the authority to do that. That is something the independent counsel does. And is it not the case that whenever our hearings end, the independent counsel will continue? He has an open-ended charter, and it is his responsibility to look into this matter and to bring charges for any violation of the criminal law.

Mr. DASCHLE. And the record will show, I would say to the distinguished Senator from Maryland, that that is what happened in the Iran-Contra hearings. The investigation, I should say, by the independent counsel, went on and on for years following the committee. So I think the Senators have made a very, very important point.

Mr. PRYOR. Mr. President, will the Senator from Maryland—who has the floor, Mr. President?

Mr. DASCHLE. I retain the floor, and I yield for a question to the Senator from Arkansas.

Mr. PRYOR. I would like to inquire, Mr. President, of the very distinguished Democratic leader.

Yesterday I was sitting in a Finance Committee hearing. We were listening to the Governors' reports on Medicare and Medicaid. And, by the way, we were here almost at the first of March. For the information of Members of the Senate, this was only the fourth meeting this year, the fourth meeting this year of the Senate Committee on Finance.

One of our colleagues on the committee, I say to my colleague from South Dakota, expressed disbelief that we have not yet dealt with the welfare package, that we have not dealt with passing the welfare reform bill. And I happened to calculate, well, one reason we are not dealing with legislation is pretty simple: The Senate is not functioning this year.

As a matter of fact, in 1995, up until this point, I say to my colleague from South Dakota, the distinguished leader of the Democrats, we have had 97 votes; we have had 97 votes in this body. In 1996, by the same date, we have had only 21 votes in the U.S. Senate, in 1996. There is only one committee, for all practical purposes, that has been functioning, and that is the so-called Whitewater committee. In 1996, with 15 hearings, 15 hearings thus far, 47 hearings total—time consumed, resources of the Federal Government. In fact, we have had almost as many hearings of the Whitewater committee as we have had votes in the Senate in the year 1996.

I wonder if the distinguished minority leader was aware of those facts?

Mr. DASCHLE. I was not aware of them, but it goes to the point that we were making earlier, I say to the distinguished Senator from Arkansas, that there have been no hearings on health care, there have been no hearings on the economy and on jobs. There have been only 3 days of hearings on public education—3 days in all of this time.

So the point made by the distinguished Senator is an accurate one. The fact is, nothing is being done. There is no effort to address some of the major concerns that people have expressed over and over in poll after poll. So I think the Senator makes a very valid point.

Mr. PRYOR. Mr. President, I wonder if my distinguished leader would also answer this question. I wonder if the distinguished leader was aware that already the Whitewater committee has deposed 202 persons—202 persons?

Mr. DASCHLE. I was not aware.

Mr. PRYOR. I do not know how that would compare with Iran-Contra or some of the other hearings we have had, but I tell you that is a lot of people to depose.

Mr. President, 121 witnesses have now testified before the Whitewater committee. The Whitewater committee has subpoenaed all long-distance telephone records, domestic telephone records, calls by the White House, and they have examined 45,000 pages of White House documents. I think this is

an unheard of amount of evidence that they are trying to go over and over and over.

Mr. President, also I noted in the Washington Post, finally—finally—the newspapers and press are about to become aware of an issue that I think is also critical to this story, and that is the amount of legal fees, the amount of legal fees that many of these witnesses are being forced to bear. Most of them could not afford these fees. There were stories this morning in the Post about some of those individuals and some of the tremendous, burdensome, and very high, tremendous legal fees that these individuals are being now asked to assume personally—not paid for by the Government, but personally. This will bankrupt them into perpetuity. It will destroy their financial lives and their financial well being. And I hope, Mr. Leader, that we will see a higher degree of sensitivity to those concerns.

Mr. DASCHLE. I think the Senator from Arkansas makes a good point.

Mr. President, it is not my desire to prevent others from seeking recognition. I know the Senator from Illinois has waited a long period of time to ask a couple of questions. I will defer to him and yield to him for purposes of asking the question, and then I will yield the floor.

Mr. SIMON. I thank the minority leader. I appreciate it.

On the point Senator PRYOR just made, that we have had 121 witnesses, Senator SARBANES has described this as a fishing expedition. And you have, Mr. Leader, said absolutely nothing has come up in terms of either illegal or unethical activities on the part of either the President or the First Lady.

Would it be fair to characterize this fishing expedition, that has cost the taxpayers huge amounts of money, that is a fishing expedition going after a whale but so far has not even produced a minnow?

Mr. DASCHLE. That is an innovative characterization. I think the metaphor it represents is an accurate one. There is not much evidence of any real catch here. And that is really what the effort has been all about, to see if they can get a political catch. The political catch has turned up empty.

Mr. SIMON. The Senator from South Dakota, and my colleague from Maryland, for whom I have great respect, have gone further, frankly, than I would go in saying we will continue this until April 3. Frankly, if I could vote to cut it off tomorrow, I am going to vote to cut it off tomorrow, because I think it is getting nowhere. I think the American people understand that. I like my colleague from New York. He is fun to be with, and I read his book, "Power, Pasta, and Politics." And it is pure AL D'AMATO. It is fun to read. But I think we have to recognize the political purposes.

Why are we doing this? It is hard for me to come to any conclusion other than we are doing it for pure politics. Is not it true that there is an excessive

amount of cynicism out here in our society today? I think one of the reasons for that excessive amount of cynicism is that we play partisan games around here. I am not saying the Republicans are the only ones guilty of that. We are guilty of it. PAUL SIMON has been guilty of it occasionally. I am sure none of the rest of you have been guilty of that. But I think that is what makes the public cynical. They see us playing political games instead of dealing with the real problems. I think what you are trying to do is to say let us move on to the real problems.

Then one final point that ties in with what Senator PRYOR had to say: Not only are we hauling people in—121 witnesses who have to hire lawyers and their expenses—but we are terrifying people. This is not fair to people. We are calling in secretaries and people who have probably never even talked to a Senator. And all of a sudden they are on television—a nanny. We are calling people in who know nothing. The one witness ended up his statement saying, “I do not know why I am here.” I said to him—a lawyer by the name of Jennings—I said, “Mr. Jennings, that is two of us. I do not know why I am here either.”

I think we have to stop playing games. I think that is the thrust of what the minority leader is trying to say.

Mr. DASCHLE. I thank the distinguished Senator from Illinois for the eloquent points which he has made.

I read a comment just this morning that I think is so appropriate. It goes to the points raised by the Senator from Illinois and the Senator from Arkansas. Somebody said in the paper this morning, “Welcome to the Federal Government. You need a telephone, a tablet, and a lawyer.” “A telephone, a tablet, and a lawyer.” And there are some lawyers that have already garnered more than a half-million in fees to represent people of modest means before this committee and others. That is wrong. We should not subject people who want to dedicate themselves to public service to that degree of financial burden, to that degree of concern and humiliation in some cases.

So I think the Senator from Illinois has made a very important point.

I know that there are others who seek the floor. At this time, I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. D'AMATO. Mr. President, might I ask my friend and colleague to yield to me for 30 seconds without losing his right to the floor?

Mr. FAIRCLOTH. Yes.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

Mr. D'AMATO. A question was just raised. How deceptive things can be. Yes. A witness did say—and he was a lawyer, a very distinguished lawyer—I

do not know why I am here.” That was, I guess, Mr. Jennings.

Let me tell you why the committee had him appear. This is an example. We had Mr. Jennings appear because he came to Washington and had a meeting with Mrs. Clinton, and David Kendall, her lawyer, just days after the RTC-IG report criticizing the Rose Law Firm was released. And he happened to represent Seth Ward who had significant transactions. We did not just drag somebody in willy-nilly. The fact is he had total memory loss as it relates to significant questions. We have not even gone into that.

I yield the floor.

Mr. SARBANES. Will the Senator yield for an observation on that point?

Mr. FAIRCLOTH. I was going to make an observation.

Let me finish, and then I will yield.

Mr. DODD. Just to respond to that particular point which the Senator had.

Mr. D'AMATO. Our colleague has the floor, and it has been over 1 hour since the other side had their right.

Mr. FAIRCLOTH. I yield 30 seconds to respond because I want to come back to it myself.

Mr. DODD. I thank my colleague.

I think as to the point which has been raised here regarding Mr. Jennings, a phone call to him, as far as deposition, would have answered the question. He had come up. He was asked because he practiced law in Arkansas with Mrs. Clinton, and the issue was raised as to whether or not she was a competent lawyer. That is why they came together. He could have answered that question in about 15 minutes. Instead he was brought before the entire committee for a whole day. He said she was competent.

Mr. FAIRCLOTH. The Senator says that we could have gotten an answer by a phone call. We could not get it in a full day of testimony. He could not remember how many times he had been to Washington. He could not remember what he was here for. He had no earthly idea, and told me he flew from Arkansas to Washington for 20 minutes to recall cases he had tried with the First Lady. He did not even know who paid for the trip. But talking about something that could have been handled by the telephone, the meeting with the First Lady, that would have been it.

But, Mr. President, I have watched just how we have gone on here, and, No. 1, what we are trying to do here is put a price on this investigation. What the Democratic side of the aisle, the other side of this aisle, is saying, is that we should put a price on the integrity of the White House, and it is costing too much to establish whether there is integrity in the White House or not, and that we should cut off, and let it go. We simply cannot afford to establish the price of integrity of the White House.

But as to the length of a hearing, it is the length of a bullfight. It is whose ox is being gored. And right now, the

way it is going I do not see why anyone would not want the hearings to continue. In fact, to clear her name, I would have thought the First Lady would have been down here saying, “Please go on with the hearings. I want this cloud removed from my law practice, and what I have done in my life prior to being in Washington.”

But what I would like to do very quickly is compliment the chairman. He has done a great job, in fairness, as chairman of the special Whitewater committee. Just in a brief word, the former chairman, Don Riegle, did a great job too. So we have had good, honest leadership in the Whitewater committee from day one.

But just so many things come up that I want to respond to. The distinguished and honorable Senator from Arkansas, Senator PRYOR, said we have not dealt with welfare. The House passed a great welfare bill. The Senate passed a good one, and out of conference came a good welfare bill that would serve this country well. If I remember correctly, the President vetoed it. That was not dealing with welfare.

I think the first question here that needs answering is why are the Democrats in the Senate and the White House so determined to end the investigation? If there is nothing there, then why not continue, what harm would come to the White House?

Do not tell me it is the cost of money. There has been a constant attempt to deceive and to weave a gossamer facade to cover this up. That is exactly what it has been from day one, and I have been to most of the hearings. It has been a constant effort to deceive, we weave, we cover it up, and we get it out of here.

Why not continue? As I say, it would appear to me that to remove this cloud the President and First Lady they would be down here asking the hearings to be continued. I think their actions have answered the question.

There is very much something to Whitewater. Look at the people who have been indicted, or are under investigation, and look at those who have resigned. The honorable minority leader said we had not caught a minnow. But I doubt if some of the people that have been indicted, or who are under indictment, like the Governor of Arkansas, and are going to be tried, would classify themselves as minnows. They certainly would not like us to.

If there was nothing to this investigation, why else would billing records under subpoena for 2 years turn up in the White House in the reading room next to Mrs. Clinton's private office?

Now, the honorable Senator from Connecticut was referring to some past investigation in which they carried records out of the White House in their cowboy boots. Well, to answer that, I say to Senator DODD, Maggie Williams did not need cowboy boots to get them from Vince Foster's office to the President's quarters. They got there. How

else could they have gotten there. This is the most secure room in the world. And I go back to saying, if it is not the most secure room in the world, it ought to be. And anybody who knows how to make it more secure ought to tell the Secret Service people, because where the President sleeps it should be.

Mr. President, how would the average citizen fare if he were raided by the FBI and a 10-pound bag of cocaine was sitting on his dining room table or in his reading room in his house and he said, "I don't know how it got there. It couldn't have been me." It is here. How did it get here? What would they say? "Oh, well, that's perfectly fine; you know, things like that happen all the time." No.

Well, these records showed up. They are valuable, and have been under subpoena for 2 years, and we need an answer to how they got there.

Take the notes from Mr. Gearan and Mr. Ickes, where have they been? Why would they have been hidden for 2 years? Because the meetings show possible attempts to obstruct the Department of Justice investigation. Very simple. The notes on the meeting we went over and over with Mr. Ickes, they wanted to make sure the Arkansas Securities Commissioner Beverly Schaffer and the White House were synchronized in telling the same story to the Federal investigators.

Well, Mr. President, the truth does not have to be synchronized. If she is telling the truth, it was the truth going in and it will be the truth coming out.

Why would the White House go to such length and use parliamentary maneuvers to block consideration of the resolution? We know they oppose it, but they do not want it even debated.

Mr. President, another question that needs answering here is whether or not Governor Clinton gave out leases from the Arkansas State government in return for campaign contributions. Hearings that were scheduled to occur this week probably would have answered that question, if we could have had the hearings.

The committee planned to explore the possibility that an Arkansas State agency, the Arkansas Development Finance Agency, known as ADFA, was ordered to lease a building owned by Jim McDougal in exchange for Mr. McDougal hosting a fundraiser for then Governor Clinton in 1985.

Mr. President, the second question is whether Dan Lasater was given preferential treatment on State bond contracts.

Now, for those of you who do not remember, Dan Lasater was a convicted drug dealer who, by sworn testimony, provided airplane travel, some 35 trips, for the President, when he was running for Governor of Arkansas. He held fundraisers at his offices around the State of Arkansas to raise funds for Governor-to-be Clinton. And then State bond business was directed to him to the amount of at least one

windfall profit of \$750,000, and it has been reported that the Governor himself lobbied the legislature to make sure that the contract was awarded to Mr. Lasater.

Dan Lasater gave a job to Roger Clinton, Bill Clinton's brother. He paid off Roger Clinton's drug debts. This is a true friend of the President. Dan Lasater was eventually convicted of trafficking in drugs.

Mr. PRYOR addressed the Chair.

Mr. FAIRCLOTH. I was corrected by Patsy Thomasson at the Whitewater hearing; he was convicted of "social distribution" of cocaine.

Mr. PRYOR addressed the Chair.

Mr. FAIRCLOTH. I suppose there is some gossamer difference there, but I am not aware of it.

Mr. PRYOR. Mr. President, will the Senator from North Carolina yield for a question?

Mr. FAIRCLOTH. No, I will not. I have been waiting for some hour and a half, and I will yield when I am finished.

Mr. PRYOR. I was only going to ask what Lasater has to do with Whitewater, which is absolutely nothing, and the Senator from North Carolina should know that.

Mr. FAIRCLOTH. Mr. Lasater has a lot to do with Whitewater, and the Senator from Arkansas should know that. Mr. Lasater was convicted of "social distribution" of cocaine. He was sent to prison. He was pardoned for his crime of drug trafficking by then-Governor Bill Clinton. Dan Lasater's company received tens of millions of dollars of State bonding contracts from the Arkansas development and finance authority. This was an agency controlled by Governor Clinton. Patsy Thomasson was Dan Lasater's top assistant for nearly 10 years. She had his power of attorney to handle his financial interests and run his companies while Dan Lasater was serving time in prison for trafficking in cocaine.

Now, in a twist of irony, the former head of the Arkansas Development Finance Agency is head of White House personnel, and guess who his deputy is? Dan Lasater's former deputy, Patsy Thomasson.

The committee is specifically charged under Senate Resolution 120 with probing the links between Dan Lasater and the Arkansas Development Finance Agency. The link takes us right to the top of the White House. If that does not bring Dan Lasater into Whitewater, I do not know what does.

Is this why the White House wants to stop the investigation? All of a sudden, after being willing to throw millions and billions of dollars at any project anywhere in the world, now they say we cannot continue, we cannot afford this investigation; it is breaking the Government. We send foreign aid around the world. The President supports it. He supports money for any giveaway program. But here the Democrats are saying now we cannot do this.

Mr. SARBANES. Will the Senator yield?

Mr. FAIRCLOTH. No, the Senator will not yield.

Mr. SARBANES. Why don't you bring him in for a hearing?

Mr. FAIRCLOTH. Why don't we do what?

Mr. SARBANES. Why don't you bring him in for a hearing?

Mr. FAIRCLOTH. The President?

Mr. SARBANES. No, Lasater.

Mr. FAIRCLOTH. We are going to.

Mr. SARBANES. Why don't you do it. You had all these days when you could have done it, and you did not do it. Why don't you bring him in?

Mr. FAIRCLOTH. We are going to bring him in.

Mr. SARBANES. Let's have a hearing. Let's test the allegations.

Mr. FAIRCLOTH. We had his lieutenant here, and we are going to bring Dan Lasater in. And we are looking forward to having him.

Mr. SARBANES. You had all the days when you could have done it, and you did not do it.

Mr. FAIRCLOTH. We are going to do it in the future.

I comment to the Senator from Maryland, there are so many of them coming out of Arkansas, there were so many dipping out of that kettle until we have not gotten to Lasater yet, but he is on the way.

But why do they want to stop the investigation now? I think only the White House can answer the question. But I think it is a sad procedural tool to be stopping the Senate investigation at this point with the somewhat feeble excuse that it has gone on too long and it is costing too much, simply because we are rapidly getting to the heart of Whitewater. And as the Senator from Maryland just said, we are going to bring in Dan Lasater, but there have been so many we have not gotten to him yet, but he is coming.

It is our constitutional duty to conduct this oversight hearing. The savings and loan crisis cost taxpayers \$150 billion. Madison, the one that served as the pool of money in Little Rock, lost \$68 million and maybe more.

And 80 percent of the Arkansas State-chartered savings and loans—80 percent of them; one of the highest in the Nation—failed while Bill Clinton was Governor. This cost the American taxpayers \$3 billion in failed Arkansas savings and loans while Bill Clinton was Governor.

Mr. President, I strongly urge my counterparts on the other side of the aisle to stop the filibuster of this resolution, let the truth come out. I would think it would be exactly what the President and First Lady would be recommending: Let the chips fall where they may, let us see the truth, but let the American people who suffered the loss—let the American people who suffered the loss—at least be rewarded with the truth and get on with the investigation.

Mr. President, I yield the floor to the Whitewater Chairman, Senator D'AMATO.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. I will make a very short statement.

Mr. SARBANES. Mr. President, I assume the chairman got the floor on his own right, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. I thank the Chair.

Mr. D'AMATO. Mr. President, I do not intend to be long, because I think there will be extended and long debate. As I said, we are not able to get a vote of the Rules Committee or get the Rules Committee to consider the resolution which would have authorized the expenditure of up to \$600,000.

By the way, in order to get some kind of relevance, I think if we were to combine both committees, the prior committee that met, the Whitewater committee that met under the chairmanship of Senator RIEGLE, and this committee, that we have spent something less than \$1,500,000. If we want to look at the Iran-Contra with respect to money spent, I think they spent something in the order of \$3,298,000, almost \$3,300,000 in 1986, 1987 dollars. That would obviously be even more today.

When we talk about \$30 million, and it is convenient to mix it in and say, "\$30 million would buy a lot." That is the independent counsel. That special counsel that has taken \$20-plus million, was appointed at the request of the President and the Attorney General. I think we ought to understand that they are different investigations, not mix the two.

When we speak to the issue of the Pillsbury report, there have been some statements made that they said we should not go on any further. Let us understand that the Pillsbury report was very limited in nature and scope. The fact of the matter is that they were operating under a time constraint. And, indeed, they have a total agreement that tolls as of March 1. They did not and still do not even in their secondary report have all the facts and information. They have to make a determination with respect to whether a suit should go forward on the basis of cost-effectiveness.

They were unable to come to a conclusion based upon all the facts. As a matter of fact, on page 164 of the report they expressly concluded, "This conclusion does not necessarily mean that the evidence exonerates anyone." So let us understand that. The report was for the very limited purpose as it relates to the FDIC bringing a civil suit against Madison. And it was up against a time line. And it did not have all the facts. We have a different role, a far different role.

Now, look, I have attempted to approach this today not in terms of charging partisan politics, although it is obvious to me that there has been a conscious attempt by some to say that is the only reason this committee is asking for an extension. I think that is

unfair. I think it is unfortunate. I think what does take place, whether consciously or not—and I think rather consciously—is that those who make claims are attempting to poison the well as it relates to the credibility of the committee. That is unfortunate. They are attempting to paint the committee as partisan, as political.

I say there was a great Governor in our State, Al Smith. He said, "Let's look at the record." I heard lots of things, let's look at the record, the length of time the committee met, et cetera. We know the committee for months and months could not carry on its work. My colleagues know also that there have been many occasions, including the last several weeks, when we have not been able to go forward because of scheduling problems, and because we were looking toward a continuation and knew we could not finish our work, and because there are dozens of witnesses that are unavailable, and it would not be timely to call them.

There is a sequential order that we need. And these witnesses, in many cases, first need to appear so we can take depositions. In some cases, after we take depositions, we do not bring them in to testify. I think we have to look at that.

Again, I am just going to reflect on the question of hearing the facts. The former U.S. attorney—who was objected to, whose law firm participated in or did the Pillsbury, Madison, and Sutro report, did not participate in the final conclusion—did not participate in the final report, but did have a limited involvement.

Today's Washington Post says, "The retention"—I am trying to give a balanced position on this—"The retention of the Pillsbury firm in 1994 drew sharp complaints by the White House because Republican former U.S. Attorney Jay Stephens, a critic of the Clinton administration, was a member of the Pillsbury team evaluating Madison." It goes on to say—I think this is most instructive and important because we can all pick out some little thing and attempt to pile on, try to make something out of it and blow it out of proportion—"His work on the matter however amounted to only about 10 hours." So this was not a report authored by Mr. Stephens.

Again, when we look at the report, its scope, its narrowness, it does not give license to us to say that the work of the committee is done.

Last but not least, I have to suggest to my friends and colleagues on the other side—and I am not disputing anybody's motivation; they say enough is enough, let us terminate this—if indeed we had access to all the information; if it was forthcoming; if it was not withheld, whether by, again, design or because of human error; if we were not constrained by the independent prosecutor—and, again, I, indicate it was our intent to bring various witnesses in, we would not just surrender our rights; then we may have been in a position to wind up this investigation.

The question is posed, why did not we do that? Because we ascertained from the special counsel his concerns and more importantly we ascertained the likelihood of us bringing in or attempting to bring in some of the witnesses. One in particular, Judge Hale, would have brought forth a plea or an indication that he would avail himself of his constitutional rights, and that is, to take the fifth amendment or indicate that he would take the fifth amendment. That would have cut us off and put us in a position where it would have been rather doubtful that we could get him at any time. We did not go forward. That is the reason.

Again, Al Smith said, "Let's look at the record." With the exception of one situation, notwithstanding that there may not have been some bargaining with respect to the scope, I heard, "Oh, the scope of some of the subpoenas that were requested were too broad." Yes, indeed, when you are looking for information there is a tendency to cover the waterfront. All of those matters were narrowed down by way of counsel, majority and minority, with the exception of one occasion, and that had to do with Bill Kennedy and the famous Kennedy notes, where we had the references to the Rose Law Firm, et cetera—and even then I do not believe that the administration should have pushed us to that.

It was not the committee's desire to ask for enforcement of the subpoena. It was only when they refused, refused to make those notes available. And by the way, why did they withhold them? There was no question they could have done it before. Only on that one occasion did it finally come down to the fact that we had to insist on enforcement. Then the notes were turned over.

So, to attempt at this date today to say at this time that the work of the committee has been and is partisan, that our request to go forward is partisan and is political in nature, is just not the case. I understand the concern to limit the time. I am not suggesting to you—that is why, by the way, as you say, Senator—in my presentation to the Rules Committee, I said that my desire was to terminate, to set that at the end of February, February 29, because we did not want to run it into a political season.

That was my desire. It is my desire today that we terminate sooner rather than later, but only after we get the facts and conclude our work. Ours is not an investigation that should be driven by time alone. I never envisioned that we would run into the problems that we did. I do not think that my colleagues did.

In good faith, there has to be some attempt to reach some comity, or are we going to just simply charge "politics, politics" and drag in the red herrings and talk about how many committees and the economy—sure, people are concerned about the economy and jobs. Do you want me to begin to assert what I think could or should have been

done? We should have balanced the budget. We passed a balanced budget here. It was vetoed—vetoed.

If we had a balanced budget that was passed, interest rates would be coming down and the economy would be prospering. Do you want to talk about that? That was not impugned or impinged, the fact the economy is in trouble, because of the Whitewater committee.

Do you want to talk about getting the economy going? Give the working middle class a tax cut. Come forward. If you want to drag in politics and rhetoric, we can do that.

If we want to concentrate in terms of attempting to do the work of the committee in the way that keeps politics to a minimum, this chairman is willing to attempt to work out an accommodation. But I say in all good faith, the set time line proposed, which is April 5, will not give us the opportunity to get the witnesses we need, and will bring us right back into the same situation that Senator Mitchell, former Democratic chairman, and Senator COHEN advised us against. To set up an arbitrary time line—and I am now paraphrasing them—is to bring about a stratagem of delay. I am not suggesting, as I said before, that it would be delay just by the administration or the administration alone. Defense attorneys for various witnesses who may have something to be concerned about will look at that time line. I can guarantee you this will take place and there will be delays.

All the charts in the world are not going to overcome that. All the sloganeering in the world will not overcome that. I suggest to my colleagues that we are going to have plenty of time for political charges to be made next week. Maybe this ought to be the time that we not engage in so much of that political rhetoric and begin to attempt to see in what manner we can continue the work of the committee with the best hope and opportunity to wind up sooner rather than later.

If my colleagues want to take that up, I am willing to do that. I stand ready and willing to work to accomplish our goal without, again, setting a time line which is guaranteed to bring about more delay.

Those sentiments are not original sentiments expressed by the Senator from New York; those are sentiments and concerns that have been expressed by Senator COHEN and by former Senate majority leader, Senator Mitchell. They said they should not have done it. They did. They set time lines with the best of intent.

I suggest the situation is analogous today. Theirs was an attempt not to go further into the political season, and they said they made a mistake—made a mistake.

I do not know how to work out of this dilemma. I understand the legitimate concerns of my colleagues. I really do. I say if there is a way in which we can do it, if it is an authorization,

I do not know where it will take us—we can start the work as soon as the trial is completed. We can continue work. There are certain witnesses that we cannot bring in now. There is certain work we can do that we do not have to do by way of public hearings. By the way, Mr. President, let me suggest to you, simply because a committee is not holding public hearings does not mean that there has not been tens of hundreds of thousands of hours of work in terms of the examination of witnesses, in terms of sifting through evidence, in terms of various interrogatories which have been sent out and reviewed. My colleagues know that. I think it is rather disingenuous to come up and simply say, "Well, you didn't have hearings on X, Y, Z days." We can get out the records and we can talk about how many attorneys asked for delays, how many people had legitimate excuses, how many people put forth that there were medical reasons they could not be here, how many could not be here on a particular day because their counsel was too busy.

We have attempted to accommodate people on both sides. The fact we may not have had a hearing on a particular day does not go to the essence of the work of the committee.

Let me say again, last, but not least, as it relates to the fact that there may or may not have been hearings held by other committees with respect to their relevant duties and obligations, whatever they may be—Medicare, Medicaid, health care—and let me take this opportunity to say that I intend to support the Kassebaum-Kennedy bill which will deal with health care which is scheduled to come to the floor. I think that is a good bill and is going to go a long way toward helping. The work of the Whitewater committee has not precluded these other committees or the Senate from undertaking its work. The fact that there may have only been 20-some-odd votes this year as compared to 90-some last year at the same time, again, is not something the Whitewater work has impeded.

These are arguments that are put forth and which are fraught with, I think, specious undertones, a kind of red herring to divert attention.

"Thirty million dollars has been spent on this matter." Look, we spent less than \$1.5 million, and that is both committees. I do not think we have to spend \$600,000. Why do we ask for it? Because, if at the end we have, let us say, 3 weeks or 4 weeks of work to do and we run out of money, we do not want to be in a situation where we have to again come back to the floor of the Senate. I think we can complete it for less, but the fact of the matter is, you learn by experience. But certainly to say that this is one of the most costly investigations, that is just not the case. As I said, the Iran-Contra ran almost \$3,300,000. Their work was compressed in a shorter time. How is that? We have examined more witnesses, taken more depositions. So I think in

terms of management of the taxpayers' funds, we have been frugal. I am prepared at another point to go into the kinds of things we have developed: The fact that there have been people who have pled guilty, the fact that there are indictments pending, the fact that there is substance, not just smoke, to many of the things that people are concerned about.

But, again, lest we be unfair, this chairman and this committee has an obligation to get the facts, and if those facts exonerate, clear away the webs of suspicion, why, then, that would be the pronouncement of the committee. I want the chips to fall where they may. If there are practices that should not have been undertaken but that were which may not fall into a criminal area, or if there may be matters that may be of a criminal nature, then that will be the undertaking of the special counsel to decide what, if anything, may be appropriate.

But we should not be afraid of going forward. Democracy is not always nice and tidy, and sometimes it does invite some things that are not pleasant. They are not pleasant for either side. So sometimes we have to do the business of ascertaining what are the facts. It is not all fun, but it is necessary and sometimes it is even somewhat hurtful. I think we have to attempt to not look to deliberately hurt people but to do our job to get the facts. That is what I hope we will be able to do.

Mr. President, I said I am not going to continue and go into what the committee has found and some of the open questions, because I believe that we will be here next week unless we can get a resolution of this. My colleagues on the other side have indicated that they are going to ask for extended debate, and I think there certainly should be extended debate. But debate that reaches more than just that and denies us an opportunity to vote, I think that would be unfortunate.

Again, everyone has a right to play out their role in this matter.

I yield the floor.

Mr. SARBANES addressed the Chair. The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I want to take a few minutes to recapitulate where we are.

On May 17 of last year, the Senate adopted Senate Resolution 120 which provided for the establishment of the Special Committee to Investigate Whitewater Development Corporation and Related Matters. That resolution provided \$950,000 to conduct the investigation. That funding expires on February 29, 1996, which is today. From the beginning, it was and remains my strong intention that this investigation be carried out in a fair, thorough, and impartial manner, and that it be completed before the country enters into the Presidential campaign. By authorizing funding only through February 29, 1996, Senate Resolution 120 accomplished this objective. In fact,

that resolution states that the purposes of the committee are "to expedite the thorough conduct of this investigation, study, and hearings," and "to engender a high degree of confidence on the part of the public regarding the conduct of such investigation, study, and hearings."

Indeed, Chairman D'AMATO himself, when he went before the Rules Committee in the first part of last year in seeking funding for the investigation, stated, "We wanted to keep it out of that political arena, and that is why we decided to come forward with a 1-year request."

The funding deadline has now been reached. The investigation has not been completed. I will discuss, in a moment, the reasons I believe the committee failed to complete the investigation by the cutoff date. The Senate must decide now whether to continue the investigation and, if so, what additional funding and what additional time to provide.

I want this clearly understood. We passed a resolution last year by an overwhelming bipartisan vote to carry out an inquiry through February 29 of 1996. In my judgment, as I will indicate shortly, that was more than adequate to complete the inquiry. It has not been completed, and the chairman of the committee, Senator D'AMATO, is now proposing a resolution for an additional \$600,000 in funding and an unlimited extension of time to continue the Senate's inquiry into the so-called Whitewater matter.

Unlike S. Res. 120, which we passed last year, this proposal now for an unlimited extension completely disregards concerns about extending the investigation deep into a Presidential election year. In my view, it seriously undermines the credibility of this investigation and creates the public perception that this investigation is being conducted for political purposes.

As my distinguished colleague from Connecticut, Senator DODD, indicated earlier, there is no precedent that I am aware of for the Senate to conduct an open-ended investigation of a sitting President during a Presidential election year. In fact, as I understand it, there is no precedent to carry on an open-ended inquiry. All of the various investigations—and, as I understand it, the Senator put a list into the RECORD—placed a defined timeframe. As I indicated earlier in my quotes, this is a matter on which Senator DOLE, now the majority leader, has spoken repeatedly in the past in very strong terms, with respect to the need to have a defined time period.

Now, this proposed additional funding for this committee, another \$600,000, would bring Senate expenditures on the investigation of Whitewater to \$2 million. It is \$1,950,000, just under \$2 million. It needs to be understood that this is not the only money that is being spent on Whitewater. There is a tendency to say we are spending this \$2 million. Then you can

say, what about all the other expenditures that are being made? This is not the only inquiry taking place. There is the RTC commission of Pillsbury, Madison, and Sutro, a distinguished San Francisco law firm, to carry on a civil investigation with respect to these matters involving Madison, and other related matters. They have now issued their final report, in which they find no actionable conduct. They have concluded that no legal actions should be taken.

The cost of that inquiry is just under \$4 million. So we add the amounts of \$2 million and \$4 million on the Pillsbury Madison. The independent counsel has spent, to date, we are informed, over \$25 million and is spending at the rate of a million dollars a month. Of course, regarding the House committees, we do not know what the cost of their inquiry is. So over \$30 million in direct costs have been spent by the Federal Government on the Whitewater investigation, and millions more have been spent by Federal agencies assisting with or responding to these investigations.

This Whitewater committee made a very broad request to the White House for e-mails. It was so broad that it was eventually clear that this really was not workable. It was an onerous request. When it was finally narrowed down, we got a response from the White House. They have now provided 7 of the 9 weeks of e-mails, and the other 2 weeks are about to come up.

Of course, the committee keeps sending further requests. I want that understood. This is a rolling game, and further requests are made. It has cost the White House hundreds of thousands of dollars to retrieve those e-mails because the Bush administration put in a system that made it very difficult to retrieve the e-mails. The Clinton administration changed that system back. From the date when the system was changed back, they were able to give us the e-mails after that date immediately. But the previous e-mails, under the Bush system, were extraordinarily difficult to retrieve. We are now in the process of receiving those, and we hope to complete it soon. They have had to bring in a contractor from outside, lay on a lot of extra staff, and spend hundreds of thousands of dollars in order to do that.

Now, the proposal of Chairman D'AMATO was first put forward for \$600,000 and an unlimited time period. In the majority report on the progress of the Whitewater investigation, which was submitted to the Senate on January 22 by the special committee, the minority argued very strongly in its report that the committee, instead of seeking an extension of time and more money, should undertake an intensified hearing schedule in the final 6 weeks to complete its investigation by the February 29 deadline. I want this very clearly understood. In mid-January, we urged an intensified hearing schedule in order to complete the responsibilities that were before us.

I want to point out that in the last 9 days remaining to this committee under S. Res. 120 to conduct hearings, only 1 day of hearings was held—in the last 9 days of that time period. In the last 9 days of the Iran-Contra committee, when it was coming up against its deadline, they held hearings on 8 of the 9 days. This committee held 1 day of hearings over the last 9 days. No hearings this week. One day of hearings last week.

On the 23d of January, Senator DASCHLE wrote to Senator DOLE, stating,

It is well within the special committee's ability to complete its inquiry by February 29. The committee can and should adopt a hearing schedule over the next 6 weeks that will enable it to meet the Senate's designated timetable.

Senator DASCHLE was absolutely correct. Unfortunately, there was no serious effort to intensify the hearing schedule in order to meet the February 29 deadline. In fact, sadly, to the contrary. As I indicated last week, the committee held one hearing with one witness. This week, one hearing was scheduled, but it was canceled. In other weeks, 2 or 3 days of hearings were held. Never were there 4 or 5, as was done with Iran-Contra. Indeed, as this committee did itself earlier in the year—this committee itself, back in the summer, held hearings 4 and 5 days a week. We have not done that once, during 1 week, in the January to February period, even though there was no Senate business, there was no business on the floor of the Senate, and therefore we were free from those interruptions.

Some of the witnesses had nothing to add. I just want to give two examples of this, which really in some ways is distressing. Susan Strayhorn, a former secretary, came in. A hearing started at about 10:30, finished at 1:00 or 1:30, and many of the questions at the hearing were so long-winded, at one point in the hearing Mrs. Strayhorn stated, "I am sorry, Mr. Chairman, could we have a short break? I am nodding off here."

There are other examples I mentioned. We have taken over 200 depositions. There is no selectivity and focus on the work of this committee. We took a deposition from a Mr. Charles Scalera. This should never have happened. If the majority counsel cannot call him up and find out whether there is anything there—the deposition began. He was brought in. He had to be sworn. He had a lawyer. We had to get the reporter to record it and go through that expense. The deposition began at 2:15, finished at 2:30. Mr. President, 15 minutes, and these were the last questions in the deposition:

Question: Do you have any other information other than what you have gleaned from newspaper and media reports that you can give to the special committee regarding Mr. Foster's death?

Answer: No, none whatever.

Question: Any information other than what is reported in the media or the newspaper regarding Whitewater Development Corporation?

Answer: None whatever.

Question: Madison Guaranty Savings and Loan Association?

Answer: None whatever.

Question: Capital Management Services?

Answer: None whatever.

Question: Seth Ward?

Answer: No.

Question: David Hale?

Answer: No.

Finally, counsel says, "Thank you very much for your time. I have nothing further."

Mr. LEAHY. Will the Senator yield?

Mr. SARBANES. I yield to the Senator for a question. I do have a statement I want to complete.

Mr. LEAHY. Mr. President, I have listened to what has been said here. Am I correct that, in all, the Senate investigation has spent 1.3 million of tax dollars, heard from over 150 witnesses, collected more than 45,000 pages of documents, and have not proven any criminal or ethical violations by anybody in the White House?

Mr. SARBANES. That is the current state of affairs. The Senator is correct.

Mr. LEAHY. Mr. President, if I might ask a further question of my friend, he is familiar with normal court procedures. I spent years as a prosecutor. I think, from my own judgment, if any assistant prosecutor in my office had gone on an expensive witch hunt like this, and a grand jury for all this, the foreman of the grand jury would be calling me as district attorney and saying, "Hey, you better come down and answer what in Heaven's name you are answering to for our time and money."

Would that be the experience of my friend from Maryland? At some point, the grand jury or the judge would be saying, "Why are you wasting our time and money?"

Mr. SARBANES. I think the public is increasingly coming to ask those questions. They are asking the question, "Why do you now seek another \$600,000, bringing the cost of this to just under \$2 million, and why are you projecting it further into the President election year?"

As I indicated, I think the extending of—indeinitely—the proposal of Chairman D'AMATO and his colleagues undermines the credibility of this investigation and would obviously contribute to a growing public perception that is being conducted for political purposes.

Mr. LEAHY. If I may ask one last question of my friend from Maryland. I know he has a statement to make.

I ask if this is his experience. My experience from Vermont, a State with maybe two-thirds of the people considering themselves Republican, my experience has been in letters I receive constantly, in things that people say to me when I am home on weekends, over and over again, people of all walks of life in my State have said, "Enough is enough. Don't you people have some-

thing important to do in Washington? Why are you spending this time and money?"

I ask my friend from Maryland if that has not been his experience in the State of Maryland?

Mr. SARBANES. Mr. President, I think it is a perfectly legitimate question for the public to be asking. I do not think there is any question about it.

First of all, it must be understood that the independent counsel's work will continue. Who knows how long that will go on. Under the charter, it is unlimited and the amount of resources is unlimited. They have already, we understand, spent \$25 million, or at the rate of \$1 million a month. He has broad authority. He has a professional staff of approximately 130 people, 30 attorneys, over 100 FBI and IRS agents, and the Reauthorization Act sets no limits on the duration or the cost of his investigation. So that is at work. It has been at work for a long time. It will continue to be at work.

Now, he is about to start some trials. The other side treats those trials as though they are going to be held on camera. They say, "We need the testimony of the people at those trials." Those people are going to make their testimony at the trial, and it will be on the public record.

This committee has held almost 50 days of hearings. It has heard from over 120 witnesses. It has taken over 200 depositions. It has gotten tens of thousands of pages of documents from the White House and from the President and First Lady's private attorney. It has nearly 30,000 pages of deposition testimony.

Mr. FORD. Will the Senator yield? I apologize, but I think it is timely.

Mr. SARBANES. I yield to the Senator.

Mr. FORD. Mr. President, would the Senator have some idea how much legal expense by the individual witnesses—I saw a story in the paper today. We begin at \$50,000 and \$60,000 and \$400,000, and individuals are being called before the Whitewater Committee that are absolutely scared to death, had no idea of what is going on, had nothing to do with anything. Yet, they are advised to get an attorney, and they hire an attorney, and they cannot pay their mortgage. They have to borrow money to pay their attorneys' fees.

We keep on keeping on, keeping on, and we are absolutely ruining families financially, calling all these people that have no relevance to the committee business at all. Has that ever been added up?

Mr. SARBANES. We do not have that figure. The figures we are giving are public expenditures of money to do the inquiries. The costs that are imposed on the people that come forward as witnesses we have no accounting for, although we do understand that for many of these people those costs are very substantial and they are in no position to bear the cost.

I want to distinguish between two groups of witnesses. There are some who come before the committee, and I agree completely, they ought to be there. There are questions that need to be asked if we are going to do our inquiry. One of the consequences of such inquiry is that people bear costs, and at some point I think we need to give consideration to that as a Congress. There are other people that are being called before our committee and they get there, and they essentially sit there through the hearing. They really have not much to contribute. Maybe they get asked a few questions, and then they, too, incur expense. Some of these are very young people, and others hold low-level positions—clerks, secretaries. It is very clear that this is a terrifying and traumatizing experience for them, personally traumatizing.

Mr. FORD. Mr. President, that is somewhat different from the Ethics Committee or a grand jury investigation. When staff is called to go before the committee, to have representation, the Senate pays for that. The Senate furnishes attorneys. If the Senator himself or herself is not involved, then the Senate pays for the legal counsel.

So what you have here is that in certain instances we pay—we, being the taxpayers—pay for the legal counsel. In this particular case it comes out of the individual's pocket, hundreds of thousands of dollars.

So I think that we are making a real mistake here, crushing families financially for the political whim of a few individuals.

Mr. SARBANES. I would then make this point about the situation we find ourselves in here now, because I know the matter is pending in the Rules Committee.

Mr. FORD. Mr. President, may I answer that? There was a meeting of the Rules Committee called yesterday afternoon at 3:30, and it was postponed. There has been no other meeting called of the Rules Committee.

Mr. DODD. If my colleague will yield?

Mr. FORD. I do not know that anything was before the Rules Committee yesterday.

Mr. DODD. If I may ask my colleague from Maryland to yield so I can ask a question. I sit on the Rules Committee. There was a meeting of the Rules Committee this morning, was there not?

Mr. FORD. An oversight meeting, from 9 o'clock until 1:30. Then there was another one this afternoon at 2, and it went on until about 4 o'clock.

Mr. DODD. Let me inquire. If a quorum had been produced in the Rules Committee, could not the Rules Committee then have marked up and sent out the bill that we are being asked—

Mr. FORD. Only with unanimous consent of the Senate. We were beyond—the 2 o'clock period was beyond the 2 hours. The committee hearing was only for oversight. It would have had to have been expanded this afternoon. This morning, I am not sure. I had not given it any thought.

Mr. DODD. I was referring to this morning.

Mr. FORD. I think that is correct.

Mr. DODD. Was there a quorum at any point present?

Mr. FORD. There was no quorum. There were only three Senators there this morning at any one time.

Mr. DODD. Was the majority leader of the U.S. Senate, who is a member of the Rules Committee, present?

Mr. FORD. No, sir.

Mr. DODD. I thank my colleague.

Mr. WARNER. Mr. President, yesterday, as chairman of the Rules Committee, I was informed that the Banking Committee had reported out a resolution under the procedures of the Senate. It came to the Rules Committee, whereupon I immediately contacted the distinguished ranking member, Mr. FORD, and actually went to his office where we visited for a period of some 15 to 20 minutes.

In a very forthright manner, the two of us ascertained that we could not achieve a quorum of nine members and, therefore, we could not act on the legislative matter that had been received from the Banking Committee.

Mr. FORD then counseled with the distinguished minority leader; I counseled with the distinguished acting majority leader, the Senator from Mississippi, Mr. LOTT. It was clear to me, and I was under the clear impression that it was clear to Senator FORD, that yesterday we would not endeavor in any way to bring this matter up, even for purposes of discussion, even though I had earlier intended to schedule a meeting for 3:30.

Today's agenda of the Rules Committee had been planned for some weeks. Notice was given to all members.

The agenda today was restricted to the subject of testimony from the Secretary of the Senate, the Sergeant at Arms, and the acting Architect, and other witnesses relative to their subjects. At no time did Senator FORD and I discuss today the matter of the pending issue that came from the Banking Committee.

So there was no question today of trying to raise a quorum for the purpose of considering the pending legislative matter that arrived yesterday from the Banking Committee. I regret that others somehow in the colloquy today might have raised this question. I assure the Senate that that was never on the agenda today. There was no effort to get a quorum for the purposes of consideration, and it was my clear understanding that the earliest date which the Rules Committee could address this issue would be next Tuesday.

(Mr. GREGG assumed the chair.)

Mr. SARBANES. Mr. President, some of my colleagues on the other side have been treating this matter as though the choice is between terminating the inquiry right here and now or an indefinite extension, which is what Senator D'AMATO has proposed. I want to underscore the fact that Senator

DASCHLE put forward last week a proposal for providing additional time and funding to complete the work of the special committee authorized by Senate Resolution 120.

Senator DASCHLE proposed providing until April 3, an additional 5 weeks, for the Senate committee to complete its hearings schedule and until May 10, a further 6 weeks thereafter, for the committee's final report to be produced. Senator DASCHLE proposed then, in order to carry us through that period, additional funding of \$185,000; not \$600,000.

Let me point out, in Iran-Contra, in the 5 weeks leading up to the end of their hearings, they held 21 days of hearings. So, if this committee followed the schedule of the Iran-Contra committee in July and August of 1987, it could do 21 days of hearings within the time period provided by the proposal put forward by the majority leader. That is almost half again as many hearings as have already been conducted by this committee over this entire period.

Five weeks of additional hearings should be more than adequate to complete the so-called Arkansas phase of this investigation. In fact, that phase concerns events that occurred in Arkansas some 10 years ago, events which have been widely reported on since the 1992 Presidential campaign and about which much has already been said. Witnesses have been brought in, and they tell the same story that has been in the newspaper 3 and 4 years ago. In fact, I must tell you—I do not have it here with me, I will get it for further debate—we had one witness with whom we were going over the notes about the January 1994 period. So the next day there was a story in the press about that. We compared that story with the story that had been written in the press back at the time. The first two paragraphs of those two stories are virtually identical.

I mean, we are simply replotting old ground. I understand some people want to do that, as well as whatever new ground there may be. But to now appropriate another \$600,000 in order to carry out this kind of inquiry? This investigation can be brought to a proper conclusion for far less money than the \$600,000, and the remainder of those funds can be put to a far more constructive purpose. As I indicated before, the inquiry of the independent counsel will continue. He and his predecessor have already spent more than 2 years investigating Whitewater-related matters. We anticipate they will continue. So it is not as though these matters are not going to be looked into. In fact, this committee does not have the power of bringing actions. That rests with the independent counsel.

In addition, as my distinguished colleague from Connecticut, Senator DODD, pointed out, a comprehensive report by an independent law firm, Pillsbury, Madison, and Sutro, retained by the RTC, has now been made public. Its

key findings are that they find no conduct on the basis of which action can be brought.

Let me now turn to two arguments that are put forward to support an open-ended extension of time, which is what the proposal is that is before us. One is that there has been delay complying with White House document requests by the White House. And regarding complying with document requests, they point to documents that are provided late. I just want to make this point. Those documents were provided. I have been in other inquiries in which documents were never provided; in fact, in which they were destroyed. What happens here is they come forward with the documents. Instead of saying, "Good, we have the documents, we can now examine them," people are berated because the documents were not provided earlier. It is reasonable, with respect to each person, to ask them why were they not provided earlier. I mean Mark Gearan said that, by mistake, these documents were packed up, put in a box, and shipped over to the Peace Corps when he went there to be the Director. He did not know that had taken place. Later he found out that it had taken place, and he moved, then, to respond with the documents to the requests that had been made of him.

But it must be understood that the White House experienced difficulties in complying with document requests because some of the majority's requests were extremely broad and burdensome. For example, in early September the majority sent to the White House a request—now, listen carefully to this—calling for the production of any communications, contacts, or meetings; any communications between anyone in the White House, current staff or former staff, and anyone on a list of about 50 people, on any subject—any subject matter whatsoever—over a 18-month period.

Just think of that. Take a moment to think about that. You get a document request that says we want any communication between any present or former member of the White House staff, which is quite a large number. I do not know the exact number. But it is many, many people, and anyone on a list of more than 50. Actually that list included any employee of the RTC which literally involves thousands of people if you take it literally—any communication between those groups on any subject matter; any subject matter whatsoever over an 18-month period. Think of the enormity of that request. Obviously, such a broad and onerous request slowed down the document production effort. We engage then in an effort to narrow this request and to focus, and in effect to pinpoint it on what was really relevant, and once that was done, we were able to get a response in a reasonable period of time.

The majority request for electronic mail records encountered the difficulty that the White House did not have an

existing capability to retrieve all e-mail messages potentially encompassed by the committee's request. The White House attorneys explained that the e-mail system implemented by the Bush administration and inherited by the Clinton administration did not save e-mail records in retrievable form. Under the Bush administration's system, only weekly backup tapes for the entire computer network were maintained up until the Clinton administration put a new system in place in July 1994. The White House actually has produced responsive e-mail created after July when they put their new system into place. So there was a problem on how to proceed under the technical constraints imposed by the Bush administration.

Finally, this matter was resolved through a more specific definition by the committee of the e-mail request. In other words, we were able to identify particular weeks instead of a broad request over an extended period of time involving huge numbers of people. The White House committed a major outside computer contractual firm to assist it, and we have now been receiving those e-mail. We still have 1 or 2 weeks to go in terms of furnishing them to the committee, although additional requests have been made in recent days I understand.

In any event, it is important to recognize that these documents were produced, and, in fact, one produced contained little meaningful information.

Let me turn to the argument that is made that we need an indefinite extension in order to await the completion of the trial that is about to begin in Little Rock. When the Senate passed Resolution 120 creating the special committee and defining its powers and responsibilities, the independent counsel's investigation was already well under way. The Senate recognized that fact and provided for it in the resolution. It was not the intent of the Senate, as reflected in the resolution, that the special committee's work be delayed, or put on hold because of the activities of the independent counsel. In fact, the independent counsel has along the way raised concerns about the committee's investigation. The committee declined to suspend its work to accommodate those concerns, and on October 2 of last year Chairman D'AMATO and I wrote to independent counsel Kenneth Starr and advised him that the committee intended to proceed with its investigation contrary to wishes expressed by him in his letter of September 27. We said in that letter,

We believe that the concerns expressed in your letter do not outweigh the Senate's strong interests in concluding its investigation and public hearings into the matters specified in Senate Resolution 120 consistent with section 9 of the resolution.

In other words, on October 2, we said to the independent counsel we are going to go ahead despite your inquiries in order to complete by the date provided in the resolution, February 29.

We are not going to await the outcome of your trial. Now we are being told just the opposite. Now we are being told we must await the outcome, and therefore we must extend the inquiry beyond the completion of the pending trial.

Indeed, four witnesses have informed the committee that they will invoke their right against self-incrimination and refuse to testify. But that is no reason for the committee to extend this investigation into the political season, a result the Senate avoided when it provided the funding for the investigation only through February 29, 1996. That problem was recognized at the time. It was part of the thinking at the time. And the thinking was that we would not defer if that became the issue before us to the independent counsel.

In fact, in that letter of October 2 to independent counsel Starr, Chairman D'AMATO and I said, with respect to the position of the special committee in seeking the testimony of defendants in criminal trials initiated by the independent counsel, and I will quote:

The special committee does not intend to seek the testimony of any defendant in a pending action brought by your office, nor will it seek to expand upon any of the grants of immunity provided to persons by your office or its predecessor.

That was the position that the committee took on October 2 as we projected forward as to what our work schedule would be.

It must be understood that delaying beyond the trial will not affect the ability of witnesses to assert their privilege against self-incrimination. In fact, I think it is fair to say that they can be expected to continue to assert their fifth amendment privileges. Even the availability of defendants, if one were to decide to seek them, would be affected by the trial's outcome. If the defendants are convicted, appeals will likely follow probably on numerous grounds and take months, years. All my colleagues know the workings of the legal system. During that time, the defendants will retain their fifth amendment privilege notwithstanding the prior trial and conviction. Even if acquitted, they retain the privilege for charges other than on those on which they were tried. So it is very unlikely you will obtain this testimony in any event.

Second, this trial is being treated as though it is going to be in camera. In other words, that this trial is going to begin and that no one is going to know what the testimony is at the trial.

Now, obviously, that is not the case. I am told, in fact, that the press and media are already moving from here in Washington to Little Rock, and so I anticipate that the trial will be well covered and well reported.

No one knows, of course, how long the trial will last. Estimates are 10, 12 weeks, maybe longer. I think this letter that we sent—and I will discuss it at greater length subsequently because

I take it my colleagues wish to speak, but the October 2 letter which Chairman D'AMATO and I sent to Independent Counsel Starr is instructive in this regard because it operated on the premise that we had to complete our work, that we were not going to be placed in the posture by the independent counsel of backing up our work behind his work. I think that was a wise position then. I think it remains a wise position.

I am very frank to tell you, as I indicated at the outset, that the proposal for \$600,000 funding and the unlimited extension of time is a proposal that disregards concerns expressed here a little less than a year ago, concerns that Senator DOLE has expressed on other occasions with great vigor, completely disregards concerns about extending the investigation deep into a Presidential year, and therefore I think it undermines the credibility of the investigation and creates the public perception that it is being conducted for political purposes.

I do not think there is justification for the proposal for an indefinite extension of time. I am very much opposed to it.

Senator DASCHLE has come forward with an alternative proposal that I think is reasonable. He has not said that we are going to simply stick with Senate Resolution 120. He has offered a proposition to extend the hearing schedule to the beginning of April and some additional time to do the report. I think the committee could complete its inquiry within that time period, and I think that will give some assurance to all of us here and to the American people that this investigation is being conducted in a fair, thorough and impartial manner.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I do wish to be heard on the issue of the White-water extension, but first I have a unanimous consent request.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the nomination of Gen. Barry R. McCaffrey to be Director of the Office of National Drug Control Policy, reported out of the Judiciary Committee today. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, that any statements relating to the nomination appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.