

ideas, and experience to this difficult challenge.

I cannot let this occasion go by without briefly mentioning some of the many awards and accomplishments that General McCaffrey has received during his illustrious military career: two awards of the Distinguished Service Cross, two awards of the Silver Star, three awards of the Purple Heart for wounds suffered in Vietnam, leader of the 24th Mechanized Infantry Division whose left hook attack against the Iraqi army was the decisive ground battle in our gulf war efforts. In order to accept the President's call to duty in the drug war, General McCaffrey will retire from the Army: there is no greater indication of his love of country than this sacrifice to take on a new challenge.

The extent of the drug war is well known and seems to have worsened during the last few years, especially among our young people. General McCaffrey's recent responsibilities as commander of the Southern Command has plunged him into the counter-narcotics battle, experience which will serve him well in his new post. Along with his unquestioned moral authority and leadership skills, this experience makes Gen. Barry McCaffrey uniquely qualified for this position.

I urge the Congress to assist our new drug czar in this fight in policy determination, financial commitment, and moral leadership. Only by enlisting all of us as soldiers in this war will the generals in the fight, such as General McCaffrey, be able to win the war on drugs. I wish my friend the best in his new position and it has been a singular honor for me to participate with my friend, Senator NUNN, in introducing General McCaffrey to the Judiciary Committee.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

#### ORDER OF PROCEDURE

Mr. LOTT. Mr. President, in anticipation of the visit by a foreign dignitary, so that we can bring him to the floor, I now observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. Mr. President, we will be a few minutes yet before the foreign dignitary will be able to visit with us in the Chamber, so I thought we would go ahead and proceed with the debate. So, I seek recognition to speak on the Whitewater committee extension.

#### WHITEWATER

Mr. LOTT. First, Mr. President, I want to make note of what is being done here. The distinguished chairman of the Banking Committee has asked for a very fair unanimous consent that the Senate bring up the resolution extending the Special Committee To Investigate Whitewater Development Corp., and that it would be presented in a most fair manner, 2 hours of debate, equally divided, with an amendment in order by the distinguished Democratic leader, Senator DASCHLE, or his designee, and an hour of debate on that, and we would then proceed to vote.

That unanimous-consent request has been objected to. It seemed like a fair way to proceed to me. It is normal business. You bring up a resolution, you have a very fair procedure where the other side can offer an alternative and we can have a vote on that and then proceed to vote on the resolution as it is presented. That has been objected to now about four times. We are just trying to find a way to move this to a conclusion.

This Whitewater committee has a job to do. The American people understand that. They want the job to be done. But that job is not complete. It would have been nice if it could have been wrapped up a month ago, or today. But the work is not completed. It is not completed partially because there has been this slow process. They talk about a perception of politics; how about a perception of coverup?

I can understand how there are documents can be misplaced at one time and then turn up, like the billing records did in the private residence at the White House. That is one example. And then there are these documents that Mr. Gearan found. Then there are the documents which Mr. Ickes found. I think that came out just in the last week or so.

Every time it looks like all the documents that can be found have been found—and I am not on the committee; I am just observing it as a normal Member of the Senate would—and when the Senate seems like it is getting to the point where we could begin to move to some conclusions, another raft of papers just appears out of thin air.

I want to commend the chairman of the Banking Committee. He has been diligent. He has been very calm in the way he has handled this committee. He has been very fair. Yet he is, on the one hand, criticized because they have not had hearings every day and on the other criticized because of all that has been done and all the documentation that has been accumulated. I just think he is entitled to some credit for the very calm and methodical job that has been done.

Those who want to say, well, it is politics, those who are opposed to extending this hearing in the way that it should be extended, certainly you would think that they would have had the Washington Post or New York

Times and other media in their corner. But that is not so.

The New York Times, in fact, on the 28th of February, said that Senator D'AMATO has in a non-partisan way made a very strong point about the need to continue the Whitewater committee. I want to read an excerpt from the New York Times. The editorial supports an indefinite extension of the committee and the duty of the Senate to pursue this matter in a fair way.

The New York Times editorial reads thusly:

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. 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.

The New York Times is not exactly a Republican National Committee publication. The New York Times is not the only newspaper which has expressed similar views. There have been similar articles in the Washington Post.

So, I am a little surprised at what I have heard here today: that we're dragging the investigation out; that Whitewater is only about empty allegations and politics. There are also these complaints that there is nothing really to Whitewater. There is no "there, there," so to speak.

I do not know all the details. But I do know this, that in connection with this matter, there have been numerous guilty pleas and indictments. David Hale pleaded guilty on March 22 to two felony violations. Charles Matthews pleaded guilty on June 23, 1994, to two misdemeanor violations. Eugene Fitzhugh pleaded guilty on June 24, 1994. Robert Palmer pleaded guilty on December 5, 1994. Webster Hubbell pleaded guilty on December 6, 1994. Christopher Wade pleaded guilty on March 21, 1995. Neal Ainley pleaded guilty on May 2. Stephen SMITH pleaded guilty on June 8. Larry Kuca pleaded guilty on July 13, 1995.

We have indictments on numerous felony counts of Mr. McDougal. Eleven felony indictments were handed down against Governor Tucker. You know, I do not think we can lightly dismiss all of these things.

I acknowledge that these are separate proceedings that are being carried forth by the independent counsel's office. But as a matter of fact, the Senate has an even higher responsibility.

We are not just looking at legal matters; we are looking at broader questions of misconduct, how Federal agencies or departments may have been used, how certain Federal funds may or may not have wound up in campaigns.

So even aside from all this, if you can just dismiss all this, you have to ask yourself, should not the committee be looking at that and a lot of other matters that are surrounding this Whitewater affair? So, clearly, the committee should have an extension of its time well beyond February 29.

Mr. SARBANES. Would the Senator yield?

Mr. LOTT. I will yield, but I want to take note that I listened a long time to the Senator's statements without any interruption. If the Senator would like to ask a question or make a point.

Mr. SARBANES. If the Senator would prefer that I wait, I will be happy to.

Mr. LOTT. Beg pardon?

Mr. SARBANES. If the Senator would prefer that I wait, I will be happy to do that.

Mr. LOTT. Would the Senator? Then I would be glad to respond to questions. And I would like to address some to the distinguished chairman of the committee because most Senators do not know the answers to some of these questions that are being asked out here today. I would like to ask those of you who have been involved to respond to those.

Certainly, the Whitewater committee should be extended beyond February 29. Even my colleagues on the other side of the aisle acknowledge this. But you want to put this arbitrary cutoff on it. Regardless of what happens in the trial that is beginning next week, you want to say by a date certain we are going to stop it no matter what happens in that trial.

I know some of the defendants maybe will be found innocent, or maybe they will be found guilty. Maybe there will be appeals. But we will find out. There are witnesses, I presume, associated with that trial that this committee has not been able to have testify.

How can we say to the committee, "Complete your work," when they may not have questioned some of the most critical witnesses? Again, I do not know what the end result will be. I do not know how long it will take. But I am uncomfortable, in view of the dribbling out of information, with saying you have to just stop it at some date certain, like May 3. The minute you say this is the cutoff date, the way things have transpired, what your guarantee is that there will be more withholding of information until that date arrives.

I have some sympathy for the White House, in a way, because I am amazed at how they handled this thing. They certainly have not helped this committee finish its work, even though the Whitewater affair is a blight on the administration. Surely, it would be better if we could get it all out in the open

and reach a conclusion. I am sure that the administration, in many respects, is horrified at how some of this is being handled.

Let me say this, too. I served in the House for 16 years. I have been in the Senate 7 years. I was on the Judiciary Committee during the Watergate hearings. Oh, yes, is it not amazing how the worm sort of turns over the years, depending on which side of the aisle you are on. I remember Watergate, and I watched the Iran-Contra hearings. I watched the October surprise. I never figured out what the surprise was. I got the answer. There was not any. And now some of those who were saying we must get to the bottom of this, that we cannot have a coverup, that we have to go forward with this no matter what the cost, now they are saying, "Geez, we need to cut this thing off; it costs too much, it looks political because of an election year." If we had gotten all the evidence, if the special independent counsel had completed its work, maybe we could have completed it.

I want to talk about the dollars, too. Not only has the chairman done a very calm, reasonable, fair job, he has also been frugal. This committee has only spent \$950,000 in the 104th Congress, as I understand it, through February 29. I understand there might have been an amount that was actually done in the previous Congress, bringing the total to like \$1.3 million, I believe, and that is what the Democratic leader had said earlier.

Mr. SARBANES. If the Senator will yield?

Mr. LOTT. I will yield on that point.

Mr. SARBANES. This committee spent what was available to them. That was the \$950,000.

Mr. LOTT. That is going to relate to what I am fixing to say. You talk about the cost. That is a very small amount of money in doing its job, especially when you compare it to what these other committees spent. For instance, the select committees on Iran-Contra spent well over \$3 million, and in 1996 dollars, it would probably be \$4.5 million on that investigation, according to the Congressional Research Service.

The October surprise investigation cost up to \$2.5 million, according to the Congressional Budget Office. Chairman HYDE in the House, who served on the investigating committee, said the total cost, including salaries and expenses, amounted to probably as much as \$4.56 million. It may have been for a shorter period of time, but the actual costs were greater.

According to the Congressional Research Service, the total cost of Whitewater, including the independent counsel, at this point has been \$12,525,000.

Compare this \$12.5 million to the \$40 million in direct costs spent on Iran-Contra. Some estimates place the total cost of Iran-Contra as high as \$100 million. Even the Watergate investigation, in which I participated, is estimated to have cost \$26 million.

I understand you have the cost of the independent counsels and the entire cost of some of these other investigations, and in this case you have the independent counsel going forward, but the committee itself has been very reasonable in what it has spent.

What they have asked in additional funds is only \$600,000. You are talking about, based on that money, 3 months, 4 months maybe, and if the work is completed before then, it certainly would have to be completed within 4 months, but it could be done before then.

I want to know, when did this committee establish 96 to 3, by a vote of the Senate last year, to become a political circus? What we are trying to do here is find out the facts, not facts as determined by Republicans or Democrats, but what happened in this matter. There are a lot of questions that remain unanswered, as far as I can see.

More and more this Whitewater affair looks to me like a scheme to fund dubious ventures illegally, perhaps with some of the tab ultimately being picked up by the taxpayer. These are important issues, not flights of fancy. To treat this investigation as anything less, as partisanship or vindictiveness, is wrong.

So, Mr. President, let me just say the Whitewater investigation is not and should not be about politics. The committee has found a tremendous amount of information and facts that raise a lot of questions. Some of those questions have not been answered yet, and the committee has done its job inexpensively and prudently. The truth needs to get out. The Congress has a job to do, no matter what happens with the independent counsel. We need to get through the public hearings.

If there is wrongdoing, then the judiciary will get involved. The Senate's role is limited. The job of Congress constitutionally is not to prosecute but to reveal. It is a place not only where the people rule, but where the people hear. Through hearings and other means, the Senate has and can continue to reveal what really happened in Whitewater. For the good of the Presidency and for the good of the country, we must find out.

Surely we can find a way to come to an agreement on the necessary funds to get this hearing done and completed in a reasonable way, but without artificial cutoffs. We will regret that if we do it.

Mr. President, I would like to address a couple of questions to the distinguished chairman of the committee to clear up some of these things that some of the Members are wondering about and that I wonder about.

Obviously, documents have been coming in fits and stops and not all the documents that the committee subpoenaed, but I just wonder and ask the chairman of the committee, what kind of cooperation have you received from the White House? The White House keeps talking about the number of

pages of documents. The Senator from Maryland talked about this tremendous, voluminous amount of material that has been furnished to the committee, but have we received full cooperation from the White House? Have you received everything you have asked for?

I yield to the Senator.

Mr. D'AMATO. The Senator raised a very good point, because we have heard "50,000 pages of documents being produced in response to requests," but the fact of the matter is, as Senator MACK pointed out yesterday that it is not the sheer quantity of documents that matter, it is the quality and relevance; for example, documents that were under the jurisdiction of key people with the so-called Whitewater defense team, the group that was attempting to deal with press inquiries and other inquiries, headed by Mr. Ickes. We just received about 200 pages, literally, last week. Incredible.

Now, we have requested that—

Mr. LOTT. You received 200 pages just last week?

Mr. D'AMATO. That is right.

Mr. LOTT. Where did those documents come from?

Mr. D'AMATO. It was indicated they were in a box, a file. He thought he maybe turned them over to his lawyer.

Mr. LOTT. Who is he?

Mr. D'AMATO. He is Mr. Ickes, deputy chief at the White House, and in charge of this task force dealing with this Whitewater and Whitewater-related matters.

Let me say that the production of those documents alone have raised very interesting questions, and I have to think that there are many more documents—because the produced records contain information relating to Mr. Ickes tasking assignments out to different people. You know something, we have not gotten any of those documents or any of the task reports from the other members of that so-called White House defense team. But that is only one individual.

With Mark Gearan several weeks ago, former White House communications director, the same kind of event. He claims that the documents were not found because he put them in a box while he was packing. He was going to head the Peace Corps, and he thought mistakenly that they had been turned over. An inadvertence. Interesting. Because he is another member of the defense team.

Guess what? Again, just several weeks ago, the same thing. This time Mr. Waldman, another member of the defense team, finds documents. Again, it relates to specifically Whitewater-related matters. No question. I have to tell you, it does lead one to believe—even if one were to accept that these were just accidental—these are delays that are no fault of the committee.

What about the manner in which the White House conducted an investigation to get the documents? Let me give you an example of what the Treasury

Department did. They sent a team of IRS agents in to comb the files for relevant material. It is not what the White House did. They had a haphazard handling of this, almost with the back-of-the-hand attitude, designed—or certainly if not designed, they should have recognized that it certainly did not comply with the spirit and intent of what the President meant by promising full cooperation.

Last but not least is the miraculous production of the billing records—billing records that are very essential to analyze what Mrs. Clinton did or did not do for Madison. Where are they found? In the personal residence of the White House. I do not know how it got there. But I have to tell you, as our friend from North Carolina, Senator LAUCH FAIRCLOTH, points out, that is one of the most secure places in the world. He asked, tongue in cheek, "Did the butler bring it there?" Who do you think had control of the billing records of the Rose Law Firm? Who? It was not this Senator. I do not know. Where do you think they found them? They were found in the personal library of the First Family. Who brought them there? How did they get there?

Our colleagues complain that we are bringing in witnesses unnecessarily. An attorney, Austin Jennings, was brought in. Let me tell you why we asked for that poor attorney to come in. It was because he came up to Washington to meet with the Clintons' personal defense lawyer. Are we supposed to talk to him by telephone? Why did the Clinton's attorney not do that? He was writing a book—this is a great story—and he wanted to ascertain, was Mrs. Clinton a competent lawyer.

Could you believe he flew from Little Rock up here to the White House itself to meet with the Clintons' personal lawyer and Mrs. Clinton to spend 20 minutes simply to say that, yes, if asked any questions, he would say she was a competent lawyer? He did not even know who paid for his trip. You want to talk about disingenuous. I think it is disingenuous to ask why we asked this poor gentlemen to come here. Incredible. Sympathy and sop? Come on. Let us level somewhat.

I have to tell you something. The fact of the matter is that Mr. Jennings was Seth Ward's attorney. Who is Seth Ward? If my friends want to debate this, we will bring out what the committee has been doing on this floor. If you want to do it for 10 hours, we will do it for 10 hours. If you want to do it for 20 hours, we will do it for 20 hours, and we will spell it out.

Seth Ward is Webb Hubbell's father-in-law, and he participated in Castle Grande, the biggest of Madison Guaranty's sham deals—a \$3.8 million loss. By the way, Mrs. Clinton, when asked by various investigative agencies of the Government, gave indications that she did not know about Castle Grande. She heard it referred to by a different name. She had 15 conversations with Seth Ward. Jennings was Seth Ward's

attorney. That is why we brought him in. When an attorney says tongue in cheek, like Mr. Jennings did—a smart fellow—says, "I do not know what I am doing here," come on, it is disingenuous to come to the American people and to the Senate and to say some witnesses did not even know why. Here is a smart lawyer, and he does not even know who paid for him to come up here. I have to tell you, it raises many more questions than it answers.

It is this kind of delay and holding back that puts us here in this position. You can pull out the letter and all of the conversations you want. I thought we would have this matter finished by February 29. If we had the cooperation of witnesses, the White House, and others, we could have wound this up. But we did not have the kind of cooperation that the American people are entitled to.

VISIT TO THE SENATE BY HIS HIGHNESS SHEIKH JABER AL-AHMAD AL-JABER AL-SABAH, AMIR OF THE STATE OF KUWAIT, AND MEMBERS OF THE OFFICIAL KUWAITI DELEGATION

RECESS

Mr. LOTT. Mr. President, I ask now that the Senate recess for 2 minutes to receive His Highness Sheikh Jaber Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.

There being no objection, the Senate, at 4:44 p.m. recessed until 4:46 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

#### WHITewater

Mr. LOTT. Mr. President, I know others wish to speak and ask questions. I will ask one more question at this time. I think it is really the key question that we had asked in answer to the objections we are hearing from the other side of the aisle.

There have been complaints that the chairman's request does not set up an end date for the investigation. I assume he has some very good reasons for that. Why can we not say that the investigation will end on such and such a date? Why is May 3 or May 31 not an acceptable date?

Mr. D'AMATO. That is a very valid point and question. Also, again, when one looks at the contention that we have looked for an indefinite, ad infinitum extension, that fails to take into account that we have asked for a finite amount of money, up to \$600,000. But if we get into the situation where we cannot get certain witnesses, because their lawyers seek—as has been spelled out in a book called "Men of Zeal," where they talk about what happens if you fix a date for the end of an investigation or the work of the committee. Exactly what we are confronting today is what