want health insurance that is portable. We have a great bipartisan bill. Why is that not up here? The Kassebaum-Kennedy bill will protect our people from getting their insurance canceled because of a preexisting condition. It would allow them to take that health insurance with them.

I ask you, what is more important for our people, standing up and berating the President and the First Lady on something that happened years and years ago, where the special counsel has all the resources he needs to bring justice, or doing the work of the U.S. Senate? I am absolutely amazed that, after all the bipartisanship we have had on that committee over so many years, our ranking member and our chairman cannot agree when we have offered hours and hours of hearings to them.

It is extraordinary to me. I think this issue of the trial is a false issue. Again, this is not going to be a secret trial. So, Mr. President, I am clearly distraught that this is the priority of the U.S. Senate.

Mr. President, I ask unanimous consent that I may speak for 3 minutes on a different subject. Then I will yield the floor.

The PRESIDING OFFICER. Is there objection? Hearing none, so ordered.

Mrs. BOXER. Thank you so much, Mr. President.

VIOLENCE BY TERRORISTS IN ISRAEL

Mrs. BOXER. Mr. President, I rise to discuss the recent violence in Israel and to express my profound hope that these cowardly terrorist attacks will not destroy the peace process that so many have worked so hard to cultivate.

In the past week, the extremist, terrorist organization Hamas has sponsored four deadly bombings, killing more than 60 people and wounding more than 200 innocent, innocent people. These vile and disgusting acts clearly targeted at innocent civilians on public buses and on busy streets must be condemned.

It is hard to imagine the kind of deranged mind that could contemplate such appallingly evil deeds. As the President said very eloquently yesterday, he cannot even imagine an adult who could teach a child to hate so much.

The most recent attack, which occurred this past Sunday, killed 14 Israelis, including 3 children dressed in their costume for the Purim festivals.

Purim is among the most joyous holidays for the Jewish people. It commemorates how the children of Israel overcame a genocidal plot thousands of years ago. Purim reminds us that in the end, good triumphs over evil and reminds us that the Jewish people have an indomitable spirit of survival. The Persians could not destroy the Jewish people thousands of years ago. The Nazis failed 50 years ago. And Hamas will fail, too.

The United States of America stands shoulder to shoulder with Israel during this crisis. Their battle against these evildoers will be the battle of all civilized people everywhere.

An all-out war on terrorism must and should be waged. But the Hamas terrorists want one thing more than anything else, Mr. President—to scuttle the peace process. We must not allow them to win. We must defeat the terrorists and ensure a lasting peace.

PLO President Yasser Arafat can and must do much more. His recent statements condemning these attacks unconditionally have been good, but his actions must now follow his words. Only he has the power, the position, and the influence to gain control over Hamas.

My heart goes out to the victims of this violence and to all the good people of the Middle East who pray and work for peace.

I thank you very much, Mr. President, and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

WHITEWATER DEVELOPMENT CORP. AND RELATED MATTERS—MOTION TO PROCEED

The Senate continued with the consideration of the motion.

Mr. HATCH. Mr. President, I have heard just about all the whining about Whitewater that I can stand. To be honest with you, if this was a Republican President, what has already been uncovered would be front-page headlines all over the country everyday.

The fact is, it is a mess, and it does not take any brains for people to realize that if you set a short time limit, people are literally not going to comply with that time limit.

We have had more than ample proof that that has been the case here—more than ample proof. The fact of the matter is, we have had documents dribbling in at the last minute 2½ years since there has been a subpoena for them. There is no excuse for it. To hear our friends on the other side on this issue, it is outrageous what they are saying, and to act like this is not the Senate's business is also outrageous. There may not be anything more important for the Senate to do than to do its job in this area.

Now, I have to say, I hope personally that the President and the First Lady do not have any difficulties in the end, but there are a lot of unanswered questions. There are a lot of things that any logically minded person or fair-minded person would have to conclude create some difficulties for anybody, let alone the President and the First Lady.

It is one thing to stand up and defend your party and your party's President—I have done it myself, and I do not have any problem with that at all; in fact, I commend my friends on the other side for doing it—but it is another thing to act like this is not important business or that we should not be doing this; that there are other things more important. Of course, there are other things that are also important, but not more important, and we should be doing all of them. And I agree with some of the criticism that has been given with regard to some of the things that need to be done.

We have done a lot, but a lot has been vetoed. There is a lot tied up in conferences today. There is a lot that is not being done because of party warfare here. I have never seen more filibusters used in my whole 20 years in the Senate than I have seen in the last couple of years. Almost everything, even inconsequential bills. Why? Because they want to stop any momentum of the Contract With America. That is legitimate. I am not going to cry about that, but I do not believe you use filibusters on just about everything. To me that is wrong.

So I rise today to express my support for the extension of the Special Committee on Whitewater and Related Matters. As chairman of the Judiciary Committee, I see it as my duty to defend the separation of powers and the constitutional prerogatives of the executive branch. These are important things, and I have to say, in some ways, I resent some of the comments that indicate these are not important things. I guess they are not important because it is a Democratic President who is being investigated at this time. Boy, they were sure important when Republican Presidents were in office. You could not stop anything from going on, and you had both Houses of Congress controlled by Democrats in most of those cases.

We are talking about the separation of powers and the constitutional prerogatives of the executive branch. After giving this issue careful thought, however, I have decided that the special committee's investigation into Whitewater must continue. This issue transcends the claims of partisanship and goes to the very constitutional authority of Congress to investigate wrongdoing at the highest levels of Government.

Congress has the constitutional obligation to see that public officials have not misused their office, and we have a duty to bring these matters to the public eye so that the American people can be confident that their Government is operated in a fair, just, and honest way.

We must provide the special committee with more time in order to demonstrate that delaying tactics of a White House, whether Democrat or Republican, will not be permitted to frustrate a legitimate congressional investigation.

For example, I was dismayed that we received more notes from the White House relevant to this investigation just last week. Now, I am happy that we received these notes—more notes—that are responsive to the special committee's requests. I am just concerned about the delay in the response.

Last Thursday, the special committee's resolution expired. In light of the fact that information keeps trickling out of the White House, I can see no other way than to extend the committee's investigation until the most pressing questions are answered. We cannot be expected to wrap up our investigation when we are still receiving important information from the White House and awaiting the availability of key Arkansas witnesses currently involved in related court proceedings in that State.

The special committee must be given time to conduct a fair, careful and thorough investigation so that the Congress can be confident that all of the issues surrounding the Whitewater scandal have been fully aired and examined. Some have requested that a time limit be put on the extension of the Whitewater committee. That might not be a bad idea under certain circumstances. Unfortunately, however, we cannot agree to any time limits until the criminal trials have been completed.

Some have thought that the reason the Democrats have suggested 5 weeks is because that is how long the criminal trials will take. At that point, it will be over and you cannot get some of the witnesses who really have to come before the committee.

Many of the witnesses who will testify in the criminal trials may also need to come before the Whitewater committee. We cannot agree to any time limit that would preclude the Whitewater committee from completing its work or we will get into the same debate 5 weeks from now. If we set that time limit, I guarantee you we will be in this same debate 5 weeks from now because there will be further delays, further obfuscation, further finding of documents at the last minute. At least that has been the situation up to now.

As long as doubt concerning Whitewater continues, the President and the First Lady will not enjoy the full trust of the American people. This scandal is not just bad politics, it is bad for the future of our Nation.

I believe we do need more time to further examine whether White House officials attempted to interfere improperly with the Justice Department's investigation. During January 1994, Mr. Mark Gearan, then director of communications at the White House, took detailed notes of a series of meetings on Whitewater with senior White House personnel. I am concerned that, despite White House denials, attempts were made both to influence the appointment of a special prosecutor or independent counsel and to affect the testimony of some of the key witnesses in that case.

I am particularly concerned that attempts were made to influence the appointment of an independent counsel. We have only begun efforts, the needed efforts to investigate these problems.

Mr. Gearan's notes indicate several White House officials, including Mr. Ickes, argued that an independent counsel should not be sought. Now, I can see that. But from what I am able to glean from these notes, I presume the reason White House officials opposed an independent counsel's appointment was that an independent counsel could not be ''controlled.'' That is what the notes say.

For example, in the January 5 meeting, Mr. Gearan's notes record Bernie Nussbaum as saying that the independent counsel is ''subject to no control.''

During the January 7 meeting, Mr. Gearan's notes say, ''We cannot affect the scope of the prosecutor.''

I think a fair reading of these statements is that the high-level White House officials were concerned about the appointment of an independent counsel, because they could not exercise control over his or her investigation. According to Mr. Gearan's notes, Mr. Ickes stated that neither the President nor the staff could speak to the First Lady about appointing a special counsel.

This suggests to me that the First Lady was making the final decision about whether a special counsel should be appointed. It certainly is not proper for the possible subject of an investigation to have input as to whether or not a special counsel should be appointed. We need more time to study this very worrisome possibility.

Mr. Gearan's notes of January 8 indicate that Mr. Ickes said that Mr. Kendall, the Clintons' personal lawyer, attempted to talk to Alan Carver who was supervising Donald McKay's investigation into Whitewater at the time. In fact, according to Mr. Gearan's notes, Mr. Ickes called Mr. Carver a ''bad'' guy, a guy who would not talk to Mr. Kendall without FBI agents present.

Then, according to Gearan's notes:

Mr. Ickes went so far as to say, ''That guy is f. . . us blue.''

Was the Department of Justice getting too close to the truth? How could Mr. Carver and Mr. Mackay be a problem if they were only doing their jobs to carefully investigate Whitewater? During the same time as the White House meetings, Attorney General Janet Reno was considering whether to appoint a special prosecutor to investigate Whitewater. At that time, the independent counsel statute had lapsed and the Attorney General chose Robert Fiske on January 20 to be her special prosecutor.

Unlike the independent counsel, the special prosecutor was under the control of the Justice Department and, ultimately, the President. Less than 2 weeks after these White House meetings, during which time the benefit of an apathetic special counsel was discussed at length, Janet Reno chose Robert Fiske as the special prosecutor, a man who many consider had failed to investigate fully the events surrounding Whitewater. I read some of his depositions. They were not detailed. They were not carefully done. I know Mr. Fiske. I have a high regard for him as an attorney, but in this particular matter I do not think he was doing the job that needed to be done.

We have learned that Webster Hubbell kept Whitewater documents of the Rose Law Firm in his basement after the election. Some of these may have been in Vince Foster's office when he died. We need to investigate whether at the time of these White House meetings Mr. Hubbell continued to have the documents in his basement while serving as an Associate Attorney General of the United States and was perhaps privy to discussions in the Justice Department concerning whether to appoint an independent counsel.

Another area that disturbs me is the effort to contact Ms. Beverly Bassett Schaffer. According to evidence collected to date, Mr. Ickes was deeply concerned about Ms. Schaffer's testimony. She had been the acting securities commissioner. He wanted a checkered story to make sure it would support President and Mrs. Clinton's version of the events surrounding Whitewater. Mr. Ickes even said he could not send any prominent members of the White House to speak with her because the press, or others, might get wind of what was going on. Mr. Ickes said that if these steps were not taken, ''We are done.''

I hate to read anything sinister into that statement, but an argument could be made that Mr. Ickes was worried that if he could not successfully manipulate Ms. Schaffer's testimony, serious consequences could result. I am gravely concerned about any discussion by White House officials to influence the workings of the Justice Department, particularly when it conducts ongoing criminal investigations into the White House.

Earlier, when I questioned Ms. Sherburne and Mr. Gearan about the notes, I became concerned that officials at the White House were trying to influence the story of an important witness—Ms. Schaffer—in this investigation. Ms. Sherburne agreed the notes could be read that way. That was in response to my questions—that, yes, they could be read that way.

The possibility that White House officials might attempt to influence or tamper with the ongoing actions of the President and his aides raises questions about the integrity and fairness of the administration of justice in our Nation. I cannot believe that anybody in good conscience could oppose a continuation of this committee's investigation until we start getting answers to the many troubling questions that have been raised.

Putting aside these problems, there are many other unanswered questions that have been raised by the committee's investigation that would require further investigation. Now, this is my Whitewater top 10 questions list. It is, by no means, exhaustive. It is just 10 I think ought to be answered.

First: How did the First Lady's billing records from the Rose Law Firm mysteriously appear in the personal quarters of the White House long after they had been subpoenaed?

Second: Who brought Madison Guaranty into the Rose Law Firm as a client, and who had primary responsibility for that account?

Third: Did the First Lady attempt to benefit from her relationship with her husband, then-Governor Clinton, in representing Madison Guaranty before Arkansas regulators, including Beverly Bassett Schaffer, who was the Arkansas State Securities Commissioner?

Fourth: Did the First Lady attempt to persuade Beverly Bassett Schaffer to approve a highly unusual deal that would have allowed Madison to stay afloat longer than it did?

Fifth: What was the First Lady's role in the Castle Grande deal? Did she assist Madison in what the RTC concluded was a sham transaction to conceal Madison's true ownership interest in the problem?

Sixth: Have the President and the First Lady's lawyers attempted to impede the investigations into Whitewater by the special prosecutor and the Senate special committee?

Seventh: Did the First Lady, her aides, or Bernard Nussbaum prevent Justice Department investigators from searching Vincent Foster's office after his death?

Eighth: Was there a effort to interfere with the investigation of Whitewater, as suggested by Mr. Gearan's notes?

Ninth: Who ordered the firing of Billy Dale in the White House travel office? What was their motive? Was there some connection with Whitewater? Was there some connection with something that was inappropriate or wrong? Certainly, there appears to be, and that needs to be cleared up. I hope there was nothing wrong, but there appears to be so.

Tenth: Were Rose Law Firm records purposely removed from the firm and/or destroyed?

Before these hearings began, the American public had been told there had been full disclosure. We now know that this is not true.

Before these hearings began, the American people were told Hillary Clinton did not work on Whitewater or Castle Grande. We now know that is not true. On Whitewater, she billed 53 hours, had 68 telephone conversations, and 33 conferences. You could go on and on. On Castle Grande, she billed more than any other partner in the law firm, as I understand it. I think it was 14½ hours. She had a number of conversations with Seth Ward, who was used as a straw man to circumvent the law in what regulators have called a sham transaction.

Before these hearings began, the American public had been told that there had been full disclosure. It is clear there had not been. We know that is not true. It is only because of these hearings that we know that.

These hearings have been very important, regardless of the outcome. It is our constitutional responsibility to follow through and conclude them in a satisfactory, fair, and decent manner.

Before these hearings began, as I said, the American people were told Hillary Clinton did not work on the Whitewater and Castle Grande cases. We now know that is not true. We know that. The hearings proved it.

Before these hearings began, we were told there was no interference with the Justice Department's investigation into Vince Foster's death. We now know, as a result of these hearings, that is not true.

You could go on and on. Given this history of deception, delay, and obfuscation, should the Senate take the administration's word on these matters? To permit us to close the book on this scandal, the Senate must approve the extension of the Whitewater committee operations. The American people demand no less from their elected officials. The counsel is pursuing the criminal aspects of this case, and it is important that the Congress fulfill its constitutional duty to conduct oversight at the executive branch and inform the American people of its findings. We have had suggestions that we ought to take 5 weeks and work 8 to 10 hours a day and we will solve this problem.

I have to tell you that since this committee has been established, committee counsel has been working a lot more than 10 hours a day every day. You cannot have hearings every day because it takes time to do the depositions and prepare, get documents together and go through them, and it takes time to put them together in a cohesive way. To prepare the questions, it takes time for each Senator. These hearings have to be planned and done in a reasonable, orderly, credible way.

I also can guarantee you that the minority's attorneys have been working full time on these matters because they are serious, because there are thousands of documents, because there are questions that are unanswered, because we have to get to the bottom of this.

Again, I will repeat that I like President and Mrs. Clinton. I have worked rather closely with the President for these last 2 years. I do not think anybody in this body can deny that. I have tried to help him with judges and other appointments, and on legislation, and I think he would be the first to acknowledge that. I have been very friendly to the First Lady. I hope there is nothing that hurts either of them here. But it would hurt the Congress, the Senate, if we, once we have this charge, do not follow through and bring it to a conclusion in a fair, just, and orderly way. We are clearly not at a conclusion now, not with getting documents as late as last week, even after the commission of this special committee has expired.

So this is important stuff, and I know that my colleagues are tired of it on the other side. I do not blame them. I got tired of Iran-Contra and a number of issues that were, in many respects, worked to death.

This is something that until it is resolved and resolved in a fair, just, and reasonable way, I think you cannot count on the President and First Lady having the full trust and confidence of the American people. Hopefully, when this is all over, they can. If they cannot, it is another matter. But at least we ought to get this thing put to bed and put to bed right.

I agree with the distinguished chairman of the Banking Committee, you cannot put a 5-week delay on it. You do have to put up enough money to resolve these matters, to be able to investigate them fully. There are just countless documents, countless witnesses in this matter, and we have not even gotten into the hard-core issues of this matter. That cannot be done until the trial is over, which is estimated to take 5 or 6 weeks.

I know that my colleagues are not just simply choosing that timeframe so that they can avoid another set of hearings or mess up this investigation. On the other hand, I think they have to acknowledge that 5 weeks is not enough time and that, if you do put a time limit on it, there is a natural propensity on the part of those who have something to hide to make sure it is hidden until after it is too late to bring it up.

Frankly, I do not think we should do that. We owe it to the Senate, we owe it to the Constitution, we owe it to our own conscience to do it in the right way. I want the hearings to be fair. I think thus far they have been. I want to commend the distinguished chairman of the committee, Senator D'AMATO. Contrary to what many on the opposite side thought before these hearings began, I think he has conducted them in a fair and reasonable manner.

I also want to compliment the minority leader on the committee, Senator SARBANES. He is one of the more thoughtful, intelligent people in this body. We came to the Senate together. I have tremendous respect for him. I think he has conducted himself in the most exemplary of ways, and I have respect and admiration for the way he has done so. I think both of them have done a very good job. I think other members of the committee have done a good job as well.

It is apparent that it takes time. It is apparent it is a painful experience for all to go through, including those on the committee. It means reading thousands of documents and trying to stay

up with a very convoluted set of circumstances here that are very difficult for anyone. We simply have to go forward. I do not think it is right to delay this any longer. I think literally we should go forward. There should not be a filibuster on this matter.

In fact, of all things, I think there should be no filibuster on this motion to extend the time of the committee. Truthfully, I think the Rules Committee needs to get the resolution out and we need to vote on it, up or down, and let the chips fall where they may and go about doing our business in the best, most ethical, reasonable, and just way we possibly can.

In the meantime, I will be pushing to extend this committee because I think it is the right thing to do. I have raised a lot of questions that literally have not been answered as of this time. I yield the floor.

Mr. SARBANES. Mr. President, I see the distinguished Senator from Minnesota on the floor. I know he wishes to speak.

I want to take a couple of moments because there is one thing my distinguished colleague from Utah made reference to. He talked about the previous hearings and other Congresses when the Congress was Democratically controlled, and I think that is an important point. I just want to come back to revisit the Iran-Contra hearings on which the distinguished Senator from Utah served. As he will recall, at the outset of that, there were Democrats who wanted to extend those hearings into 1988, into the election year. Now, Senator INOUYE and Representative HAMILTON rejected that proposition and agreed, in response to a very strong representation by Senator DOLE for a specific date to end it, and then conducted hearings in a very intense manner in order to accomplish that.

Again, I want to make the contrast between the hearings schedule in Iran-Contra in order to meet its cutoff date, which involved 21 hearings between July 7 and August 6. In other words, we had hearings every weekday throughout that period from July 7 to August 6 except for 2 days—21 out of 23 days we held hearings. Contrast that pace, that effort to comply with a requirement that had been passed by the Senate, with what took place over the last 2 months, when this committee in January held only 7 days of hearings—in other words, all of the other days were open to hold hearings, and no hearings were held. The same thing happened in February, where we held only 8 days of hearings. In fact, this committee, over a 2-month period, without the Senate being in session—we had the opportunity to really meet continually—held only 15 days of hearings over a 2-month period; whereas the Iran-Contra Committee, to which my colleague made reference, held 21 days of hearings in a 23-day period.

I think this simply demonstrates the effort then in that Congress to keep this matter out of the political election year. It stands in marked contrast to what has transpired over the last 2 months.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair. I want to take a few minutes of this debate, but offer my thoughts within a somewhat different framework.

In a recent USA–CNN Gallup Poll of big issues facing Congress—and I am sure others have referred to this—virtually no one suggested Congress should be devoting time and resources to Whitewater—67 percent of the people said Congress should work on approving public education; 66 percent cited crime as a major concern; 64 percent said jobs and the economy; and 63 percent worried about health care.

Madam President, this Senate, the majority-led Senate, has not held even one hearing on better jobs and wages. We have not had one hearing on better jobs and wages. Only 3 hearings have been held on improving public education, and 12 on crime control, drugs, and terrorism. Madam President, the majority party did not hold even one Senate hearing on what was an unprecedented plan to slash Medicare.

The reason I mention this, Madam President, is that I think there is a disconnect between all of the time and all of the resources that have been devoted to this hearing versus what it is people are telling us in cafes and town meetings in our own States that they are really concerned about. I do not hear people talking to me about the Whitewater hearings, except they wonder why they go on and on and on and on, and they want to know how much more will be spent on them.

I do hear people talking to me, not in the language of left or right, not in the language of Democrats or Republicans. People say to me, ''Senator, am I going to have a pension when I retire? I am really worried. I am 67 years old, and I am really worried.'' ''Will there be Medicare?'' Or, ''Senator, I have Medicare but I have to pay for prescription drug costs. I have Parkinson's disease. My father had Parkinson's disease. I cannot afford the price of these drugs.'' Or, ''Senator, you know the story about AT&T? That is my story. I worked for a company for 30 years. I worked 5 days a week and more. I was skilled. I was middle management and a responsible wage earner. I gave that company everything I had. I did a good job. I thought if you did that, at age 50 or 55 you would not find yourself fired with nowhere to go, just spit out of the economy.''

Or people in cafes say, ''Senator, this is for all of us, regardless of party. Senator, we have three children. They are in their twenties and the problem is that they are not able to obtain jobs that pay decent wages with decent fringe benefits. We do not know what will happen with our kids.'' Or ''Senator, I have a small business going and I do not know if I can continue to make a go of it.'' These are the issues that people are talking about—basic economic opportunity issues, basic bread and butter issues, basic issues about how to sustain their families and communities.

Madam President, I raise this because I wanted today to focus on another one of these basic economic ''bread and butter'' issues, which is minimum wage. As the author of the only minimum wage legislation in the last Congress, I congratulate the minority leader, Senator DASCHLE, for his focus today on increasing the Federal minimum wage. Despite the increases that went into effect in 1990 and 1991, the current minimum wage is not a living wage. It is a poverty wage—$4.25 an hour. Should we not start talking about that on the floor of the U.S. Senate? A person working 52 weeks a year, 40 hours a week, works for a poverty wage. A person making a minimum wage earns just about $170 a week, and that is before taxes—income tax, Social Security tax, you name it.

Madam President, the principle that a minimum wage ought to be a living wage served this Nation well for 40 years. From the enactment of the first Federal minimum wage law in 1938, through the end of the 1970's, Congress addressed this issue six times.

Six times bipartisan majorities, with the support of both Republican and Democratic Presidents, reaffirmed our Nation's commitment to a fair minimum wage for working people in this country. But during the 1980's the real value of the minimum wage plummeted and, adjusted for inflation, the value of the minimum wage has fallen by nearly 50 cents since 1991 and it is now 27 percent lower than in 1979, using 1995 dollars. To put it in another context, we need to realize that the minimum wage would have had to have been raised to $5.75 an hour last year to have the same purchasing power it averaged in the 1970's.

When are we going to start talking about good education and good jobs? I said on the floor of the Senate before, real welfare reform would mean an increased minimum wage, good education, and a good job. If you want to reduce poverty: Good education, and a good job. If you want to reduce violence you have to focus, in addition to strong law enforcement, on a good education, and a good job. If you want to have a stable middle class, it is a good education and a good job. Do you want our Nation to do well economically? A good education, a good job. When are we going to focus on these issues, I ask my colleagues?

We go on and on and on and on with these hearings, and now they want to go on and on again. And we do not focus on the very issues about which people are coming up to us, back in our States, and saying to us, in as urgent and as eloquent a way as possible, ''Senators, please speak to the concerns and circumstances of our lives. We are worried about pensions. We are

worried about health care. We are worried about jobs. We are worried about being able to educate our children. We are worried about being able to reduce violence in our communities.'' When are we going to focus on that?

When are we going to talk about raising the minimum wage? Madam President, 75, 80 percent of the people in the country say we must do this. And contrary, Madam President, to popular misconception, the minimum wage is not just paid to teenagers who ''flip burgers'' in their spare time. Less than one in three minimum wage earners are teenagers. In fact, less than 50 percent of those who receive minimum wage are adults 25 years of age and over. And more important, 60 percent of the minimum wage earners in this country are women.

Madam President, we have talked about welfare reform. And, you know, I think it is true the best welfare reform is a job. But I think we ought to add to that and say the best welfare reform is a job that pays a living wage. Increasing the minimum wage will help in the welfare reform effort, because it is one means of making work pay.

I guess that the reason that I use this opportunity to talk about a minimum wage is that I want to point out the disconnect between all these hearings, all this money we have spent on Whitewater, and a Republican-led Senate that is not focusing on raising the minimum wage, not focusing on living wages, not focused on what we are going to do to make sure people keep their pensions, not focused on opportunity, not focused on how people are going to afford education for their children or for themselves.

People work hard in this country and they deserve to earn a living wage for their work. It is that simple. I would appreciate it if we would get some focus on this in this U.S. Senate. Pretty soon I am going to come to the floor with other Senators with an amendment so we can have a vote, so people can hold us accountable. Because people want to know what in the world we are doing as legislators to make a positive difference in their lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I was on Iran-Contra Committee. I have to admit it was a huge committee with a huge budget and all kinds of lawyers, and it had to be—I do not know how many people were on that committee, but it was both the House and the Senate. And every effort was put forth. And I have to say the White House cooperated fully. Outside of the documents that were shredded by Oliver North and his secretary, which were fully explained, there was complete cooperation. There was not obfuscation. There was not withholding of documents. There was not withholding of witnesses. There were not notes indicating that there were these type of things going on in the White House.

We have had to fight for everything we got here. I do not think anybody who watches those hearings seriously would conclude other than that there has been a lot of delay and a lot of obfuscation, a lot of failure to comply, a lot of failure to work with the committee.

There has been an effort to work with the committee, too. I do not want to fail to give people respect who have legitimately come forth. But this committee was created just 9 months ago on May 17, 1995. The Iran-Contra investigation lasted for more than a year.

The Joint Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition was established on January 6, 1987. The committee conducted hearings until August 1987. The committee was extended twice in 1987, from August to October and then from October to November. And the committee filed its report on November 17, 1987. On December 10, 1987, the House voted to extend its operation to March 1, 1988.

There is an important thing we ought to note here. The special committee is not really seeking a ''extension.'' That is, Resolution 120 will not expire and the committee will not cease to exist on March 1, 1987, if the new resolution is not adopted. All that the committee is asking for is additional funding so that the investigators and the attorneys can be paid.

By historical standards the Whitewater committee has not been an especially long-lived investigatory committee. The Truman Committee, also known as the Special Committee To Investigate the National Defense Program, was in existence for 8 years, from 1941 to 1948. During that time the committee held 432 hearings and examined 1,798 witnesses; I guess millions of documents.

The Joint Select Committee on the Conduct of the War, the Civil War that is, lasted for 3½ years, from 1861 to 1864, and the committee convened 272 times.

The Watergate Committee, also known as the Select Committee on Presidential Campaign Activity, was formed on February 7, 1973, and issued its final report on June 27, 1974.

The Senate spent 11 months investigating the so-called October Surprise. A subcommittee of the Committee on Foreign Relations appointed a special counsel on October 16, 1991. The special counsel's report was issued on November 19, 1992.

The allegations at issue in the October Surprise investigation were completely spurious—completely. Everybody acknowledges that today. Yet it took 11 months. I hope they are here, too, but it does not look that way. At least with what we have done so far, there are too many unanswered questions that have to be answered.

With respect to the central allegation on the October Surprise matter, that the Reagan campaign made a deal with the Khomeini regime to delay the release of the hostages until after the 1980 Presidential election, the special counsel concluded that:

> There is not sufficient credible evidence to support this allegation. The primary sources for this allegation have proven wholly unreliable. Their claims regarding alleged secret meetings are riddled with inconsistencies and have been contradicted by irrefutable documentary evidence as well as the testimony of vastly more credible witnesses.

Now, let me just say the $30 million figure is not the amount of money this committee has spent. The special committee thus far has spent $950,000. The special committee has been very productive. This committee has deposed 221 witnesses, had 41 hearing days and heard the testimony of 121 witnesses, with a staff of around 20. That is pretty productive. That does not indicate any wasting of time.

I commend both the chairman and the ranking member for having worked so hard along with other members of the committee. But what this committee has done compares favorably with the Iran-Contra Committee which conducted 250 depositions and 250 interviews, had 40 days of hearings, and heard the testimony of 28 witnesses. And they had a staff of 100.

What would be a waste of money would be to end the investigation now just when the investigation is starting to heat up and before the committee has received the White House e-mail and has fully investigated the withholding of the billing records.

Senator BYRD said the following during the Iran-Contra debate in response to a suggestion that the investigation would not be worth its costs. Senator BYRD said:

> May I say, if we are going to talk in terms of cost, this is the 200th anniversary of the Constitution of the United States, and there is no price tag on a constitutional system which has been around for 200 years and which has worked very well, and which will continue to work very well. Under our constitutional system, there is a doctrine that we speak of as checks and balances, and that is precisely what is being done here. The Congress has a constitutional responsibility of oversight, a constitutional responsibility of informing the people, a constitutional responsibility of legislating. Now before it can legislate it has to have hearings in order to conduct its oversight responsibilities. I am saying this for the RECORD. I am not telling the Senator anything he does not know. But its oversight responsibilities and its informing responsibilities which Woodrow Wilson said were as important if not more important than legislative responsibilities which are done mostly by committees. A problem has developed which we will not go into but which everybody has been reading about for quite some time, and it is incumbent upon all of us to try to see what the facts are. There is no price tag on that constitutional system. If there is one thing we can do in this 200th year of the writing of the Constitution it would be to reassure the faith of the American people in that constitutional and political system, and one way of doing it is to find out about all of these things that we have been hearing. And the way to do it is to go at it, put our hand at the plow and develop the facts.

Senator BYRD said that on January 6, 1987. I agree with Senator BYRD.

We are not at the end of these hearings. We are not at the end of this investigation. We are still receiving documents at the last minute. We have not had the cooperation that I think they had in Iran-Contra and in other hearings. And, frankly, there is no reason not to. We just plain ought to finish these and carry out our constitutional responsibility to the best of our ability to do so.

I hope that we can continue to do this. I think it is unseemly to deny the committee investigators and attorneys, the necessary requisite funds to be able to continue to do so, and to insist that 5 weeks is going to be adequate to do this job. I do not think that it will be; not the way we have been treated, sometimes getting documents that are 2 years old and longer.

I might say that the committee has been successful, too. Again, I will make this point. If this was a Republican President all hell would be breaking loose right now with what this committee has already uncovered. There is not misgiving about that. Everybody in America knows that. There is a double standard around here. There are some dramatic things that have been brought out. I think the committee has been successful. But it happens to be a Republican Senate investigation under a Democratic President and First Lady.

Again, I will just say that I hope there is nothing wrong. I hope there is no problem with either of them. I am hoping that is the case. But there are a lot of things that look terrible here.

I think it is simply not true to say that nothing has been found in the Whitewater investigation in general, or this committee in particular. One measure of what has been found is the number of Whitewater related indictments and convictions that have been obtained.

Here are some of the numbers. Nine people have been convicted and seven are currently under indictment. And the indictments are still coming. The two owners of the Perry County Bank were indicted just last week. Further, three senior officials—Bernie Nussbaum, Roger Altman, and Jean Hanson were forced to resign over their handling of Whitewater matters. Rightly or wrongly they had to resign.

Some of what the committee has learned include the following: A Secret Service agent saw Maggie Williams, the First Lady's chief of staff, abscond with numerous files from Vincent Foster's office the night of his death. She denies that. But what reason would the Secret Service agent have to lie?

You might ask that question the other way. Would Maggie Williams have any reason not to tell the truth? I think subsequent facts kind of indicate otherwise.

For instance, there was a flurry of early morning phone calls between the First Lady, Maggie Williams, her chief of staff, and Susan Thomases, her good, smart, sharp attorney friend on July 27, 1993. That is the First Lady's good, sharp attorney friend.

That same day, on July 27, 1993, Bernie Nussbaum reneged on a deal he had agreed to the day before to let career DOJ, Department of Justice attorneys review the documents in Vince Foster's office. Why did he do that after that short flurry of phone calls that all of a sudden neither Susan Thomases nor Maggie Williams can really explain because their memories had suddenly become short?

Notes taken during the November 35, 1993 meeting between White House officials and the Clinton's personal lawyers contain a reference to ''vacuum Rose Law files.'' While at the Rose Law Firm, Mrs. Clinton had a dozen or more conferences with Seth Ward in connection with the Castle Grande matter. That land deal which banking regulators have termed a sham cost the taxpayers $4 million.

I can tell you of a case in Utah where the president of the bank saved the bank. Throughout, the 100 percent stockholding owner of the bank bounced his checks and saved the bank, and yet he and the board of directors had to go through a tremendous and ill-advised litigation that cost them well over $1 million in legal fees before the Government finally admitted that the bank had broken even, and that they really had saved the bank and not caused the bank the problem. This was necessary in order to just get it off their backs.

You have a case of $4 million actually lost through what was considered a sham transaction, a fraud. And the taxpayers are stuck with it.

Mrs. Clinton also prepared an option agreement that was intended to be the way that Seth Ward would be compensated for acting as a straw man in this sham transaction called the Castle Grande transaction. Maybe none of this amounts to a smoking gun. But it is instructive to remember what Senator SARBANES said in connection with the Iran-Contra investigation upon which he also sat. He said that requiring a smoking gun ''sets a standard of certainty that is very rare that we are going to reach.''

To make a long story short, there is a lot of smoke here. There are a lot of unanswered questions. There has been a lot of obfuscation. There has been a lot of selective memory loss. There has been a lot of delays in giving documents. There has been a lot of ignoring subpoenas. And there have been a lot of explanations that just do not make sense in light of the notes and what is on those notes—like ''vacuum the Rose Law Firm files'' being treated as though they ought to clean them up. Let me tell you. There is a lot here. There is a lot here, and I do not think we should ignore it even though we should make every effort to be just and fair to everybody concerned.

I certainly will make every effort to do that and will insist that everybody else do likewise.

I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Madam President, I really want to address this suggestion by my colleague from Utah of the double standard and his reference back to Iran-Contra because, if there is any double standard at work, I think it is very amply demonstrated with respect to this proposal now to extend indefinitely this inquiry.

Let me go back into that Iran-Contra matter because my colleague from Utah says, well, if this were a Democratically controlled Congress and a Republican administration, you would really be seeing things differently.

Now, in early 1987, when Congress was considering establishing a special committee on Iran-Contra, some Members advocated that it have a long timeframe extending right into the 1988 election. 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 the hearings completed within a matter of a few months. It was pointed out at the time, although it really escaped no one's attention, that an investigation that spilled into 1988 would be very political since that was a Presidential election year.

Senator DOLE was very strong in his comments about the necessity to have a fixed time for the conduct of that inquiry. Now, that is a Republican administration, a Democratic Congress. This is the double standard issue that my colleague raised. He said, and I quote him:

> If we get bogged down—

This is Senator DOLE—

> get bogged down in finger pointing; in tearing down the administration—we are just not going to be up to the challenges ahead. All of us—all Americans—will be the losers.

And he pressed repeatedly for an ending date for that inquiry.

Now, the Democratically controlled Congress responded to that representation, and both Senator INOUYE, who was selected to chair the special committee, and Congressman HAMILTON, who was selected as its vice chair, recommended rejecting the opportunity to prolong the hearings and to exploit President Reagan's difficulties for political purposes. In fact, they set a termination date, and Senator DOLE welcomed that. In fact, he said:

> I am heartened by what I understand to be the strong commitment of both the chairman and vice chairman to avoid fishing expeditions; and to keep the committee focused on the real issues here.

Now, if we do not want a double standard, I ask my Republican colleagues, why will they not respond now as the Democrats responded in 1987?

Senator DOLE went on to say:

> We ought to be able to shorten that time, expedite it and complete work on this matter. . .

In fact, that is what happened. As I indicated earlier, in order to complete

work, the Iran-Contra committee held 21 days of hearings in the last month in order to complete its work, a record that stands in marked contrast with what this committee has done. It has, over a 2-month period here at the end, instead of moving expeditiously in order to finish its work, held only 15 days of hearings. So if you want to talk about a double standard, there is the double standard. The double standard is the comparison between how the Democratically controlled Congress handled the Iran-Contra hearings in 1987 and how the Republican-controlled Senate is seeking to handle the Whitewater hearings in 1996.

Now, we agreed in the resolution that was passed last May by an overwhelming bipartisan vote that this inquiry should come to an end on February 29. It is my very strongly held view that, if the committee had intensified its hearings schedule comparable to what the Iran-Contra committee did in 1987 or comparable to the earlier intense effort that this very committee pursued last summer, we could have completed our work by February 29 as provided in the resolution. We could have completed it within the budget and a request for an indefinite extension and for another $600,000 would never have been necessary.

Regrettably, that kind of work schedule was not followed. In effect, we had a drawn-out procedure over 2 months when the committee could have been very hard at work, since the Senate was not in session, and we failed therefore to carry through all of the hearings that were being projected.

Now, I think the reason we failed is we did not intensify the hearing schedule, and, therefore, I think the responsibility for that rests upon those who were directing the hearings in terms of the schedule they laid out and its lack of intensity.

Nevertheless, Senator DASCHLE, in an effort to be accommodating and reasonable, indicated that he was willing to extend the hearings for another 5 weeks into early April in order for the committee to complete its matters. I regard that as a very reasonable proposal. It has not drawn a response from my Republican colleagues, who continue to adhere and insist upon their original position, which was an indefinite extension of this inquiry into a Presidential election year, thereby virtually guaranteeing that it is going to be a partisan political endeavor.

We worked hard to prevent it from being a partisan political endeavor when we established the committee and when we set the parameters of its work, including completion of its work by February 29 of this year—in other words, well before we got into the election year, barely into the primary period. We wanted to bring it to a close so it did not carry on and therefore raise in the public mind, I think, very legitimate questions that this matter was being pressed for political reasons.

Prolonging the investigation well into a Presidential election year, in my judgment, cannot help but contribute to a public perception that this investigation is being conducted for political purposes, and that is exactly what is happening. We are now getting editorials in newspapers across the country that are making exactly that point. The Greensboro, NC, paper editorialized:

> Whitewater Hearing Needs to Wind Down. A legitimate probe is becoming a partisan sledgehammer. The Senate Whitewater hearings, led since last July by Senator Al D'Amato, Republican of New York, have served their purpose. It's time to wrap this thing up before the election season.

The Sacramento Bee to the same effect, saying they now want to extend the hearings indefinitely, as they say, ''or at least one presumes until after the November election.''

They go on to make the point that the independent counsel, Kenneth Starr, will continue his work on any matters that can be left to him. In fact, it is only the independent counsel who can bring criminal charges in this matter in any event, not something that the Senate committee can do.

I think that Senator DASCHLE, the Democratic leader, has put forward a reasonable proposal. The committee ought to be able to conclude its work with a short extension of time. I think that is the path that we ought to follow and avoid pressing this matter throughout the election year and the creating the perception that it is being conducted for political purposes.

In fact, Chairman D'AMATO, when he went to the Rules Committee last year, stated that—I quote him—''We wanted to keep it out of that political arena, and that is why we decided to come forward with the 1-year request.'' That was the right approach then. It was reflected in the action taken by the full Senate.

The majority's proposal now for another $600,000 and an open-ended period of time will project this investigation into the election season, thereby inevitably diminishing public confidence in the impartiality of the inquiry. That is not the right approach. The time suggested by the minority leader should be more than adequate for the Arkansas phase of this investigation. It will save public money and it will complete the job. That is what we ought to be about.

The double standard—the double standard—is reflected in the difference in the position of my Republican colleagues with respect to the length of time for this inquiry and the position they took in 1987 with respect to the inquiry in Iran-Contra. It is also reflected in the fact that in 1987, the Democratic majority in the Congress agreed—agreed—to the representation by our Republican colleagues that we ought to have an end date and not prolong the matter into the political year. Senator INOUYE and Chairman HAMILTON agreed with that representation. That is the process that we followed.

My Republican colleagues refuse now to accede to the same process, thereby clearly applying a double standard to this matter. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, may I inquire, are the managers controlling time, or may I seek time in my own right?

The PRESIDING OFFICER. There is no control of time.

Mr. DODD. I thank the Chair.

Mr. President, let me preface my remarks this afternoon, if I may, by acknowledging the very difficult decisions that Senators on both sides of the aisle have to make over the coming days—I hope it is days and not weeks—on this issue.

Let me also preface my remarks by, first of all, commending and thanking my colleague from Maryland who has been the ranking member of the Banking Committee and has handled the lion's share of the work on our side of the aisle over these past many months and demonstrated, I think, remarkable patience and a great sense of cooperation.

I do not know the exact number, but I think there has been only a handful of incidents in the last sets of hearings that we have had over the past year and a half where there has been any real disagreement at all between the majority and the minority, thanks to the leadership of the Senator from Maryland, cooperating and working with, I might say, of course the Senator from New York, the chairman of the committee. I think it is important for all our colleagues to know the tremendous amount of work that the Senator from Maryland has done.

Let me also say I appreciate the job of the Senator from New York. It is not an easy job to be chairman of a committee, particularly one that has the responsibilities as this committee has had over the past 270 days to try and sort out the various differences that exist.

But nonetheless, it will be, to some, a difficult decision. For others, I do not think it is that difficult a decision, given the amount of time we have spent.

Conducting a thorough Senate investigation is hard and painstaking work. Certainly I can appreciate the dilemma in which some of the people in the majority find themselves, particularly when there are those who come to them and say, ''Look, you must vote with us here regardless of what your own feelings may be on this issue. We have to have your vote. Stick with us on this.''

We have all at one time or another, I suppose, been confronted by those who

have asked us to ''stay with them,'' as the usual expression goes, even though our own views may be otherwise.

I am especially sensitive to that difficulty, because I well remember my own experience with the debate on a matter, not unlike the one before us this afternoon, involving President Bush's role in the so-called October Surprise of 1991 and 1992.

Some of my colleagues may remember there were allegations in late 1991 that President Bush, when he was Ronald Reagan's running mate in 1980, had had secret meetings with the Iranian Government to urge that Government not to release the American hostages until after the 1980 Presidential elections, thus avoiding the October Surprise that might have lifted President Carter to reelection. There was an enormous hue and cry in the media about those allegations, and a little bit of excitement among some of our colleagues who viewed this as an opportunity to do some damage to President Bush, as we went into the 1992 elections. There were many, many articles, many, many stories, many, many editorials, about those allegations.

Mr. President, I believed at the time that those allegations—after looking at the charges that were made and the information that was being offered to support those conclusions, I thought that the conspiracy theories that were being hatched by those who wanted to bring those hearings to bear were motivated principally, in my view at the time, by politics. For those reasons, Mr. President, I, along with others opposed that investigation. And I hope that some of my colleagues in the majority do so now, despite the pressures that I am sure members of the majority are getting today to vote for open-ended hearings with a $600,000 appropriation are getting—in fact, I know it is the case because a number of our colleagues have basically told me they think this is a waste of time and money. But this sense of staying together because we have 34 weeks to go before election day, and everybody sort of linking arms here, let us not let this get out of hand here. If anyone deviates or breaks ranks, of course, this falls apart. I know what that is like.

So as a result of several of us voting differently, those hearings did not go forward. They ended, much to the disappointment, I might say, of a number of our colleagues who felt we should have gone forward. The reason I raise that is not to suggest somehow that the Senator from Connecticut deserves any particular commendation, but to hope there might be some colleagues today who are faced with a similar fact situation and might respond similarly, when we know, frankly, that an additional $600,000—$400,000 in consulting fees—an open-ended investigation, at this juncture, with respect to those involved, has gone on too long.

The overwhelming majority of people in this country think, frankly, it has gone on too long. It has been 270 days, the longest congressional investigative hearings—to the best of my knowledge—in the history of the U.S. Congress. Twenty months. The Watergate hearings went on 16 or 17 months; Iran-Contra, 6 or 7 months, from January 1987 through August 1987. Those I remember very, very well because the now majority leader, ROBERT DOLE, came to Senator INOUYE and Chairman HAMILTON—in 1987 now, not 1988—and said, ''Even though you have the right under the resolution to go until October of that year, can we not wrap these up in August?'' I will tell you why. Because it was getting involved in election-year politics. Let us get it done early. DAN INOUYE, the Democratic Senator from Hawaii, and LEE HAMILTON, a Congressman from Indiana, who cochaired those investigations, agreed with the then-minority leader DOLE to wrap up those hearings in August, so that they would not contaminate the political season 1 year out—not 34 weeks out, but 1 year out.

As a result of that, the Iran-Contra hearings were completed by early August 1987, if my memory serves me well. I think, as our distinguished colleague from Maryland pointed out, there were 21 hearings, in fact, conducted between early July 1987 and early August 1987, in order to accommodate the then-minority leader's request.

Now here we are 34 weeks away, after 20 months of hearings, 270 days, 50 actual hearings, 100 witnesses, and 50,000 documents have been turned over. I do not know how many people have been through depositions. And it is nothing, by the way, even remotely close to Iran-Contra in allegations. I remind my colleagues to remember the days when Fawn Hall was stuffing documents into her cowboy boots, sneaking into the White House, or they had shredding parties at the White House, they called them, to destroy documents. Nothing like that has been alleged here.

We have documents that have turned up. I know our colleagues have gone on at some length—I think, entirely appropriately—to examine what happened there. None of us has suggested that we ought not to look into that. But as I pointed out in the past, in every single case where these documents have emerged, nothing in them contradicts anything we learned earlier. Had these documents produced contradictory evidence, the suspicions about showing up late, or in some other place, would have much more credibility. But everything we found in the documents that came later has corroborated what we knew earlier. It does not excuse the fact they showed up late.

Again, we may never know the answers completely. But to suggest there is a great conspiracy here is not borne out by the facts of what was in the documents once discovered.

So my basic plea, Mr. President, is for some Members on the other side to join us, and we could end this. Ending it is not to terminate it tomorrow, from our perspective. The Senator from Maryland and the minority leader have offered five more weeks of hearings, almost $200,000 more in money, beyond the almost $1.5 million we have spent in the last 2 years just in the Senate, and one more month beyond that to write the report. So it is a proposal to go to the end of May. That is about 20 weeks away from election day, not a year as we were in 1987. Yet, we are being told flatly that that is unacceptable.

Mr. President, you might understand the frustration we feel in all of this. That is not an unreasonable request. The original agreement was to end in February. We had snow days. We had a disagreement over the executive privilege argument, which took some days. You can make a case that you need a bit more time. But we entered into those agreements almost unanimously, with maybe two or three dissenting votes. But when you end up with almost all of the Senate voting overwhelmingly to conduct the hearings and to do the second phase and to agree on the termination date, and to be told on February 29, ''Sorry, we are going to ask for $600,000 more and no date certain when we end them,'' despite the fact that we are weeks away from election, knowing full well that the mere fact that you are having these hearings would create the kind of damage we would like to cause, that is why we are upset about this. This is no great joy to be engaged in a lengthy debate and discussion here. We ought not to be doing this.

Here we are, and we hold one hearing on Medicaid all last year—one, despite the proposals to cut $240 billion out of that program. I think we had two or three hearings on education, and virtually no hearings on health care at all. Then we sit around and wonder why it is that Pat Buchanan seems to be igniting some support when he talks about jobs and people and they see us suspending maybe a week on the floor of the U.S. Senate debating the Whitewater hearings. We had 10 or 12 days on Waco. I do not know how many House hearings and Senate hearings there were on Ruby Ridge. I think there is value in looking at those issues, but this is going beyond the pale, going too far. It is going way too far.

So we are urging, Mr. President, that some Members of the majority stand up and join us in this compromise proposal to bring a conclusion to these hearings and to do so in a reasonable way, with a reasonable amount of dollars. We are the ones on the committee who have to sit there day after day. We are prepared to do it.

I remember in the summer of 1994, when we sat there 12, 13 hours a day in order to wrap this up. We went late into the night to do it. If it takes that, then let us do it. We are prepared to do that, to bring this to closure. So we are urging colleagues to join us in this proposal, in this effort.

Mr. President, I went over some of the earlier points. It may be worth it to reiterate some of the things that happened. The Senate's Whitewater investigation began in 1994, with bipartisan support. Bipartisan support was continued in May 1995 when the Senate overwhelmingly approved Senate Resolution 120 to create the Special Committee To Investigate Whitewater.

Since 1994, there have been more than 50 hearings, as I have mentioned, with testimony from well over 100 witnesses, after detailed examination of more than 45,000 pages of documents. By the way, Mr. President, it is worthwhile to note that here, unlike in other congressional investigations, not a single witness from the White House came other than voluntarily, and several witnesses came on many occasions.

Other than the argument over attorney-client privilege—which is a legitimate argument—every single document received we received voluntarily. There has been no effort here to fight for the release of documents at all except when there was a legitimate question about attorney-client privilege and executive privilege. Those only occurred in very rare cases. Beyond that, in every other instance, we had a tremendously cooperative White House on this.

I think the documentation is about fifty-fifty: About 10,000 or 12,000 pages of White House representation, and 12,000 from the Clintons' files themselves that have come into the committee's possession for examination. It is hard for those who pushed for this investigation to admit that nothing new has been turned up. Yet, that is the case.

I might point out in addition to the moneys we have spent of almost $2 million, not including what we may be spending now with this additional request, the Pillsbury, Madison & Sutro law firm out on the west coast has spent several millions of dollars over the last 2 years on an independent examination for the RTC, Mr. President, of the Rose Law Firm and related matters. As you know, Mr. President, they concluded their report in December, but when the new billing records at the White House showed up they asked for an extension to determine whether or not the conclusions in December would be warranted. They did that examination and basically several day ago filed their final conclusions after examining these new records and reached the conclusion in their words, ''That no more moneys ought to be spent on the Whitewater investigation.'' That, in fact, in their view there was no proof to substantiate the Clintons' or the law firm's involvement in the Madison Guaranty issues. It is a long report, about 170 pages. I do not expect my colleagues to read through it but the conclusions are there for people to read. Again, that has been completed.

Then we have the $26 million spent by the independent counsel up to now. Again, as our colleague from Maryland pointed out, I believe it is $1 million a month; $1 million a month the independent counsel is consuming. Nothing we are suggesting here limits the independent counsel's investigation. In fact, they can go on in perpetuity. Some fear they probably will, if past practice is any indication of future conduct. We ought to take a look at that issue at some point, but the independent counsel proceeds apparently at $1 million a month with no limitations on their work.

So there is $30 million—more than $30 million—that has been spent over 270 days or so, with more hearings than in any other investigation in the history of Congress. Is it unreasonable that we say can we not wrap this up in 5 weeks—our part of this, in 5 weeks—with $200,000, almost a quarter of a million dollars, in additional funding? Is that an unreasonable request, particularly when you compare it to the request that says we want half a million, not including consulting fees for an unlimited amount of time. Which is the more reasonable request in light of what we have been through over these past several years?

Mr. SARBANES. Will the Senator yield?

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

Mr. SARBANES. I ask the Senator which is the more reasonable request, if you put it in the context of what occurred in 1987 with respect to the Iran-Contra hearings in which a Democratically controlled Congress was looking into the activities of a Republican administration and had Members who were pressing hard for an open-ended investigation that would carry well into the 1988 political year. The minority leader of the U.S. Senate, then Senator DOLE, in early 1987 took a very strong position against an unlimited hearing on that matter, pointing out it would turn into a political exercise in an election year.

Senator INOUYE, who headed up the select committee on the Senate side, and Chairman HAMILTON, from the House side, accepted that argument and agreed to a limited period of time. In fact, later they intensified the schedule in order to finish it earlier in 1987, in August, so it would not carry over into 1988.

Now, if you put it in that context, I say to the Senator, is not the proposal made by Senator DASCHLE an eminently reasonable proposal? I heard talk on the floor today that there is a double standard. Someone got up and said if this were a Republican President now and a Democratic Congress, things would be different. They might well be different. They were different in 1987 when we had a Republican president and a Democratic Congress, and the Democratic Congress then accepted the argument that we did not want to turn it into a political exercise in the 1988 election, and carried through and did the hearings—did 21 days of hearings in 23 days in order to bring the matter to an end.

Given that history and placing it in that context, does that not make the proposal of the minority leader, Senator DASCHLE, seeking to accommodate for the extension of another 5 weeks to do the hearings, a far more reasonable proposition than the proposal of Chairman D'AMATO for an indefinite extension of these hearings throughout the election year?

Mr. DODD. Mr. President, my colleague from Maryland is exactly right. He answers his question with his question. In fact, it obviously is far more reasonable.

Again, I recall the then-minority leader, Senator DOLE, making the case in part that it was not just the politics. He worried about the damage being done to the Presidency, the office of the Presidency. So he made that appeal on the basis that we ought not to damage the office of the Presidency. Of course, we are well aware that our colleague from Kansas, the majority leader, is an active candidate for the office of the Presidency today, and yet yesterday in the Rules Committee when the matter came up as to whether or not we ought to try and put some limitation on this for 5 weeks and a limited amount of money, there was a vote.

Our colleague, Senator FORD of Kentucky, offered an amendment to the open-ended proposal and said, ''How about 5 weeks, $185,000, with an additional month to wrap it up?'' The majority leader was there for the vote. He voted against that and voted for the open-ended proposition. Only 5 years ago he was, of course, making a strong case in the other direction.

Mr. SARBANES. If the Senator would yield on that point, what he said in the debate in early 1987, ''If we get bogged down in finger pointing, in tearing down the President and the administration, we are just not going to be up to the challenges ahead, and all of us, all Americans, will be the losers.'' Let me repeat that, ''and all of us, all Americans, will be the losers.''

As the Senator from Connecticut pointed out, this was an added argument that was made in addition to the argument which was accepted by the Democratic majority that the inquiry ought not to be carried into the election year. There is this the very point that the Senator alluded to just a moment or two ago.

Mr. DODD. I thank my colleague from Maryland for raising that point. It goes to the heart of what I was suggesting at the outset here, that in the conduct of these investigations by and large there has been an effort at least on the part of those of us here to seek bipartisan accommodation. These are not matters that necessarily ought to fall into the area of partisan debate because we recognize the sensitivity of them. Hence, over the years, the formation of these committees and the allocation of resources, with some minor exceptions, have enjoyed bipartisan support.

As the Senator from Maryland points out, it was, in fact, the leadership of

the majority in 1987 that agreed with the minority and accommodated their request to not allow those hearings to spill over into the fall of 1987, a year away from election day. Not 34 weeks away from election day, a year away from election day.

I might point out that resolution called for the termination of the Iran-Contra hearings in October 1987. That was the termination date. We moved it back and finished the work in August, a year and a half before the election, because the request from the then-minority leader was that this might contaminate the election season.

Yet here, after the longest investigatory hearings in the history of Congress, 50 hearings, 100 witnesses or more and all of the information we have accumulated and collected, to a request to wrap this up 6 months—less than 5 months, less than that—before election day, the answer is a resounding, ''No. Tough. We have something going here politically and we are going to ride this one down the road here, even though we have no information or no evidence of any wrongdoing—not even any wrongdoing; any unethical behavior—we are going to ride this one out because, who knows, maybe we can get something going here.''

This is a very unhealthy thing for this body to be doing, very unhealthy. It invites a kind of deterioration in the comity that is essential in this body to get anything done, when we engage in this kind of practice.

Mr. President, what we are confronted with here, then, is obviously the dilemma the majority is in—which should be a dilemma which is not that difficult to resolve but nonetheless is a dilemma—do you push, on the one hand, for an extension of the hearings that we have already conducted for such a lengthy period of time deep into the Presidential campaign season and thus undermine, in my opinion, the integrity of the Senate with what will appear to be, at least it does to many, a purely partisan attack on the President? Or do you admit that the investigation has turned up no new evidence of illegal or unethical behavior and risk the vocal wrath of those on the fringes for whom the very absence of proof is in itself evidence of a coverup? A true Hobson's choice, in many ways, for the majority leader and the majority.

At this point, I think it is appropriate to ask if it was necessary for the Senate to even reach this point. I do not believe so. One of the key provisions of Senate Resolution 120 was a requirement that the special committee conclude its business by February 29, 1996. By adopting a date specific to terminate the special committee, the Senate as a body wisely—wisely—intended to eliminate the taint of partisan politics from the committee's work and to avoid the kind of pressures that come from outside fringe groups that demand a continuation of our work in perpetuity. That is why, unanimously, we agreed on that date.

Now, we understand we may need a few more days. We understand that.

But we avoid the very problem that we have now found ourselves in by establishing those kind of dates. By the way, I went back and researched this. There is not a single investigation that I could find done by the Senate of the United States over the past 30 years that did not have a termination date in the original resolution that established the committee. Wisely the Senate has done so to avoid the kind of problem we get into when you have open-ended investigations with no end in sight. Therefore, we put that in the resolution.

In adopting a cutoff date well in advance of the 1996 Presidential elections, the Senate was following the same procedures advocated by the majority leader, as pointed out by our colleague from Maryland, back in 1987 when he then as minority leader successfully argued for the limiting of the duration of the special committee to investigate the Iran-Contra affair. Of course, as this deadline approaches we find ourselves operating in a far different political landscape than we were in the months following the 1994 congressional elections. The enhanced political position of the President has led some to speculate that the proposed extension is little more than a desperate, nakedly partisan attempt to smear the First Family. What is particularly interesting is that as the committee moved closer and closer to the deadline which we established almost unanimously it actually slowed down the pace of the hearings to the point where we held only eight hearings in the entire month of February, and none in the last week of February. I remind my colleagues there were no votes. The majority leader did not call up any votes in the month of February. There were no interruptions. Yet, for the entire month we were all around—members of the committee. We had eight hearings over 5 weeks, and only one hearing with a single witness in the last week of the hearings.

Mr. President, I also find it interesting that last week the majority provided a preliminary witness list indicating that it wanted to call as many as 60 to 75 people as witnesses when over a month ago, and before we heard from 15 witnesses, the chairman of the committee said in response to questions from myself and Senator SARBANES of Maryland that ''we have identified 60 potential witnesses.'' That was on February 1, 1996, on page 84 of the transcripts. As I mentioned, we have heard from 15 witnesses since that time, leading one to reasonably believe that we were down to calling 45 witnesses, or less at this point. I say this not to place the chairman of the special committee in any embarrassing position but to illustrate the fact that the bar keeps getting raised by the majority as to how much time they need to complete their inquiries.

It would be one thing, of course, if we had no precedents to rely upon as far as Senate investigations go. But, in fact, we have many precedents, including our experience with the Iran-Contra hearings. The contrast, as has been pointed out by our colleague from Maryland, could not be more stark. When the Iran-Contra hearings entered its final months of existence and knew it had a lot of ground to cover, it held 21 hearings in that 1-month period. Mr. President, that is 21 hearings in 1 month by Iran-Contra, compared to 8 in 1 month by the Whitewater Committee. Did Senators have more stamina in 1987 than they do in 1996? Probably not. I do not think so. But perhaps there was a greater will to get the job done by the members of that committee than we have seen so far by the members of the Whitewater Committee.

The majority raises a number of issues to justify an indefinite extension of the special committee. But I believe, based on the facts, that the alternative that we are offering to this indefinite extension will provide ample time for the committee to complete whatever work remains. The primary reason cited by my friends on the other side of the aisle for continuing these hearings indefinitely has been that the White House has failed to cooperate with the committee's investigation. That is just fundamentally wrong. To buttress this contention, we are told by the majority and it is pointed out by the majority, the confrontation over the so-called Kennedy notes—that is the lawyer—and the discovery since January of documents are relevant to the committee's work. The conclusion drawn by the majority is that the White House will delay providing damaging documents until just before the committee's termination date and thus an open-ended extension is warranted.

Mr. President, the facts do not justify such a conclusion. First and foremost, this administration, as I said earlier, has been more cooperative with the committee's investigation than any administration in memory. The White House has turned over 14,000 pages of White House documents, and the President and the First Lady's personal attorney have turned over in excess of 10,000 to 20,000 pages of additional documents.

Furthermore, every administration official has been made available to the committee and has testified voluntarily—every single one of them without the promise of immunity that Congress was required to give members of the previous administration during the Iran-Contra hearings.

Many of us in the Senate well remember the actions of the previous two administrations with respect to the Iran-Contra investigation. Who can forget the time we heard about high-level national security officials holding shredding parties at the White House? In fact, the top two Reagan officials in White House deleted over 5,000 e-mails in the hours just before they both resigned in disgrace from their positions;

5,000 e-mails were destroyed just hours before they submitted their resignations. And yet we did those hearings in 6 months. Who can forget the image of Fawn Hall stuffing sensitive documents into her boots so they could be spirited out of the White House before investigators could examine them?

Many of us remember the changing memory of top officials who refused for 6 years to turn over documents to the independent counsel, Lawrence Walsh, despite repeated demands to do so. None of that has happened here.

What have we received? We have received as a good-faith effort by the White House to comply with the innumerable and frequently overly broad requests of the special committee. Perhaps there would be more credibility to the allegations if the documents that have been turned over since January offered startling new evidence of wrongdoing, or if they contradicted previous testimony. But the fact is that all of these documents—yes, even the ones we found just recently—confirm the information that has been provided to the special committee in previous evidence; in every single case.

Far from revealing the smoking gun, these documents provide exculpatory evidence that there was no illegal or unethical activity by the President or the First Lady or administration officials. We have also been told by the majority, citing the controversy over producing the so-called Kennedy notes as a reason for why the committee cannot complete its work on time. The fact of the matter is that there was a legitimate dispute between the committee and the White House over the legitimate claims of attorney-client privilege. To simply dismiss the White House concerns on this issue is nothing more than obstructionism. But as Geoffrey Hazzard, a noted professor of law, stated in a letter to the White House at the time of this controversy, and I quote from it:

> Presidents of both political parties have asserted the privilege. This position is, in my opinion, correct reasoning from such precedents as can be applied. Accordingly, the President can properly invoke the attorney-client privilege.

I am not trying to reopen the debate on this issue which ended after mutually satisfactory negotiations with the committee getting all the documents it had requested, but to put to rest an assertion that there was no basis for the White House to be concerned with inadvertently waiving the President's right to confidential communications with their attorneys.

There are some observers who believe that the entire controversy over the so-called Kennedy notes was orchestrated by the majority to create a conflict within the White House over providing documents. The reason for that belief is that there has been a strong tendency on the part of the committee to make document requests that are so broad as to make compliance virtually impossible. There are numerous examples of this, not just a few. But I particularly remember when the majority wanted to subpoena—listen to this—all of the telephone records from the White House to area code 501, which just so happens to be the entire State of Arkansas—all of the telephone records of the entire State of Arkansas. That was the subpoena request. If you think I am making this up, that is the kind of request we were getting.

Senator KERRY of Massachusetts and I asked majority counsel for the basis of such a broad request, and let me quote from the hearing transcript.

> Senator KERRY. That's the entire State of Arkansas. You want calls to the entire State of Arkansas from the White House for 5 months?
>
> MAJORITY COUNSEL. I don't know what the area code 501 encompasses.
>
> Senator DODD. It's the entire State. You ought to know that before you put it in a subpoena.

There you have a case where here we are subpoenaing an area code and counsel says, I don't know what it encompasses. We are just going to throw the net out here. You wonder why we are frustrated and angry over how this is proceeding.

Ultimately, the subpoena was narrowed, thanks to the efforts of the Senator from Maryland, to a legitimate framework. But that small example, that one example I hope gives our colleagues a flavor of the difficulty faced by the White House during these proceedings. It seems that every time the majority makes a document request, it starts out so broad that days or weeks of negotiations are necessary before the request can be complied with. Thus, the question might not be why the White House takes so long to comply with the document requests but, rather, why the majority consistently chooses to frame those requests in a way that ensures the maximum amount of time will elapse before there can be compliance with the request. That is one of the reasons for the delay.

Mr. SARBANES. Will the Senator yield?

Mr. DODD. I will be glad to yield.

Mr. SARBANES. Is the Senator familiar with the request that was made for all communications between anyone on the White House staff, current or past, and 50 named individuals over an 18-month period on any subject whatsoever? Let me repeat that. That was the initial request. For any communication between anyone on the current White House staff or past White House staff and an enumerated list of more than 50 people over an 18-month period on any subject whatsoever. And, of course, the response to that is that this is so broad it is just impossible to comply with. And eventually, by interaction, and so forth, it was narrowed down to more relevant time periods, to more relevant individuals, and to more relevant subjects. And then, once that was done, we were able then in a reasonable period of time to get compliance from the White House. But that is another example along the lines of the 501 area code, which the Senator cited, of the problems we have confronted.

Now, as the Senator indicated earlier, I generally joined with the majority in the various document requests, but I refused to do it in those few instances in which the requests were so broad that they literally were not possible reasonably to comply with. And then, over time, eventually we were able to narrow those down, put them in a reasonable framework and then put them forward and get compliance.

Now, the White House has now responded to every request that has been made to them as of today with the exception of two new requests made in the last couple of weeks with respect to e-mails. These were additional e-mail requests, beyond the ones that have previously been made. So there has been an effort on their part to comply with some of the most broad and sweeping and onerous requests that I think anyone could imagine.

Mr. DODD. I appreciate my colleague making that point. I wonder if my colleague would agree that it is not unreasonable for those who watch those kinds of requests to begin to question whether or not there is an intentional desire to provoke a delay, knowing full well that such a broad request is going to have to be unacceptable, so that time is consumed narrowing the request to a reasonable level so that the White House in this case can respond. I do not know how long my colleague actually spent in those cases to actually narrow the subpoenas down to a reasonable level. May I inquire. Was it several days?

Mr. SARBANES. Certainly. More than that. More than that. And the White House's response to these overly broad requests is, What can we do with this? We have to get more rationality into the request if we are to respond to it in a reasonable period of time.

That has been one of the problems throughout.

Mr. DODD. I thank my colleague for that additional information which I had forgotten, but it is a very good point indeed. Any communication to, was it 18 employees? Did I hear it correctly?

Mr. SARBANES. No, no, it was between anyone on the White House staff——

Mr. DODD. Anyone?

Mr. SARBANES. Current or past, and 50 people, named people over an 18-month period on any subject matter whatsoever. That was the original request. That was not the request that was finally responded to because we were able, by working together, to narrow the request in a way that we were able to limit the number of people, the subject matter, and the time period so it become manageable.

Mr. DODD. That is incredible.

Mr. SARBANES. This was the original thing we were confronted with.

Mr. DODD. I thank my colleague. I apologize. I thought it was 18. It was 18

months, every single employee, past or present, in this administration over an 18-month period.

Mr. SARBANES. On the White House staff, yes.

Mr. DODD. I should complete my remarks at that particular point. I think that makes the case. It is a better example than almost the entire area code of a State.

Mr. President, another reason we have been given as to why the committee should be extended indefinitely—and let me emphasize this indefinite extension—is that we must wait until the independent counsel has completed his trial of Governor Tucker, Jim McDougal and Susan McDougal, in Arkansas. That trial is scheduled, after several delays, to begin on March 4—in fact, it is underway—and to last from 6 to 10 weeks.

However, the idea of waiting for Mr. Starr's trial to end is contrary to the bipartisan position taken by the special committee just a few months ago. On October 2 of last year, the chairman and Senator SARBANES sent a letter to Mr. Starr. Let me quote from this letter, if I may. This is from the chairman of the Whitewater Committee and Senator SARBANES, joint signatures. The letter says:

If the special committee were to continue to defer its investigation and hearings, it would not be able to complete its task until well into 1996.

They continued saying:

We have now determined that the special committee should not delay its investigation of the remaining matters specified in Senate Resolution 120. We believe that the concerns expressed in your letter do not outweigh the Senate's strong interest in concluding its investigation and public hearings into the matter specified in Senate Resolution 120 consistent with section 9 of the resolution.

Section 9 of the resolution is the provision that requires the special committee to complete its work by February 29, 1996.

So the committee is specifically on record, it is on record, as opposed to delaying its work in order to accommodate the trial going on in Arkansas. One cannot help but wonder what has changed other than the political situation to prompt the chairman to unilaterally change his mind on this fundamental issue.

There is one critical fact that I hope my colleagues will not lose sight of during the course of these debates, and that is that our decision about extending the committee will not affect the investigation of the independent counsel by one iota. There are no limits, none, on either the duration of Mr. Starr's investigation or its scope or its cost, for that matter—none whatsoever. As a matter of fact, the independent counsel recently requested and received permission to expand his inquiry to include matters from 1992 that were not originally part of his mandate.

I hope that those Senators who might worry that ending our investigation will somehow give the Clintons a free ride will certainly want to know what Mr. Starr is doing down in Little Rock with a staff of 30 attorneys, 100 investigators, and a cost to the taxpayers of $1 million a month on top of the $26 million he has already spent.

That would be a good inquiry, maybe extend these hearings. Maybe we ought to do an investigation of how that investigation is being done—$26 million. You have more lawyers down there than you do focused on organized crime in some of our major cities. The American public might want to know how their tax money is being spent with that kind of an effort.

Given the absence of any compelling factual basis to continue these hearings, Mr. President, the alternative that we have proposed through the minority leader, Senator DASCHLE, I think is more generous in allowing the committee to complete whatever task the majority feels must still be accomplished.

You know, Mr. President, in some ways I regret we did not do what the minority had done back in 1987. In retrospect, maybe we should have had the minority leader, Senator DASCHLE, approach the majority last fall and ask to wrap up these hearings early, as Senator DOLE did in 1987. Remember what I said earlier, the original termination date was October of 1987. Senator DOLE came in the spring and said, ''Can't we get this done early, get it done by August, in order to avoid the campaign season of 1988? Can't you get it done in August of 1987, not in October when it gets into the campaign season?''

Maybe we should have approached the majority last fall and said, ''How about getting this done earlier?'' Then maybe we might have finished around February. Instead, we thought it was on the level. In fact, it was set at February 29 as a reasonable time, and then because you may need a few extra days, we have suggested 5 more weeks, almost a month and a half more of hearings, and an additional month to file the report, and almost $200,000 more to do it, not to mention the consultants' fees that are going to be spent.

Our colleagues ought to know that I think a substantial minority or maybe a majority of the Senators on this side feel this should have ended on the 29th, and that is it. But because Senator SARBANES and the majority leader and others, myself included, made a case, look, a few more days here, let us try, and there are additional witnesses we need; let us try to wrap this up.

But I think many people here feel, as the American public does by overwhelming majorities—they feel this has gone on too long—$30 million dollars. It is their money we are spending on this. It is their money that is being spent on this, on this investigation that has gone nowhere, shown nothing, uncovered nothing. Now they want half a million dollars more of your money to spend on this, along with consultancy fees for an unlimited amount of time.

You wonder why the American public get sick and tired of how Washington pays attention to itself, is preoccupied with itself, trying to get $30 million to spend on hearings instead of looking into what is happening to our cities or education or health care or joblessness in America. You could not get the votes here for that. But we will spend $30 million over 270 days, and 50 hearings, on whether or not something happened in the 1980's, 15 years ago, in Arkansas.

Then we wonder why there is rage in the country over how Washington does its business. Well, you get a good taste of it now in this last Congress. Not one hearing on Medicare. Whether you agree with the cuts or not, the fact that we would propose cutting $240 billion out of the safety net for people's health care, and we do not even have a hearing to look at it and examine it.

Oh, but we can spend 50 hearings on this, 10 or 12 hearings on Waco, 15 hearings on Ruby Ridge. Boy, those are important issues. That is just what the American public sent us here for. That is how they want their money spent. Now they want an unlimited amount of time and a half a million more. And people say, wringing their hands, ''Why are people so upset with Washington?'' Well, watch this spectacle over the next few days. You do not have to ask yourself the question.

We ought to wrap this up and get it over with. It has gone on too long. The proposal by the minority leader, Senator DASCHLE, is a reasonable one—this body ought not to take 10 minutes to debate it—5 more weeks, $185,000 to complete its work, and particularly as it is coming down, as everyone—everyone—knows in the country.

It is one thing to engage in politics with your own money, but to engage in political activities with the taxpayers' money is insulting. It angers people. It makes them angry. They are right to be angry. They ought to be angry about this process and watch these votes when the votes come up and remember how people vote on this, how quick they are to spend their money on this.

But how unwilling they are when it comes down to your health care or your kid's education or your jobs. They are, ''Oh, no, we can't afford to do that. We've got to balance the budget, but, by God, we'll spend the money on this.'' That is why people are angry in America. And I do not blame them.

So, Mr. President, I hope in the coming days here, over the next day or so, that we can reach an understanding here that 5 weeks is plenty amount of time. We can hold a lot of hearings in 5 weeks. We can wrap this up and put it behind us. It is unhealthy for this institution. It does damage to this institution. It does a disservice to the American public. So I urge that we come to an agreement on this and move along.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, we heard a good deal of rhetoric relative to the prevailing attitude of the American people. My good friend from Connecticut has indicated that the public has had enough and that clearly this side of the aisle is to blame for continuing the efforts in the Whitewater probe.

I think my colleagues on the other side of the aisle are either not listening to the American public or not reading the daily newspapers in the United States. I have a list that was compiled a little while ago, just a very, very partial list, of the newspapers specifically requesting extended hearings—the Washington Times, the Washington Post, New York Times, the New York Post, the Times-Picayune, the Times Union. And in support of the hearings, there has been the same group of newspapers. This is a very, very, very, very small list of those newspapers.

That represents public opinion, Mr. President. That represents the public's opinion in light of the overwhelming information that just keeps coming out about Whitewater. So much of this information just seems to be trickling out of the White House, and the public wants answers.

Let me refer specifically to what I am talking about by referring to the chart behind me which clearly makes my point.

If one looks—I might just make a reflection on a comment that was made in the book ''Men of Zeal'' by Senator COHEN and former Majority Leader Mitchell.

I quote:

The committee's deadline provided a convenient stratagem for those who were determined not to cooperate.

That, of course, is a commentary on the events surrounding the Iran-Contra hearings.

But let us look at the record, Mr. President. And this, Mr. President, is why these hearings must be extended. The documents simply keep coming. In August of 1995, The committee requested documentation from the White House.

In October it was necessary to send a subpoena to the White House.

January 5. The Rose Law Firm billing records were produced.

Records discovered by Carolyn Huber in the White House personal residence in August 1995.

January 29, 1996, and February 7. Mark Gearan's documents produced, documents ''inadvertently taken'' from the White House.

February 13. Michael Waldman's documents produced. Documents found ''in the course of an office move.''

Well, let us move to February.

February 20. Harold Ickes' documents produced. Documents were ''inadvertently overlooked'' and Mr. Ickes was under ''mistaken belief'' that they had been produced earlier.

February 29. Special committee funding expires. And that, Mr. President, is why we are here are today.

But incredulously, the White House documents just keep coming. March 1, suddenly Bruce Lindsey's documents are produced. Documents ''inadvertently were not produced previously.

March 2. White House produces 166 pages of documents of various administration officials, including Lisa Caputo, Neil Eggleston, Bruce Lindsey, Bernard Nussbaum, and Dee Dee Myers.

March 5. Rose Law Firm documents produced. Documents were ''just located.''

Mr. President, look at the facts. Since the funding has expired, we have received three separate groups of documentation. Why did that occur? Well, one can do some guessing. Perhaps there was some fear of the consequences that occur from withholding evidence? And perhaps memories were suddenly refreshed when those consequences became more apparent.

Mr. President, do not buy for a minute the argument of the other side that somehow this debate is a Republican plot, a partisan plot. Well, Mr. President, finding answers to the many unanswered questions about Whitewater is not partisan politics. Let's look at what the public thinks, as reflected in many editorials from newspapers across the nation.

The Times Picayune:

Senate Democrats should think twice about filibustering to end the Whitewater investigation committee's attempt to get to the bottom of President and Mrs. Clinton's involvement in Whitewater and related matters. The public would likely simply add Senate Democrats to the list of participants in a suspected coverup.

I read on:

But the Senate investigation has not popped up suddenly in this election year, it began 20 months ago, and it's sometimes snail's pace has not had to do with dragging it out until the election year but instead with the White House's determinedly evasive tactics.

The White House, Mr. President, not the Congress.

The White House pleads that it is cooperating, but although it has provided the committee reams of requested documents, it still has not provided key documents that might clear the matter up, one way or the other.

The natural conclusion must be that the Clintons have something to hide, and that if they do not want to make it public, it must not support the Clintons' declarations that they have done nothing illegal or unethical.

It concludes:

No matter how this might serve the Democratic campaign interests, it would not serve the public interest. That interest is having the facts, and only then can the public draw its own conclusion.

Mr. President, the editorial that I just read, is representative of many editorials across the United States. So, I ask again, is it only the Senate Republicans who wish to get answers about Whitewater? It clearly is not. It is the opinion of editorials across the nation, and these editorials reflect the attitudes and opinions of the American public. Let's look at some more editorials:

The Washington Post, March 4, entitled ''Twenty Months and Counting.'' It reads as follows:

Twenty months and counting. That is the disdainful cry of Senate Democrats as they rise in opposition to the request of Senate Republicans for an open-ended extension of the now-expired Whitewater investigation.

. . . The committee, for example, has been having an exceedingly tough time obtaining subpoenaed documents or unambiguous testimony from administration officials. Seldom have so many key witnesses had no earthly idea why they did what they did, wrote what they wrote, or said what they said—

Or if they even remembered it at all.

. . . White House aides keep dribbling down documents—suddenly and miraculously discovered—to the committee. Just when we think we've seen the last of the belated releases, one more turns up. The latest was Friday night, when one of the President's top aides, Bruce Lindsey, produced two pages of notes that he had earlier told the Whitewater committee he didn't remember taking.

At issue today, as has been the case for some time, is whether the Clinton administration has done anything to impede investigations by Congress or the independent counsel and whether the Clintons engaged in any improper activities in Arkansas while he was Governor and the First Lady was partner in the Rose law firm. Nothing illegal on their part has turned up yet. For those who are inclined to dismiss any and everything that falls under the label of Whitewater as just another political witch hunt, it is worth remembering that 16 people have been indicted by Federal grand juries as a result of the independent counsel's probe and 9 have entered guilty pleas. Congress doesn't have the job of sending people to jail. But factfinding is part of the congressional job description. The Whitewater Committee should be empowered to do just that.

The St. Petersburg Times has another interesting editorial. And again, Senate Republicans did not write these editorials, Mr. President. Newspaper editors wrote these editorials; editorials that I submit reflect the views of many Americans. Let me quote the last portion of an editorial in the St. Petersburg Times, dated February 29:

There are many . . . compelling reasons for continuing the Senate work, including the criminal Whitewater proceedings that may unearth important new facts. But the most important reason is also the most democratic: Ordinary citizens need to learn what all this is about, what this Whitewater talk is about. While Arkansas' most powerful couple, did the Clinton's trade their public trust for private gain? Since going to Washington have the Clintons and their associates used the power of the presidency to cover their tracks?

These are painful questions, and not just for the Clintons. Americans deserve a President they can trust, someone who embraces questions about integrity instead of running from them. If the answers make the Clintons' campaign more difficult, so be it. The search for answers can't stop now.

Let me quote the Washington Post of February 29, which is not a product of

this side of the aisle by any means. I read the last paragraph:

What the Senate does not need is a Democratic-led filibuster. Having already gone bail for the Clinton White House, often to an embarrassing degree, Senate Democrats would do themselves and the President little good by tying up the Senate with a talkathon. Better that they let the probe proceed.

Again, whose idea is this, Mr. President? This is public opinion throughout the Nation through the editorial writers of some leading newspapers in this country.

Mr. SARBANES. Will the Senator yield for just a moment on these two Post editorials?

Mr. MURKOWSKI. I will yield at the conclusion of my brief statement.

Mr. SARBANES. Would it be—

Mr. MURKOWSKI. Please proceed.

Mr. SARBANES. I ask unanimous consent that these two editorials from the Washington Post, that were cited, be printed in the RECORD, because one of them says:

. . . the Senate should require the committee to complete its work and produce a final report by a fixed date.

And later it says:

That would argue for permitting the probe to continue through April or early May.

The other says:

The Whitewater committee should be empowered to do just that . . .

That is, factfinding within a reasonable time and it suggests 2 additional months.

So both of these editorials reject the notion that we should have an indefinite extension of this hearing.

I ask unanimous consent that the two editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 29, 1996]

EXTEND, BUT WITH LIMITS

We noted the other day that the White House—through its tardiness in producing long-sought subpoenaed documents—has helped Senate Banking Committee Chairman Alfonse D'Amato make his case for extending the Whitewater investigation beyond today's expiration date. If one didn't know any better, one might conclude that the administration's Whitewater strategy was being devised not by a White House response team but by the high command of the Republican National Committee.

However, despite the administration's many pratfalls since Whitewater burst onstage, Sen D'Amato and his Republican colleagues have not provided compelling evidence to support the entirely openended mandate they are seeking from the Senate. There are loose ends to be tied up and other witnesses to be heard, as Republican Sen. Christopher Bond said the other day. But dragging the proceedings out well into the presidential campaign advances the GOP's political agenda; it doesn't necessarily serve the end of justice or the need to learn what made the Madison Guaranty Savings & Loan of Arkansas go off the tracks at such enormous cost to American taxpayers. The Senate should allow the committee to complete the investigative phase of its inquiry; including a complete examination of the Clinton's involvement with the defunct Whitewater Development Corp. and their business relationships with other Arkansas figures involved in financial wrongdoing. But the Senate should require the committee to complete its work and produce a final report by a fixed date.

Democrats want to keep the committee on a short leash by extending hearings to April 3, with a final report to follow by May 10. A limited extension makes sense, but a unreasonably short deadline does not. Five weeks may not be enough time for the committee to do a credible job. Instead, the Senate should give the committee more running room but aim for ending the entire proceedings before summer, when the campaign season really heats up. That would argue for permitting the probe to continue through April or early May.

What the Senate does not need is a Democrat-led filibuster. Having already gone bail for the Clinton White House, often to an embarrassing degree, Senate Democrats would do themselves and the president little good by tying up the Senate with a talkathon. Better that they let the probe proceed. Give the public some credit for knowing a witch hunt and a waste of their money if and when they see one. And that, of course, is the risk Sen. D'Amato and his committee are taking. * * *

[From the Washington Post, Mar. 4, 1996]

TWENTY MONTHS AND COUNTING

That is the disdainful cry of Senate Democrats as they rise in opposition to the request of Senate Republicans for an openended extension of the now-expired Whitewater investigation. After conducting more than 50 days of public hearings involving 120 witnesses, taking 30,000 pages of deposition testimony, collecting 45,000 pages of White House documents, spending more than $1.3 million, and compiling a casualty list of near financially destroyed administration officials, what do Whitewater committee Chairman Alfonse D'Amato and his Republican colleagues have to show for it? the Democrats ask. A good question, indeed. But it's not the only one to be answered in deciding whether to extend the life of the committee.

The committee has been working for more than a year to gather the facts surrounding the collapse of the federally insured Madison Savings and Loan in Little Rock, the involvement of Bill and Hillary Clinton in the defunct Whitewater Development Corp., and the handling of documents and the conduct of White House officials and Clinton associates in the aftermath of Deputy White House Counsel Vincent Foster's suicide. Whitewater, in the hands of congressional Republicans and the independent counsel, is now a much wider-ranging investigation that seeks answers to a host of questions concerning Washington-based actions taken after the administration was in office.

The committee, for example, has been having an exceeding tough time obtaining subpoenaed documents or unambiguous testimony from administration officials. Seldom have so many key witnesses had no earthly idea why they did what they did, wrote what they wrote, or said what they said—if they owned that they even remembered at all.

Committee Republicans assert that dozens of witnesses still must be examined. Some will not be available until their trials end. That's the major reason Sen. D'Amato gives for a lengthy open-ended extension. The next has to do with the way White House aides keep dribbling documents—suddenly and miraculously discovered—to the committee. Just when we think we've seen the last of the belated releases, one more turns up. The latest was Friday night, when one of the president's top aides, Bruce Lindsay, produced two pages of notes that he had earlier told the Whitewater committee he didn't remember taking. See what we mean?

At issue today, as it had been for some time, is whether the Clinton administration has done anything to impede investigations by Congress or the independent counsel and whether the Clintons engaged in any improper activities in Arkansas while he was governor and she was a partner in the Rose Law Firm. Nothing illegal on their part has turned up yet. For those who are inclined to dismiss any and everything that falls under the label of Whitewater as just another political witch hunt, it is worth remembering that 16 people have been indicted by federal grand juries as a result of the independent counsel's probe and nine have entered guilty pleas. Congress doesn't have the job of sending people to jail. But fact-finding is part of the congressional job description. The Whitewater committee should be empowered to do just that, but within a reasonable time. Two additional months, with a right to show cause for more time, makes sense.

Mr. MURKOWSKI. I have no objection to that. It was my intention to include each of these editorials in their entirety, though I would like to point out that I only made reference to one Washington Post editorial. What I quoted to the President is what I believe reflects the difference between the two sides, the Democrats and Republicans. What is occurring today is a great deal of finger pointing, and unfortunately the finger pointing will likely continue throughout this debate.

Today's debate, Mr. President, reflects a process that has been initiated by one side of the aisle. One side of the aisle wishes to terminate the process by preventing a vote on this resolution. My concern is that the process that they have initiated is based upon misconstruing the facts. Let me explain what I mean.

I think the Senator from Connecticut had used the figure of close to $30 million of taxpayers' funds, suggesting that somehow this is connected with the activities of our committee. Well, that is not factual.

The Senate has spent $950,000 on the Whitewater investigation. The investigation associated with the special counsel, Ken Starr, has spent $23 million through 1995. The RTC spent almost $4 million. But to suggest by association that the Senate Whitewater Committee is responsible for this expenditure is misleading, to say the least, and far from the disclosure that is appropriate in this body, where we specifically identify each expenditure that is referenced.

The reality is that the information still keeps coming in, Mr. President. There is absolutely no denying that fact. I ask my colleagues to address this issue. Is there a reasonable explanation relative to why we would still get material coming in when, clearly, the authority of the funding for the committee has expired? That is evidenced by the activity associated with material that came in on March 1, 2, and 5. We may get some more material in today, tomorrow, or the next day.

Now, that is why this process has to continue. At what time in the future will it be appropriate that we make a determination that enough is enough? Well, obviously, that is up to the membership of this body and whether this body is satisfied with the work of the committee. But it is fair to say, Mr. President, that the American public feels that this process should continue. The American public is knowledgeable enough to be aware that once there is a date certain, the committee will face delay after delay from the White House. It's a pattern that has been well established. Witnesses and document production would likely be nonresponsive until shortly before the committee's next deadline. If today this body sets a date certain of when the investigation would end, I believe that much of the information that the committee would attempt to obtain would never be given the light of day.

Furthermore, there is a trial starting in Little Rock. The relevance of that trial to this committee's action has yet to be addressed, but it is legitimate and should be part of the ongoing consideration. We all know that there may be individuals in that trial that should come before our committee and give their testimony. We may have some penetrating questions for them. I can certainly say that those of us on this side have several questions that we would like to ask, if given the opportunity. We hope that opportunity will be extended. But, unfortunately, we do not know when that trial is going to be concluded.

So we could go on and on here with justifications for legitimatizing this process. However, bottom-line, we have a responsibility as U.S. Senators of oversight; a responsibility to complete the work that was authorized by 96 Senators. And to suggest that we do anything less than that, or restrict ourselves to a date certain, is absolutely irresponsible. I think a majority of the Members of this body recognize that for what it is and are prepared to support a continuation of the committee's activities, without a date certain.

Let us face it, it is a political year. We all know that. But we all have an obligation in our conscience to address the responsibility associated with our office, and that is to do the best job possible, recognizing the human limitations associated with an investigation of this type and the realization that each person has to vote his or her own conscience. Mr. President, that is an obligation and trust that has been given to us by our constituents and one we do not take lightly.

So we may differ on the merits relative to the political consequences, but we have a job to do, and it would be absolutely irresponsible to suggest that we can set a time certain for that job to cease, especially in light of the fact that the committee has had three separate submissions of subpoenaed materials that came in after February 29, 1996—the date when this investigation was to cease.

Mr. President, I see my colleague waiting to speak. I will yield the floor to him.

The PRESIDING OFFICER. The Senator from Alabama [Mr. SHELBY] is recognized.

Mr. SHELBY. Mr. President, I think it is very important that we continue to fund the committee's work for a couple of pretty obvious reasons. For one, documents are turning up like wildflowers everywhere. Every week or so, the Whitewater Committee receives a pile of ''mistakenly overlooked documents'' from the White House.

Mr. President, how is it that mistakenly overlooked Whitewater files labeled ''Whitewater Development Corporation,'' or that they fail to ensure that notes they took in meetings dedicated exclusively to the discussion of Whitewater, as part of a Whitewater damage control response team, are not produced as part of the subpoena's request?

Mr. President, if you were going to comply with a subpoena that is seeking documents related to Whitewater, would you not start with a Whitewater response team? It is obvious that you would.

Mr. President, that would seem to be the minimum in terms of compliance, would it not? Frankly, I am surprised that we are even debating today whether to continue funding for the Special Committee To Investigate Whitewater. Mr. President, it was only a little more than a month ago that the committee first learned of the existence of billing records that had been under subpoena for over 2 years. What was incredible about their discovery, Mr. President, was that these billing records were discovered by a White House aide in the personal residence of the White House, probably one of the most secure places in the world.

Mr. President, documents do not have legs. They cannot walk. They have to have somebody to carry them. The White House can argue that the billing records support the First Lady's prior statements until the cows come home. They can argue about what the word ''significant'' means, or about what ''minimal'' means. They can rewrite Webster's if they want to. But, Mr. President, that will not change the fact that these records we are talking about were under subpoena for close to 2 years and were not produced during that time. Regardless of motive, someone had custody of these records while they were under subpoena and chose not to produce them.

Mr. President, the mysterious appearance of these records prompted the independent counsel to subpoena the First Lady to testify before the grand jury. This unprecedented action by the independent counsel, I believe, underscores the seriousness and the importance of the billing records' reappearance to this committee's investigation.

What we do know about the billing records is this. Certainly, what we do know is certainly less than what we do not know. What information the committee has been able to glean thus far since the records' discovery is the following:

Mr. Foster's handwriting is found all over the billing records in red ink.

Mr. Foster's writing appears to direct questions to the First Lady about her billings of Madison Savings & Loan.

Mr. Foster was the last person that we know of that had possession of these records after the 1992 Presidential campaign. And the records were found on a table in the book room of the personal residence of the White House sometime in late July or early August.

Mr. President, the committee thus has a sense of who may have had the records last, but no answers to the who, what, where, and when of the billing records' reappearance. We need that information. More important is still what remains unanswered, like, for example, how did the billing records end up in the White House personal residence?

Where have they been for the past 2 years while they have been under subpoena?

Were the records in Mr. Foster's office when he died? If so, who took custody of these records after Mr. Foster's death?

Finally, and most important, who left the billing records on the table in the book room of the White House residence?

As the New York Times so aptly noted in its February 17, 1996, editorial, ''Inanimate objects do not move themselves, we all know that.''

These are serious questions, Mr. President, questions that the committee and the public deserve answers to. There is nothing partisan or politically motivated about trying to uncover the circumstances surrounding the much belated discovery of records under subpoena for over 2 years. Indeed, answers to these questions, I believe, are central to the committee's investigation.

If Mr. Foster did, in fact, have these records in his possession as of his tragic death, how did they move, Mr. President, from the White House counsel's office to the personal residence? Obviously, not on their own motion. Testimony given before the committee about the Foster office search and movement of files to the personal residence leads us to some sense of how they may, Mr. President, have made their way to the book room. The committee heard testimony from a Secret Service officer who swore that he saw Maggie Williams, the First Lady's chief of staff, carrying documents out of Mr. Foster's office the night of his death. Phone records obtained by the committee, Mr. President, showed a spate of early morning phone calls between Ms. Williams, the First Lady, Susan Thomases, and Bernie Nussbaum, immediately preceding Mr. Nussbaum's decision to renege on his agreement with the Deputy Attorney

General of the United States, Mr. Heymann, on how the search of Mr. Foster's office would be conducted.

A senior White House aide testified that the day of the search, Mr. Nussbaum, White House counsel at that time, told him of his concerns coming from the First Lady—told of concerns coming from the First Lady and Susan Thomases—about law enforcement officials having unfettered access to Mr. Foster's office.

Department of Justice officials have testified before the committee as to suspicions and concerns that began to arise after the White House reneged on an agreement on how Mr. Foster's office would be searched—suspicion and concerns, Mr. President, that prompted the Deputy Attorney General of the United States at that time, Mr. Philip Heymann, to ask the then White House counsel, Mr. Bernie Nussbaum, ''Are you hiding something?'' A White House aide testified that later on in the day of the search of Mr. Foster's office, he assisted Ms. Williams in carrying boxes of materials from Mr. Foster's office to the personal residence, during which time Mrs. Williams offered the explanation that the materials were personal documents that needed to be reviewed by the Clintons.

Mr. President, Ms. Williams testified that documents were moved from Mr. Foster's office to a closet on the third floor, to the personal residence of the White House, where they were later reviewed and collected by the Clintons' personal attorneys. This testimony, Mr. President, in conjunction with the belated discovery of the billing records and other Whitewater documents, has only fueled suspicions that the White House has not been truthful about the search of Mr. Foster's office after his death.

Mr. President, the many unanswered questions that remain are in truth due in large part to the lack of cooperation and evasive tactics coming from the White House. While the committee has undertaken to conduct its investigation expeditiously, events like the mysterious discovery of the billing records, the miraculous location of over 100 pages of notes from top White House aides and Whitewater damage control team members, undermine the committee's ability to conduct a timely and thorough investigation.

Mr. President, these documents have been under subpoena, as I said, for over 2 years, and they only now, Mr. President, surface with explanations that confound credibility, such as ''Sorry, mistakenly overlooked.'' ''Didn't know you were looking for notes of those Whitewater meetings.'' Or, ''I thought they were already turned over to the White House counsel.''

Mr. President, the excuses are too little, and I believe they are too late. ''No harm, no foul'' just will not work for the White House anymore. The committee and the independent counsel will not and cannot, Mr. President, accept misunderstandings, miscommunications, mistakes, mismanagement, and general bungling as an excuse by the White House for not producing documents that we are legitimately entitled to. I think it is time for answers, not excuses.

Indeed, Mr. President, the White House's lack of cooperation and forthcomingness, its defensive posture and its behavior in response to the legitimate congressional and law enforcement inquiries has led us to where we are today. The White House's handling of the documents in Mr. Foster's office after his death and its continued and persistent pattern of obstruction and evasion perpetuate the belief they have something to hide.

Last summer, the committee heard testimony about the search of Mr. Foster's office after his death. I want to briefly read from the committee transcript testimony we heard from Deputy Attorney General Philip Heymann, because I believe it clearly reveals why this committee and many Americans continue to believe that the White House has not been truthful about what went on in the hours following Mr. Foster's death.

Mr. President, I ask unanimous consent that the entire script beginning on pages 41 of Mr. Heymann's testimony be printed in the RECORD.

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

EXCERPTS OF TESTIMONY OF DEPUTY ATTORNEY GENERAL HEYMANN

Senator SHELBY. Okay. At some point on the 21st, it was determined that Roger Adams and David Margolis would be sent over to the White House, as I said, to review documents regarding the relevance and privilege dealing with the Foster investigation, you said that are right.

Mr. HEYMANN. That's correct, Senator Shelby.

Senator SHELBY. And the scope of this review, according to your notes, would be looking for anything to do with this violent death. You want to refer to your notes?

Mr. HEYMANN. Yes, I have my notes here and that's correct.

Senator SHELBY. Is that correct?

Mr. HEYMANN. That's correct.

Senator SHELBY. And it was—was it your understanding by the end of the 21st that an agreement or understanding had been reached between the Department of Justice, the Park Police and the White House over how the search would be conducted, the search of the deputy counsel's office?

Mr. HEYMANN. Yes, Senator Shelby, in the sense that we all had agreed on how it would be done. And in what I still think was a very sensible way——

Senator SHELBY. Would you relate what you recall of how the—what you agreed to or thought you had agreed to?

Mr. HEYMANN. I'd be happy to. I just wanted to make clear, Senator Shelby, I didn't feel that I had a binding commitment by Mr. Nussbaum or anyone else. We simply all had talked about it by then and we all were on the same track, we all were on the same page, we all thought it would be done in the way I'm about to describe.

Senator SHELBY. Did you think when you sent Mr. Adams and Mr. Margolis over there that it would turn into an adversarial relationship or something close to that?

Mr. HEYMANN. No, I did not.

Senator SHELBY. You did not.

Mr. HEYMANN. You'd asked me to describe what the understanding was, Senator Shelby.

Senator SHELBY. Yes, sir, that's right. You go ahead.

Mr. HEYMANN. The understanding was that they would see, these two senior prosecutors, not the investigators, but the prosecutors would see enough of every document to be able to determine whether it was relevant to the investigation or not. Now, I've been handed some pages from my transcript, but let's assume this is a document, it's about 30 pages long. They would look at this and it says ''deposition of Philip Heymann, re: Whitewater,'' and they would know that that didn't seem to have anything, any likely bearing on the cause of Vince Foster's death. If need be, they might have to look a page or two into it. But the object was to maintain the confidentiality of White House papers to the largest extent possible with satisfying ourselves that we were learning of every potentially relevant document.

If there was a relevant document, it would be set aside in a separate pile. If the White House counsel's office believed that it was entitled to executive privilege, and therefore should not be turned over to us, we would then have to resolve that: There would be a separate pile of documents; some relevant and would go directly to the investigators some relevant but executive privilege claims, in which case we would have to resolve it perhaps with the assistants of the legal counsel's office of the Justice Department.

Senator SHELBY. Mr. Heymann, did you contemplate that this would be done jointly or just done by the White House counsel?

Mr. HEYMANN. I thought it was essential, Senator Shelby, that it be done jointly with these two prosecutors being able to satisfy themselves, and through them satisfy the investigative agencies that whatever might be relevant was being made available to us.

Senator SHELBY. That it would be a bona fide investigation and not a sham; is that right?

Mr. HEYMANN. Well, I don't——

Senator SHELBY. Or be a bona fide investigation.

Mr. HEYMANN. That it would be an entirely—it would be a review of documents that would be entirely credible to us, to the investigators and to the American public.

Senator SHELBY. Okay. Your notes mention, I believe, Mr. Heymann, that Steve Neuwirth objected to this agreement, but that Mr. Nussbaum agreed with Margolis that it was a done deal; is that correct? You want to refer——

Mr. HEYMANN. That is what they reported to me when Mr. Margolis and Mr. Adams returned that evening, the evening of Wednesday the 21st, to the Justice Department.

Senator SHELBY. What do your notes reflect, I was paraphrasing them?

Mr. HEYMANN. It said they discussed the system that had been agreed upon, I just described it to you. BN that stands for Mr. Nussbaum, agreed. SN, that stands for Steve Neuwirth, said no. We shouldn't do it that way. The Justice Department attorneys shouldn't have direct access to the files. David Margolis, the Justice Department attorney, said it's a done deal and Mr. Nussbaum at that point said yes, we've agreed to that.

Senator SHELBY. Was it important to you and to the Department of Justice that you represented that the documents be reviewed independently, is that why it was important that the Department of Justice look for relevance and privilege jointly in this undertaking?

Mr. HEYMANN. Yes, Senator Shelby. Again, I did not think it was necessary and do not

think it was necessary to review documents which we could quickly determine had no relevance to Vince Foster's death. So our attorneys would not have looked at those, that was a clear part of the understanding. Or pages, yeah.

Senator SHELBY. I didn't say. I understand that you received a call from David Margolis the next morning from the White House about the search; is that correct? You want to refer to your notes?

Mr. HEYMANN. That's correct, Senator Shelby.

Senator SHELBY. What was this call about?

Mr. HEYMANN. He and Roger Adams had gone over with the Park Police and the FBI to do the review we planned.

Senator SHELBY. This was pursuant to the understanding you had with Mr. Nussbaum?

Mr. HEYMANN. Pursuant to the understanding of the 21st.

Senator SHELBY. Okay.

Mr. HEYMANN. Mr. Margolis told me that Mr. Nussbaum had said to me that they had changed the plan, that only the White House counsel's office would see the actual documents. Mr. Margolis had asked Mr. Nussbaum whether that had been discussed with me and Mr. Nussbaum had said no. I told Mr. Margolis at that point to put Mr. Nussbaum on the phone, and I was——

Senator SHELBY. Did he get on the phone?

Mr. HEYMANN. He got on the phone.

Senator SHELBY. What did you say to him?

Mr. HEYMANN. I told him that this was a terrible mistake.

Senator SHELBY. Terrible mistake. Go ahead.

Mr. HEYMANN. Well, please don't——

Senator SHELBY. That was your words; is that right?

Mr. HEYMANN. Yeah—no, no, please don't assume that what I now paraphrase would be the words I actually used. This is 740 days ago and it would be quite unreliable to think they're the exact words. I remember very clearly sitting in the Deputy Attorney General's conference room picking up the phone in that very big room. I remember being very angry and very adamant and saying this is a bad—this is a bad mistake, this is not the right way to do it, and I don't think I'm going to let Margolis and Adams stay there if you are going to do it that way because they would have no useful function. It would simply look like they were performing a useful function, and I don't want that to happen.

The CHAIRMAN. You told this to the counsel?

Senator SHELBY. You told this to Nussbaum; is that correct?

Mr. HEYMANN. I told this to Mr. Nussbaum.

The CHAIRMAN. But you volunteered this? In other words, it did not come from Mr. Margolis or Mr. Adams? This was your saying I'm not going to keep them here if this——

Mr. HEYMANN. I suspect, Senator D'Amato, that when I talked to Mr. Margolis in the same phone conversation shortly before I asked him to put Mr. Nussbaum on the phone he would have said to me something like we have no useful role here, and it would—I would have picked it up from that, and I would have said I don't think I'm going to keep them there. Mr. Nussbaum was, as always, entirely polite and he said—he was taken back by my anger and by the idea that I might pull out the Justice Department attorneys and he said I'll have to talk to somebody else about this or other people about this, and I'll get back to you, Phil.

Senator SHELBY. Did he tell you who he was going to talk to?

Mr. HEYMANN. He did not tell me who he was going to talk to.

Senator SHELBY. He didn't tell you or indicate it was the President of the United States or the First Lady?

Mr. HEYMANN. He never indicated in any way who he was going to discuss this with, nor has he ever.

Senator SHELBY. Just the phrase I'm going to talk to somebody?

Mr. HEYMANN. I'm—just the notion was I have to talk to other people about this. I had obviously shaken him enough that he wanted to consider whether he should come back to what we had agreed to the day before on the 21st, but there were other people involved that he had to talk to about that.

Senator SHELBY. Was it your impression, Mr. Heymann, then that Mr. Nussbaum would get back to you before any review of the documents in the White House was conducted?

Mr. HEYMANN. He said to me specifically don't call Adams and Margolis back to the Justice Department. I'll get back to you.

Senator SHELBY. Did he ever call you back?

Mr. HEYMANN. He never called me back.

Senator SHELBY. Did you ever consent to the change in the plan in how the search would be conducted, Mr. Heymann?

Mr. HEYMANN. I did not.

Senator SHELBY. Did David Margolis or any other law enforcement official have an impression of whether the Department of Justice had consented to this search?

Mr. HEYMANN. Mr. Margolis was clear that the Department of Justice had not consented to the changed arrangement. It was—he obviously thought that he was to remain, even if it was changed, because he did remain, but he knew that we had not consented to the changed arrangement and did not approve of it.

Senator SHELBY. You later found out, sir, that the search was conducted with Mr. Nussbaum calling the shots that night; is that right?

Mr. HEYMANN. That's correct.

Senator SHELBY. Did you talk to Mr. Nussbaum after that?

Mr. HEYMANN. I found that out at about—when Mr. Margolis and Mr. Adams returned the evening of the 22nd——

Senator SHELBY. Returned to your office?

Mr. HEYMANN. Returned to my office, I went home to an apartment we were renting then and I picked up the phone and I called Mr. Nussbaum and I told him that I couldn't imagine why he would have treated me that way. How could he have told me that he was going to call back before he made any decision on how the search would be done and then not call back?

Senator SHELBY. What did he say to that?

Mr. HEYMANN. I don't honestly remember, Senator Shelby. He was, again, polite. He didn't—there was no explanation given that I would remember. And I remember saying to him, Bernie, are you hiding something. And he said no, Phil, I promise you we're not hiding something.

Senator SHELBY. Did you say to him—and you can refer to your notes if you like—Mr. Nussbaum, you misused us? What did you—if you said that, what did you mean by that? Do you believe then that the White House had something to hide or was worried about the investigation? What was your impression?

Mr. HEYMANN. Well, when I said you misused us, or something like that, I meant that he had used Justice Department attorneys in a way that suggested that the Justice Department was playing a significant role in reviewing documents when they had come back and told me they felt like they were not playing any useful role there.

Senator SHELBY. Did you know later that the White House had issued a statement that Justice—something to the effect that the Justice Department was involved in the review of the documents and not just observing, and then they did a correction on that when someone objected, maybe it was your office?

Mr. HEYMANN. The following morning it was called to my attention that they had said that the Justice Department and the FBI—I now know it—in the press release it said—well, whatever it was, the Justice Department along with the FBI and the Park Police had supervised the review of documents.

Senator SHELBY. Was that a CBS News report?

Mr. HEYMANN. What I was shown at my deposition, Senator Shelby, was, I think, a piece from the Washington Post. I directed that the Department of Justice put out a correction that we had not supervised, that we had simply been there as observers while the investigation was carried out—while the search was carried out by the White House counsel.

Mr. SHELBY. Mr. President, this was a question that this Senator asked Mr. HEYMANN when he was before the committee.

Senator SHELBY. Was it your understanding by the end of the 21st that an agreement or understanding had been reached between the Department of Justice, the Park Police and the White House over how the search would be conducted, the search of the deputy counsel's office?

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Mr. HEYMANN. Pursuant to the understanding of the 21st.

Senator SHELBY. Okay.

Mr. HEYMANN. Mr. Margolis told me that Mr. Nussbaum had said to me that they had changed the plan, that only the White House counsel's office would see the actual documents. Mr. Margolis had asked Mr. Nussbaum whether that had been discussed with me and Mr. Nussbaum had said no. I told Mr. Margolis at that point to put Mr. Nussbaum on the phone, and I was——

Senator SHELBY. Did he get on the phone?

Mr. HEYMANN. He got on the phone.

Senator SHELBY. What did you say to him?

Mr. HEYMANN. I told him that this was a terrible mistake.

Senator SHELBY. Terrible mistake. Go ahead.

Mr. HEYMANN. Well, please don't——

Senator SHELBY. That was your words; is that right?

Mr. HEYMANN. Yeah—no, no, please don't assume that what I now paraphrase would be the words I actually used. This is 740 days ago and it would be quite unreliable to think they're the exact words. I remember very clearly sitting in the Deputy Attorney General's conference room picking up the phone in that very big room. I remember being very angry and very adamant and saying this is a bad—this is a bad mistake, this is not the right way to do it, and I don't think I'm going to let Margolis and Adams stay there if you are going to do it what way because they would have no useful function. It would simply look like they were performing a useful function, and I don't want that to happen.

The CHAIRMAN. You told this to the counsel?

Senator SHELBY. You told this to Nussbaum; is that correct?

Mr. HEYMANN. I told this to Mr. Nussbaum.

The CHAIRMAN. But you volunteered this? In other words, it did not come from Mr. Margolis or Mr. Adams? This was your saying I'm not going to keep them here if this——

Mr. HEYMANN. I suspect, Senator D'Amato, that when I talked to Mr. Margolis in the same phone conversation shortly before I asked him to put Mr. Nussbaum on the phone he would have said to me something like we have no useful role here, and it would—I would have picked it up from that, and I would have said I don't think I'm going to keep them there. Mr. Nussbaum was, as always, entirely polite and he said—he was taken back by my anger and by the idea that I might pull out the Justice Department attorneys and he said I'll have to talk to somebody else about this or other people about this, and I'll get back to you, Phil [meaning Phil Heymann].

Senator SHELBY. Did he tell you who he was going to talk to?

Mr. HEYMANN. He did not tell me who he was going to talk to.

Senator SHELBY. He didn't tell you or indicate it was the President of the United States or the First Lady?

Mr. HEYMANN. He never indicated in any way who he was going to discuss this with, nor has he ever.

Senator SHELBY. Just the phrase I'm going to talk to somebody?

Mr. HEYMANN. I'm—just the notion was I have to talk to other people about this. I had obviously shaken him enough that he wanted to consider whether he should come back to what we had agreed to the day before on the 21st, but there were other people involved that he had to talk to about that.

Senator SHELBY. Was it your impression, Mr. Heymann, then that Mr. Nussbaum would get back to you before any review of the documents in the White House was conducted?

Mr. HEYMANN. He said to me specifically don't call Adams and Margolis back to the Justice Department. I'll get back to you.

Senator SHELBY. Did he ever call you back?

Mr. HEYMANN. He never called me back.

Senator SHELBY. Did you ever consent to the change in the plan in how the search would be conducted, Mr. Heymann?

Mr. HEYMANN. I did not.

Just think about it a minute. This is the beginning of it shown in this transcript that has been made a part of the RECORD here.

Why should we extend the Whitewater Committee? Let us look at some other things. The Senator from Alaska talked about some editorials from some of the leading newspapers in the country and I want to expand on them a little bit.

For example, the Washington Post editorial that I have here by my pointer, it says, on February 25, ''Extend the Whitewater Committee.''

> For an administration that professes to want a quick end to the Senate Whitewater hearings before the election year gets into full swing, the Clinton White House seems to be doing everything in its power to keep the probe alive.

Think about it, this is the Washington Post, not a Republican newspaper by any means.

Another editorial that I want to refer to here from the New York Times entitled ''The Whitewater Paper Chase''; February 17, 1996.

> The excitement of Iowa and New Hampshire has diverted attention from the Senate Whitewater committee and its investigation into the Rose Law Firm's migrating files. Naturally this pleases the White House and its allies, who hope to use [this time] . . . to let their ''so what'' arguments take root.

This is the New York Times saying we should extend the investigation of Whitewater.

Another editorial, January 25, 1996, in the New York Times. Headline in the editorial section, ''Extend the Whitewater Committee.'' Why? Because the public has a right to know. It says:

> The committee and its chairman need to be mindful of the appearance of political maneuvering, but recent events argue strongly against too arbitrary or too early a deadline.

That is what we are talking about here.

Subpoenas were ignored. Perhaps the files will also show that there was no coverup associated with moving and storing these files. But inanimate objects, as I said earlier, do not move themselves. So it is pointless to ask Senators and the independent prosecutors to fold their inquiry on the basis of the facts that have emerged so far. To do so would be a dereliction of our duties.

Mr. President, I have additional editorials that have run throughout this country.

USA Today, January 10, 1996, ''Clintons owe answers about First Lady's role. Newly released documents reveal troubling inconsistencies. The public deserves the whole story.'' That is what this is all about.

Additionally, ''The Whitewater Committee,'' the Washington Times editorial, February 27.

> There are plenty of documents the White House still has not released; and there are plenty of witnesses still to be questioned; there are also many witnesses whose testimony was so misleading or incomplete that they need to be re-questioned.

Attempts by the administration to frustrate the work of the committee, I

think, are not going to work. We need to extend the Whitewater inquiry, politics notwithstanding. We need to move to the next step.

Mr. President, you cannot always agree with some of these papers. I do not always agree with the New York Times, the Washington Post, and others. But the New York Times and the Washington Post for a lot of people, rightly or wrongly, are conventionally viewed as vanguards of good government, and I would venture to say can hardly be characterized as supporters of Republican partisanship.

After reviewing everything that has gone on in the Whitewater committee, the mysterious disappearance of files, the finding of files in a mysterious way, Mr. President, I ask that my colleagues join me in supporting the continued funding of the committee to continue our investigation.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Nevada.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. BRYAN. I am pleased to yield.

Mr. SARBANES. Mr. President, in view of the fact that my distinguished colleague from Alabama was quoting the Washington Post editorial, I would like to include in the RECORD after his remarks the Post editorial from February—both of these editorials come after the one he was citing—February 29 in which the Post said the ''Senate should require the committee to complete its work and produce a final report by a fixed date.'' I underscore ''by a fixed date.'' And then it goes on to say, ''That would argue for permitting the probe to continue through April or early May.''

And in their other editorial of March 4, they say, ''The Whitewater committee should be empowered to do just that''—that is factfinding—''but within a reasonable time.'' And it goes on to say, ''Two additional months'' constitutes a reasonable time.

I ask unanimous consent that both of these editorials, since they, in fact, make a different point than the one that was being made by my colleague from Alabama, be printed in the RECORD.

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

[From the Washington Post, Feb. 29, 1996]

EXTEND, BUT WITH LIMITS

We noted the other day that the White House—through its tardiness in producing long-sought subpoenaed documents—has helped Senate Banking Committee Chairman Alfonse D'Amato make his case for extending the Whitewater investigation beyond today's expiration date. If one didn't know any better, one might conclude that the administration's Whitewater strategy was being devised not by a White House response team but by the high command of the Republican National Committee.

However, despite the administration's many pratfalls since Whitewater burst onstage, Sen. D'Amato and his Republican colleagues have not provided compelling evidence to support the entirely open-ended mandate they are seeking from the Senate. There are loose ends to be tied up and other witnesses to be heard, as Republican Sen. Christopher Bond said the other day. But dragging the proceedings out well into the presidential campaign advances the GOP's political agenda; it doesn't necessarily serve the ends of justice or the need to learn what made the Madison Guaranty Savings & Loan of Arkansas go off the tracks at such enormous cost to American taxpayers. The Senate should allow the committee to complete the investigative phase of its inquiry, including a complete examination of the Clintons' involvement with the defunct Whitewater Development Corp. and their business relationships with other Arkansas figures involved in financial wrongdoing. But the Senate should require the committee to complete its work and produce a final report by a fixed date.

Democrats want to keep the committee on a short leash by extending hearings to April 3, with a final report to follow by May 10. A limited extension makes sense, but an unreasonably short deadline does not. Five weeks may not be enough time for the committee to do a credible job. Instead, the Senate should give the committee more running room but aim for ending the entire proceedings before summer, when the campaign season really heats up. That would argue for permitting the probe to continue through April or early May.

What the Senate does not need is a Democrat-led filibuster. Having already gone bail for the Clinton White House, often to an embarrassing degree. Senate Democrats would do themselves and the president little good by tying up the Senate with a talkathon. Better that they let the probe proceed. Give the public some credit for knowing a witch hunt and a waste of their money if and when they see one. And that, of course, is the risk Sen. D'Amato and his committee are taking. The burden is also on * * *

[From the Washington Post, March 4, 1996]

TWENTY MONTHS AND COUNTING

That is the disdainful cry of Senate Democrats as they rise in opposition to the request of Senate Republicans for an open-ended extension of the now-expired Whitewater investigation. After conducting more than 50 days of public hearings involving 120 witnesses, taking 30,000 pages of deposition testimony, collecting 45,000 pages of White House documents, spending more than $1.3 million, and compiling a casualty list of near financially destroyed administration officials, what do Whitewater committee Chairman Alfonse D'Amato and his Republican colleagues have to show for it? the Democrats ask. A good question, indeed. But it's not the only one to be answered in deciding whether to extend the life of the committee.

The committee has been working for more than a year to gather the facts surrounding the collapse of the federally insured Madison Savings and Loan in Little Rock, the involvement of Bill and Hillary Clinton in the defunct Whitewater Development Corp., and the handling of documents and the conduct of White House officials and Clinton associates in the aftermath of Deputy White House Counsel Vincent Foster's suicide. Whitewater, in the hands of congressional Republicans and the independent counsel, is now a much wider-ranging investigation that seeks answers to a host of questions concerning Washington-based actions taken after the administration was in office.

The committee, for example, has been having an exceedingly tough time obtaining subpoenaed documents or unambiguous testimony from administration officials. Seldom have so many key witnesses had no earthly idea why they did what they did, wrote what they wrote, or said what they said—if they owned that they even remembered at all.

Committee Republicans assert that dozens of witnesses still must be examined. Some will not be available until their trials ends. That's the major reason Sen. D'Amato gives for a lengthy open-ended extension. The next has to do with the way White House aides keep dribbling documents—suddenly and miraculously discovered—to the committee. Just when we think we've seen the last of the belated releases, one more turns up. The latest was Friday night, when one of the president's top aides, Bruce Lindsay, produced two pages of notes that he had earlier told the Whitewater committee he didn't remember taking. See what we mean?

At issue today, as it has been for some time, is whether the Clinton administration has done anything to impede investigations by Congress or the independent counsel and whether the Clintons engaged in any improper activities in Arkansas while he was governor and she was a partner in the Rose Law Firm. Nothing illegal on their part has turned up yet. For those who are inclined to dismiss any and everything that falls under the label of Whitewater as just another political witch hunt, it is worth remembering that 16 people have been indicted by federal grand juries as a result of the independent counsel's probe and nine have entered guilty pleas. Congress doesn't have the job of sending people to jail. But fact-finding is part of the congressional job description. The Whitewater committee should be empowered to do just that, but within a reasonable time. Two additional months, with a right to show cause for more time, makes sense.

Mr. BRYAN. Mr. President, I take no backseat to any Member in this Chamber in terms of trying to ascertain and ferret out the truth as it relates to the so-called matter which has been embraced—the subject of Whitewater.

We have today spent some 277 days on this matter. We have heard from more than 100 witnesses. We have collected more than 45,000 pages of documents. That is an enormous expenditure of time and effort. Mr. Starr, the special counsel, has spent some $25 million to date to engage 30 attorneys and 100 FBI agents working in concert with them.

If we are truly interested in getting at the truth, and ascertaining if in fact there is any wrongdoing arising out of these matters, I believe that we have vested Mr. Starr with the authority and the resources to be complete and exhaustive in his review of all facts called to his attention.

I happen to have had experience with Mr. Starr in a former capacity as chairman of the Ethics Committee. Mr. Starr served as a special master reviewing matters that were contained in a diary and to first review that information to determine whether or not it was subject to an agreed upon exception which the committee had established and, if not, that information should be available to us.

My personal observation of Mr. Starr is that he is competent, he is aggressive, he is tough, and he is energetic. There is no reason to believe that Mr. Starr, with the resources made available to him, will not ferret out any

wrongdoing if in fact such wrongdoing has occurred.

I think it is important to remember that the premise for establishing the Office of Special Counsel was to take these kinds of circumstances out of the realm of partisanship on the floor of the U.S. Senate, vest special independent counsel with the authority to conduct the investigation, and then let the chips fall where they may. If indeed there is evidence of wrongdoing, that should be vigorously presented and prosecuted, and those who are guilty should be sentenced accordingly.

I must say, having served on this Banking Committee for my 8th year, that it has been the history of the Banking Committee to be bipartisan in its approach. There are some committees that by reputation in the Congress are extraordinarily confrontational and partisan, that there is constant bickering, and that they really have evolved into partisan debating societies. That has not been the history of the Banking Committee. Sure, we have had our differences, and there have been intense discussions and debate. But we have not, by and large, broken into partisan bickering and confrontation.

Let me say that if you go back to the end of last year, Mr. Starr requested of the committee that it hold action in abeyance until after he could have proceeded further with respect to his investigation and prosecution of these matters. That letter came to us, a letter dated September 27. That was carefully considered by our distinguished chairman and our able ranking member, and I believe in the spirit of bipartisanship which has historically characterized the operation and function of the Banking Committee that the chairman and the ranking member concluded that they would not do so; that, indeed, they felt that it was in the best interest of the Senate to proceed.

I invite my colleagues' attention to a particular paragraph on page 2, which concludes, and I read it:

> For these reasons we believe that the concerns expressed in your letter do not outweigh the Senate's strong interest in concluding its investigation and public hearings into the matters specified in Senate Resolution 120.

So at the very outset last fall, there was a delinking, if you will, in terms of the Senate's actions with respect to the Whitewater inquiry and the actions undertaken by the special counsel, or prosecutor. That was done in a spirit of bipartisanship.

Let me say that I believe the premise of that letter, which is dated October 2—I ask unanimous consent it be printed in the RECORD—that premise is as valid today as it was last October.

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

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,

Washington, DC, October 2, 1995.

KENNETH W. STARR, Esq.,
Independent Counsel, Office of the Independent Counsel, Washington, DC.

DEAR JUDGE STARR: We have reviewed your September 27, 1995 letter advising us of your belief that, at this time, your office's investigation would be hindered or impeded by the Special Committee's inquiry into the matters specified in Sections 1(b)(3) (A), (B), (C), (D), (E) and (G) of Senate Resolution 120 (104th Congress). You have raised no specific concerns respecting the Special Committee's investigation of the other seven matters specified in the Resolution, including all of those contained in Section 1(b)(2), although in our meeting on September 19, 1995 you did indicate concerns about the Committee's investigation of the substance of the RTC's criminal referrals relating to Madison Guaranty Savings and Loan Association.

The Senate has consistently sought to coordinate its investigation of Whitewater and related matters with the Office of the Independent Counsel. Last year, in Senate Resolution 229 (103rd Congress), the Senate refrained from authorizing the Banking Committee to investigate a great majority of such matters. Moreover, at the request of then-Special Counsel Robert Fiske, the Banking Committee postponed in July 1994 its authorized investigation of the handling of documents in the office of White House Deputy Counsel Vincent Foster following his death.

Senate Resolution 120 encourages the Special Committee, to the extent practicable, to coordinate its activities with the investigation of the Independent Counsel. As a result, over the past four months, the Special Committee has delayed its investigation into the vast bulk of the matter specified in Section 1(b) of Senate Resolution 120. We held public hearings this past summer into the handling of documents in Mr. Foster's office following his death only after you indicated that your investigation would not be hindered or impeded by such hearings.

The Senate has directed the Special Committee to make every reasonable effort to complete its investigation and public hearings by February 1, 1996. (S.R. 120 §9(a)(a)(1)). Your letter of September 27th asks the Special Committee to forebear, until some unspecified time, any investigation and public hearings into the bulk of the matters specified in Senate Resolution 120.

Your staff has indicated that the trial in *United States* v. *James B. McDougal, et al.* is not likely to commence until at least early 1996 and is expected to last at least two months. Our staffs have discussed the possibility that this trial could be delayed even further by pretrial motions and by possible interlocutory appeals, depending on certain pretrial rulings. Under these circumstances, if the Special Committee were to continue to defer its investigation and hearings, it would not be able to complete its task until well into 1996.

Over the past month, we have instructed the Special Committee's counsel to work diligently with your staff to find a solution that appropriately balances the prosecutorial concerns expressed in your September 27th letter and the Senate's constitutional oversight responsibilities. We have now determined that the Special Committee should not delay its investigation of the remaining matters specified in Senate Resolution 120.

The Senate has determined, by a vote of 96–to–3, that a full investigation of the matters raised in Senate Resolution 120 should be conducted. The Senate has the well established power under our Constitution to inquire into and to publicize the actions of agencies of the Government, including the Department of Justice. At the same time, our inquiry must seek to vindicate, as promptly as practicable, the reputations of any persons who have been unfairly accused of improper conduct with regard to Whitewater and related matters.

We understand that courts have repeatedly rejected claims that the publicity resulting from congressional hearings prejudiced criminal defendants. Fair and impartial juries were selected in the Watergate and Iran-Contra trials following widely publicized congressional hearings. Even where pretrial publicity resulting from congressional hearings has been found to interfere with the selection of a fair and impartial jury, the sole remedy applied by courts has been to grant a continuance of the trial.

For these reasons, we believe that the concerns expressed in your letter do not outweigh the Senate's strong interest in concluding its investigation and public hearings into the matters specified in Senate Resolution 120 consistent with Section 9 of the Resolution. Accordingly, we have determined that the Special Committee will begin its next round of public hearings in late October 1995. This round of hearings will focus primarily on the matters specified in Section 1(b)(2) of Senate Resolution 120. Through the remainder of this year, the Special Committee will investigate the remaining matters specified in Senate Resolution 120 with the intention of holding public hearings thereon beginning in January 1996.

Having determined that the Senate must now move forward, the Special Committee will, of course, continue to make every effort to coordinate, where practicable, its activities with those of your investigation. The Special Committee has provided your staff with the preliminary list of witnesses that the Committee intends to depose. We stand ready to take into account, consistent with the objectives set forth above, your views with regard to the timing of such private depositions and the public testimony of particular witnesses.

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 predecessors. Indeed, Senate Resolution 120 expressly provides that the Special Committee may not immunize a witness if the Independent Counsel informs the Committee in writing that immunizing the witness would interfere with the Independent Counsel's ability ''successfully to prosecute criminal violations.'' (§5(b)(6).)

As you know, the Special Committee has solicited the views of your office prior to making requests for documents. We will continue to take into account, where practicable, your views with regard to the public disclosure of particular documents.

In sum, it is our considered judgment that the time has come for the Senate to commence its investigation and public hearings into the remaining matters of inquiry specified in Senate Resolution 120. We pledge to do so in a manner that, to the greatest extent practicable, is sensitive to the concerns expressed in your September 27th letter.

Sincerely yours,

PAUL S. SARBANES,
Ranking Member.
ALFONSE M. D'AMATO,
Chairman.

Mr. BRYAN. Mr. President, I am not unmindful, nor is anybody in this Chamber, nor anyone in America, that we are in the heat of a great Presidential debate. That is as it should be. That is a quadrennial experience in America. But we ought not to allow that Presidential debate to divert the

focus of our own energies on the Banking Committee and on every other committee in the Congress in which we have very serious public business to undertake.

I must say that the proposal that has been advanced—that we extend these hearings in the Senate not to a time certain but until after the so-called McDougal trial is concluded—in my judgment is nothing more than an open-ended extension which I regret to say smacks of partisanship seeking some advantage, seeking to embarrass the President, seeking to develop headlines, and not in the advancement of our effort to ascertain the truth—that is going to occur through the aggressive investigation of Mr. Starr—but to seek some political gain at the President's expense.

First of all, we do not know when that trial might be concluded. This is a trial of extraordinary complexity. At a bare minimum, it would take several months for this trial to be concluded. Moreover, it is not without precedent in cases like this that there could be further unanticipated delays in which this body, the Senate of the United States, would have no ability to control or influence, nor should we.

So we have no idea when this matter will be concluded based upon the uncertainties that a very complicated trial, as this has every expectation of being, would conclude.

Let us assume for the sake of argument that, indeed, a conviction were secured against all of the defendants. I do not believe that anybody in this Chamber would challenge the proposition that there will be an appeal taken during the course of the aftermath of that conviction or convictions. As a result, those defendants would certainly not be available to the Senate committee because it is clear in every circuit in the country that the privilege which exists with respect to each of those defendants is not waived, nor is it extinguished in any form because it is entirely possible that an appellate court could reverse those convictions, in which case, if there was a subsequent trial, the defendants ought not to be disadvantaged by being compelled to disclose testimony which subsequently could be used against them. So that is very clear.

Let us assume for the sake of argument that the trial concludes and the defendants are found innocent. Does that extinguish the privilege? Would that constitute some kind of a waiver? Look at the experience that the McDougals themselves had. They were prosecuted and subsequently acquitted. They are now subject to trial once again. They argued that they were precluded under the double jeopardy provisions of the Constitution from being tried again, and they lost in that argument.

No one is arguing that the jurisdiction of the special prosecutor and the jurisdiction of the Senate Whitewater Committee is concurrent in all respects. So very clearly as a result of those circumstances the defendants, if they were acquitted, would not have lost their right to assert the privilege, and their testimony would not necessarily be available to this committee.

Although it has a superficial appeal—well, let us wait until after the trial and then we will hear from the various defendants—in point of fact, that is clever but simply an open-ended prospect in which there may be no definitive conclusion by reason of the two alternatives I posit here—either a conviction, in which case they are certainly not going to be forthcoming in their testimony, or in the event of an acquittal by reason of the prior experience they have had there could be some other ancillary prosecution that could be commenced.

So I think that the premise upon which this extension is sought is fundamentally flawed—that is, namely, this testimony would be available to us at such time as the trial would be concluded, whenever that might be, for whatever period of time, which could be for an extended period of weeks or even months, or, even assuming it is concluded either by reason of a determination of guilt or acquittal, that in either of those two circumstances the testimony might be available to us.

I respectfully submit that a careful analysis of the information would indicate that in neither of those two events is it reasonable to assume that that evidence would be made available to us, and that in each of those cases it is very likely the defendants would continue to assert their privilege and the committee would not have the ability to receive their testimony.

I began my comments by saying that I am as committed as any Member in this Chamber to getting at the facts. If there is evidence of misconduct, it should be brought to public attention. Indeed, the trials which are occurring right now will be public trials and that information, if there is such evidence, will come out. The American people will fully understand.

I have indicated that I think Mr. Starr is a competent and an aggressive, energized prosecutor. There is every reason to believe he will follow any leads, any evidence that may suggest wrongdoing, and he will be aggressive in doing so.

I believe an argument could be made that the Whitewater matter has gone on long enough in the Senate and it ought to be concluded at this point. But I believe the compromise that has been offered by the ranking member, namely, that we extend the hearings for a period of 5 weeks, and then allowing another 4 weeks thereafter to compile the report, is reasonable. In that period of time we ought to be able to conclude this matter, unless there is a different agenda here. And I think the American people need to understand that. I believe—and I hate to say this, but I think it is true—there is a different agenda. It is not an agenda to find out exactly what happened and to get to the bottom of this. It is to keep this issue alive, to generate a headline, to generate ongoing controversy with the hope that somehow this may spill over into the Presidential race this year and disable the President politically.

What has been proposed is a very reasonable compromise, and I think any fairminded person who has looked at the 277 days, the 100 witnesses, the 45,000 pages of documents we have examined would conclude that another 5 weeks is a reasonable period of time. And so I commend the distinguish Senator from Maryland. That is a reasonable approach. I say to the American people that in 5 weeks, done energetically, not just one hearing for 1 hour, 1 day each week, but I mean an aggressive hearing schedule that would engage the members of the committee for a 4- or 5-day workweek, we can reasonably examine any evidence or tie up any loose ends that might have existed. But that offer was rejected. That offer was rejected.

What we are faced with is a proposition that in effect has no time limit, no constraint at all. After the trial, whenever that might be, whatever week, whatever month, who knows, whatever year, we do not know what might occur. Those of my colleagues who have done trial work know that oftentimes in the course of a major piece of litigation—and this is certainly a major case—unexpected events occur and, indeed, the trial is recessed for a considerable period of time—weeks, even months.

And so I would urge my colleagues to enable us to reach a responsible compromise that has been suggested by the distinguished ranking member, the senior Senator from Maryland, and let us go on with this. There are so many other things I would like to do in this year in the Banking Committee. Some are interested in regulation reform with respect to the banking industry. I would like to work on some of those provisions.

I would like to see us complete our work here on the floor, the Fair Credit Reporting Act, which was something that I personally invested a good many years on. But the reality is that the entire agenda of the Banking Committee, the legitimate public policymaking part of that agenda, has been held captive or hostage to the political machinations with an attempt to prolong a hearing on Whitewater, not for the purpose of getting at the truth, but for the purpose of trying to embarrass the President.

I regret that I have to say that on the floor, Mr. President, but in my view the evidence lends itself to no other conclusion.

I will conclude as I began by pointing out that last October, what may very well be the high-water mark in terms of the bipartisan approach which I hoped would characterize the entire

Whitewater inquiry in the Senate, in which it was affirmatively stated that these matters needed to be concluded, that we should not hold our hearings in abeyance until the trial and those ancillary proceedings are concluded, but that we had a compelling public interest to address this issue and to address it thoroughly but to address it promptly and responsibly. That, I fear, Mr. President, we are not doing.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, we have heard a lot of reasons why the Whitewater Special Committee should get on with its work and be limited. But this evening I am going to take a different approach that I think my colleagues ought to consider that has nothing to do with the facts of the investigation.

That may seem strange, but I have been chairman of the Rules Committee with a strong responsibility; I am now ranking member of the Rules Committee with a strong responsibility. So, Mr. President, I feel that it is incumbent upon me to let my colleagues know what the actual costs are and what the prospects of getting the money might be.

Mr. President, under title II of the United States Code, it gives the Committee on Rules and Administration the exclusive authority—I underscore ''exclusive authority''—to approve payments made from the contingency fund of the Senate. No payment may be made from the contingency fund without the approval of the committee. I think that is pretty clear.

Inherent in that authority is the responsibility to assure that there are adequate funds—adequate funds—in the contingency fund to cover the various expenses of the Senate. This is just one. We are affecting every committee chairman in the Senate. I will get to that in a minute.

Senate Resolution 227 before us today authorizes funds to be paid from the inquiries and investigation account within the contingency fund of the Senate. During the meeting of the committee on this resolution, I raised the concern that there may be insufficient funds within this account to support an open-ended extension of the Whitewater Special Committee at an additional amount of $600,000.

Similarly, the full Senate should consider whether there is adequate funds in this account to provide for the extension. Not to consider this issue, in my opinion, Mr. President, would be irresponsible.

First, let me advise my colleagues that the actual cost of extending the special committee is considerably more than $600,000. Senate Resolution 227 authorizes—and I quote—''additional sums as may be necessary for agency contributions related to the compensation of employees of the Special Committee.''

The original resolution, Senate Resolution 120, was silent on how agency contributions were to be paid, but was amended, Mr. President, to provide retroactively that additional sums may be provided to pay these expenses. So, really the original amount is now well over $1 million. The $900,000, $950,000 is well over $1 million. We will get to that in a minute.

Any agency contributions include such expenses as the employer's share of health insurance, life insurance, retirement, FICA tax, and the employer match for the FERS thrift savings plan. For standing committees, the rule of thumb for figuring agency contributions is about 26 percent of payroll.

It is my understanding that the percent incurred by the special committee might be slightly more than that. But let us consider the 26 percent. So, Mr. President, based on 26 percent of payroll expense, the additional cost to the taxpayer and expense to the contingent fund of the extension of the Whitewater Special Committee could be upward of $150,000 more than the $600,000 that is being requested, bringing the actual total to over some $750,000.

I should also point out to my colleagues that the same is true of the $950,000 authorized under Senate Resolution 120. The retroactive amendment to Senate Resolution 120, which provided additional funds to pay for agency contributions, could cost upward of $247,000. So we have a $950,000 figure. Then we have to add $247,000 to that. That comes out of the contingency fund. That could bring the initial cost of the special committee, as we add it up, to be well over $1 million to date.

So, Mr. President, in reviewing the financial state of the inquiries and investigations account, I am advised there is an estimated $2.3 million unobligated in this account for this fiscal year. I am concerned that this is not a sufficient balance to allow the Senate to authorize another $600,000 or more in expenses for continuation of the Whitewater Special Committee and have sufficient resources to meet other obligations of the Senate.

Overtime is coming, whether you like it or not. We voted for that. Offices are already paying overtime. If you have been listening to the Secretary of the Senate and the Sergeant-at-Arms, they are very concerned about overtime. We think that will be a minimum of 4 percent for committees. That is over $2 million.

If you take Whitewater out of that contingency fund, you add on the other expenses that are necessary, you have a fund that is short, that is absolutely short. We will not have money. You jeopardize every committee in the U.S. Senate.

Let me advise my colleagues as to the expenses that are paid out of this account. These expenses include all salaries and expenses of the 19 standing committees, special and select committees, including the allowance for a COLA, if authorized, and the employer's share of all committee staff benefits. I go back and repeat, that means FICA, life insurance, health insurance, retirement, and the match for contributions to the FERS thrift savings plan.

In addition, all salaries and expenses of the Ethics Committee are paid from this account. Also, the initial $950,000 for the special committee, plus agency contributions, were paid from this account.

As my colleagues are well aware, we are now subject to the overtime provisions of the Fair Labor Standards Act. Just last week—and I repeat myself here—we heard from both the Secretary of the Senate and the Sergeant-at-Arms that they anticipate a substantial amount of overtime costs.

The Rules Committee has heard from committee chairmen and ranking members who are facing the potential of substantial amounts of overtime costs without any funds budgeted to pay these costs.

If the Senate should find it necessary to authorize additional funds to pay overtime expenses of committees, these expenses would be paid from the inquiries and investigations account of the contingency fund.

While we have no history of overtime costs for Senate committees, it is clear that we will incur overtime costs before the end of this fiscal year.

Based upon the current projected surplus in this account, if we should fund the extension of the special committee at the recommended level, we would have only about a 3-percent-of-payroll cushion for paying overtime expenses.

This may be dry, and you may not be interested in what I am saying, but when you run out of money and your staff cannot be paid, you go back and remember what I said on this particular date.

We simply cannot authorize an additional $600,000 in expenses from the contingency fund at this time. Doing so means nothing less than choosing between funding our obligations to our committee staff and hiring more consultants and issuing more subpoenas for more documents that have proven no wrongdoing at all.

Let me be very clear. My colleagues may be choosing between paying COLA's, overtime expenses and the employer's share of health insurance, life insurance, retirement, and other items for our staff, or the consultant fees for an open-ended fishing license.

Moreover, while an amount is theoretically budgeted for the expense of the Ethics Committee, that committee has unlimited budget authority, which is funded out of this account. While the Ethics Committee funding needs vary from year to year, investigations in the recent past have required substantial expenditures for hiring outside counsel. Again, my colleagues need to be aware that there are numerous important and unforeseen expenses that must be paid from the contingency fund.

Mr. President, during the Rules Committee consideration of Senate Resolution 270, I offered two amendments which we believe provided sufficient time and funding to complete the business of the special committee without jeopardizing benefits to committee employees. The first amendment would have both reduced the additional funding for the Whitewater Special Committee and limited the ability to obligate expenses to be paid from the contingency fund after May 10, 1996.

This amendment would have reduced the funding for the special committee from $600,000 to $185,000, with a corresponding reduction in the amount which can be used for consultants under this resolution from $475,000 down to $147,000.

It would also have prohibited obligated expenses from the contingency fund after May 10, 1996, and based upon prior experience, it is clear that the additional witnesses and hearings the special committee wishes to call could be accommodated within that amount. However, with virtually no debate, that amendment was defeated on a party-line vote 9 to 7.

The second amendment that was offered would have reduced the additional funding for expenses and salaries of the special committee without the sunset date. This amendment would also have reduced authorization from $600,000 to $185,000, with a corresponding reduction in the amount available for consultants from $475,000 to $147,000.

So with this resolution, if adopted, we would go out and get private consultants and pay them $475,000, almost half a million dollars of taxpayers' money to come in and help us gin up some more subpoenas, for all the telephone calls for the total State of Arkansas.

This amendment would have allowed the special committee to complete its work without jeopardizing the funding of the other 19 Senate committee budgets and the benefits of the employees who work for those committees. Again, that amendment was defeated on a party-line vote.

We are going to be here after Whitewater. The committees are going to be functioning after Whitewater. Staff is going to have to be paid on all the committees after Whitewater. But I tell you, when you dilute this fund—and we are going to have to have a line item, I say to the ranking member, for the new procedures of the Senate, and it is going to be a humongous amount of money. Some of it may start this year, and we will not have the amount of money necessary to complete.

Let me be clear that we are not suggesting the special committee not be allowed to finish its work. I am only urging that we be responsible with the American taxpayers' money and be responsible to our staff by limiting both the life and the additional funding of the special committee to an amount that will not jeopardize the quality or, more important, the obligations of the Senate contingency fund.

The American people will best be served if we reach a reasonable compromise for the extension of the special committee.

So I urge the leadership on both sides of the aisle to make an effort to try to arrive at a compromise that will give us an opportunity to be sure that the contingency fund is not diluted.

Mr. President, I just reiterate that we authorized $950,000 for Senate Resolution 120 and over $220,000 in addition to that which we had to pay. That is this unobligated—the little quotes that we get at the end of the bill. This one will be well up there, too, and well over the $600,000 that the chairman of the committee is asking for.

What I have done here is to alert my colleagues to the possibility of jeopardizing the contingency fund, the possibility of jeopardizing our ability to take care of the other 19 committees to pay what the Sergeant at Arms and the Secretary of the Senate have said they are very concerned about—overtime.

Overtime is tough, and it is going to get tougher. When we have approximately 3 percent left in the contingency fund, then I think we are on the verge of depleting that contingency fund.

So I hope my colleagues will look at that; that they will see that it will take more money from the committees than is absolutely necessary; that this committee can wind it up by May 10; that we cannot dilute the contingency fund. I am very concerned, not for myself, not for the Senators, but I certainly am concerned for those who work for us on our committees every day and put in a good job, work hard and long, and they are entitled to have the overtime, because we now made it law.

So, therefore, Mr. President, I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, last week, my colleagues on the Democratic side objected to us taking up this very same resolution by way of unanimous consent essentially to empower the committee, to authorize the committee to do its job, to finish the work that it has started.

Make no mistake about this: This is not an argument about funds; this is not an argument about a deadline. This really comes down to the crucial question of whether or not we are going to do our job and to fulfill the constitutional responsibilities and to get the facts. By the way, it may not be pleasant. Those facts may be very distressing or disturbing to some. Let me suggest that they may be disturbing because some may suspect that all kinds of misdeeds may have been committed by people in the administration or close to the administration, by friends of the administration, and suspect the possibility of attempting to impede investigations. But, indeed, there may be findings that there were no misdeeds—none. Some people may be upset by that. There may be findings that indeed there was improper conduct and activities.

Regardless of which way it is, whether it is to clear away the clouds of suspicion, or whether the ultimate findings are that there was serious misconduct on the part of people in the administration, we have a duty to get the facts. If those facts are exculpatory, if they clear away the doubts, then fine, let the chips fall where they may.

To oppose the proper work of this committee, which is authorized, pursuant to almost unanimous consent—96 to 3—to undertake this investigation, is to say very clearly that there may be facts that may not be exculpatory, they may be damaging. Now, look, it is easy to suggest that this committee has conducted its work in what one would call an unfair partisan manner. I say, let us look at the record. Yes, we have had suggestions and, yes, there have been subpoenas initially drafted, but not served, that may have been overly broad. That is not unusual. You negotiate to determine what the scope should be. Al Smith, the Governor of New York State, coined an expression. He used to say, when there were controversies, ''Let us look at the record.'' If one were to look at the record, you would ultimately find, notwithstanding that there may have been negotiations between the Democrats and Republicans, that ultimately, in almost all cases, over the life of this committee and its predecessor, agreement has been reached. On only one occasion—out of the dozens of subpoenas that were issued and requests for witnesses' testimony—did we really have one disagreement that could not be solved in a bipartisan manner.

To come forth at this time and suggest that this is politically inspired is at variance with the record. Al Smith said, ''Let us look at the record.'' That record indicates, quite clearly, that notwithstanding the times that we may have had differences, we were able to surmount them in a way that brought clarity and dignity to our work. We may not have found what some would characterize as the smoking gun. But, indeed, ours is not to anticipate what will or will not be found. The work of this committee is to gather the facts, my friends, not to prejudge, not to offer speculation, not to suggest that, well, what do you do then if you unearth some terrible, horrible chilling thing. Ours is to gather the facts. If those facts clear away the clouds of doubt that may exist, fine. But I suggest to you that there was sufficient room, at least, to say there are some very real concerns—repeated memory lapses, tied to factual situations; diaries that people kept notes in, which mysteriously turn up after the work of this committee could have come to an end; missing records that turn up. Contradictory testimony of Secret Service Officer O'Neill and young Mr. Castleton, two people who

have no reason to make up stories, cast very real doubts and concerns as to the manner in which key documents that were removed from Mr. Foster's office were handled. Who requested the movement of those documents? What were those documents? Officer O'Neill says that he saw the first lady's chief of staff, Maggie Williams, removing files. It was very clear in his testimony. Very clear. As a matter of fact, it is so clear that I think most people, if they have heard his account, would believe it. And I can assure my friends and colleagues on the other side that I will go over that narrative very carefully if they continue to oppose us going forward and orchestrate what is a filibuster.

I do not think it behooves the interest of the committee, the Senate, Democrats or Republicans, or the entire political process, given the grave doubts that people have with respect to Washington, that we fail in our duties and obligations to continue to do our work in an expeditious a manner as reasonable, dealing with the circumstances that we have, recognizing that there are key witnesses that are unavailable.

Mr. President, those witnesses may never be available. I am the first to suggest that. They may never be available. But at least we will have done the best we can do. If we file a report based upon all of the work, our best efforts, then we can say that we have discharged our responsibility. The American people have a right to know, and we have an obligation to get the facts.

Some people say, ''Why do you continue with this? People are bored.'' It is not our job to be concerned with whether or not people are bored. The question is not whether there are sensational headlines that will come out of revelations. The question is: What are the facts? Were there misdeeds, an abuse of power, an attempt to cover up? Was there an attempt to stop investigations from taking place? And then going to the heart of the issue, was there misuse of taxpayers' moneys in Little Rock? That is the question. If there was, who was responsible? As a result, was there a concerted effort to keep these facts from being revealed to the American people?

I am sorry that this matter has been drawn out as it has. Notwithstanding those who would claim that this was deliberate, that is not the case. Nor would I differ with my friends if they were to say that there were dates that we could have held more hearings. Certainly, but that would not have permitted us to complete the work of this committee. It absolutely would not have. Indeed, it would have left a situation where there were still numbers of documents that we have no reason to believe would have been produced any earlier, and numbers of witnesses, including Judge Hale, who I believe the committee wants to at least make a good-faith effort to bring before the committee. And again—and I know it is difficult—I think we want to attempt to be as fair and reasonable in our presentations of our cases as we possibly can be. I do not know the truth or falsity of what Judge Hale is reported to have said. I do not know whether he can shed any light on any factual material. It certainly is important enough to make the effort. If, indeed, at the conclusion of the trial when we subpoena him—together, hopefully, and I have every reason to believe that my Democratic colleagues will join in that because that has been the indication of the ranking member—his lawyers may assert and raise the constitutional questions about self-incrimination. That may take place.

Then we could say, ''Well, Senator, why did you do this?'' I admit we have no assurance that any of these witnesses that we want will be forthcoming. But, by gosh, we have an obligation to do the job, thoroughly, correctly, and in the right way. All the arguments about money, and how much has been spent, is a red herring. There is no truth to that. This committee has been rather frugal. Indeed, if you want to look at the costs, hundreds of thousands of dollars were spent correctly in gathering the evidence, taking depositions—these transcripts cost thousands of dollars a day. That is part of the cost. This has not been a wasteful exercise that costs $30 million. I hear people say, ''Why are you wasting money—$30 million?''

Let me say again, the committee's work has been extended. It has been extended because the special counsel has asked us as it relates to key times and dates to withhold from the subpoenaing of information, to withhold from the subpoenaing witnesses. We have worked with them. I think that is responsible. Did I want to get those witnesses in? Yes, absolutely. There is a degree of responsibility that this committee must exercise. It does not mean that we cede to the special counsel all authority and say, ''When you raise an objection, we shall not go forward,'' but in good conscience we have attempted to act in a way that would not jeopardize the important work of the special counsel.

Mr. President, I think that if the minority continues to thwart, as it can, if it votes against cloture—and there will be a cloture vote scheduled—then I think they are very clearly saying to the American people that they are afraid of the facts that will be revealed. There is no doubt in my mind this is a carefully orchestrated opposition being raised, and that orchestration comes from the White House.

Indeed, packets of information have been distributed to denigrate individual Members. That is not what a White House should be about. That is not what this investigation should be about—people assigned tasks, responsibilities of gathering information on a Senator from the DNC. That is not right. That is not fair. This Senator has known about that for quite a while. I bring it up now for the first time because, Mr. President, if we want democracy to work, then we have to stop these dirty little games, the dirty tricks of attempting to embarrass, attempting to hurt so that one is diverted, one's attention is diverted from the facts.

Now, Mr. President, I believe that we could come to a resolution. I have not spelled out any particular methodology. It seems to me that we know with a good degree of certainty that the trial will be concluded. There may be appeals. So what? That will not preclude us from asking for witnesses to come in. Indeed, their lawyers may or may not assert constitutional rights. At least at that point we have given to the special counsel the opportunity to do his work. He may disagree. The committee may say, ''Look, we want to resolve this and go forward.''

On the other hand, the committee may say, reasonably, we should not. At that point, I would be first to say we may have to conclude, or certainly there is no further reason to continue going forward if there are not other areas that have not been successfully covered.

It would seem to me we would be in a position to look into the question of the leases that have been made with respect to Mr. McDougal and the State. We would be able to look into the Arkansas Development Finance Authority, the propriety of its acts, the relationships that it had or did not have with various people, the probity of those—all of those areas that are left unresolved. I am not going to take the time at this point to go into them, but I will. And I will spell them out in detail as we will spell out the testimony of Mrs. Williams, Maggie Williams, in detail and the testimony of young Mr. Castleton and the testimony of the officer, which is clearly at variance with what her memory and what her reflections are to such a degree that one has to say that there are very real issues that are not resolved. I will do that.

Mr. President, I think we have an opportunity to do the business of the people, not to create these doubts—what are my Democratic friends worried about? What is the White House worried about? What are they hiding? If there is nothing there, then, fine, the committee will fold its tent, as it should. It will conclude. But it has an obligation to first have the real opportunity to conclude its work as we should, as honest factfinders. That is what this is about, being honest factfinders. Nothing more, nothing less.

I hope that we would not engage in the kind of accusations that oftentimes come about where there are contentious matters, matters of conscience. There may be some of my colleagues who absolutely feel that the only reason we are going forward is to seek to discredit politically. There may be

some on my side who seek partisan advantage for that purpose. But irrespective of those feelings, we have an obligation. The obligation is to get the facts and to try to do it in a manner that really demonstrates to the American people that notwithstanding contentious issues—issues that could very easily be blown out of proportion by partisanship—that we are above it.

Now, I am not suggesting to you that reasonable people may not have reason to disagree with some of my decisions or actions on that committee. But I believe if one were to examine his or her conscience, they would have to say that the chairman has endeavored to be fair. Yes, fair; yes, thorough; yes, comprehensive; but, above all, fair. That does not mean we have to agree on every issue.

It seems to me that one way which is not recommended, a recommended course, is to continue our work and look at the conclusion of the trial as a point in which we would look to set some kind of reasonable time, and that we would agree if there was work that still needed to be done, that we would take up whether or not it should be extended. I do not see how you can set a limit based upon a date certain—what if the trial does go 2 months, and we say we have to wrap up the work of the committee by April 5. That means that those key witnesses would be precluded.

That means that we set a timeline. It has been suggested, and I know referenced by some of my colleagues in the debate, that when you set a deadline for the completion of congressional investigations, decisions are often dictated by political circumstances and the need to avoid the appearance of partisanship. This is what was done in the Iran-Contra case. They set a particular timeline. What that did is set a convenient drop-dead date by which lawyers sought to delay and wait out the investigation.

My distinguished colleagues, the former Democratic majority leader and Senator COHEN, suggested that should not have been done. Here is a quote: ''The committee's deadline provided a convenient stratagem for those who were determined not to cooperate.'' That is in this book, ''Men of Zeal.'' I have to suggest that, given the appearance of documents at the last minute—and I am not going to argue the merits—but I have to suggest there has been a history of documents coming in conveniently late. The last of them was the miraculous production of the Bruce Lindsey documents. Mr. Lindsey, the assistant to President Clinton, his close confidant and friend, testified before the committee, that he did not take notes—he did not remember taking notes. He was asked specifically about it. His lawyer was requested to look and see and to make a proper search. He did undertake this so-called review and this search, and lo and behold, after the committee's funding ended, guess what? On a Friday, the miraculous production. Always on a Friday. Always late on a Friday. This time I think it was about 7 or 8 o'clock Friday.

Why? To avoid the news, avoid the news. The White House got these documents, I understand, on a Wednesday. But they did not make them available to the committee until Friday. What is that all about? Managing the flow of information. That is managing the flow of facts. Is that right? Is that proper? I will tell you what it appears like to me. It appears to me that my Democratic friends are so interested in the management of the facts, facts that may be embarrassing, that they are willing to scuttle our constitutional obligations. That is just wrong and that is what leads people to say: What are you hiding? What are you hiding?

Do I believe that all my colleagues are in league with that? No, I do not. But I believe that there are those who are so intent upon stopping this investigation that they have laid down a hard and fast rule. They are probably polling right now to ascertain whether or not this is going to hurt their credibility or not.

I think whenever you want to end a duly constituted investigation when there are substantial open questions and work to do, people have to say: Why? Why are you keeping the committee from doing its work? I think we can do our work. I think we can do it again in a reasonably fast way, but in a way that meets our obligations.

I do not look to draw this out. I said to this committee, to the Rules Committee, when we sought authorization, it was my hope that we could keep this matter from continuing into the political season. I still think we can deal with this in a manner which means that it would end sometime in June, late June or maybe even earlier. I think we really can.

But there has to be a starting point that is reasonable and will assure that we have some opportunity to get the facts. If we never get the opportunity to examine the witnesses—and that is what would take place if we had an arbitrary deadline of April and that trial is not over—we will be denied this opportunity. I recognize they can take appeals. They could take appeals for years. I am not suggesting we wait until the appellate process is over. That is not the case at all.

Mr. President, I am going to ask that my colleagues on the Democratic side consider an attempt to deal with this in a way that will not put us to the test of coming to vote to end this filibuster. They should not be filibustering this. We have other things to do. We have important things to do.

The PRESIDING OFFICER (Mr. DOMENICI). The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to stand and commend the distinguished Senator from New York. The Rules Committee, of which I am a member, proceeded to meet yesterday, in a very correct manner, hoping to consider S. Res. 227, I believe, reported it to the floor, and that is the subject of the pending business.

Mr. D'AMATO. Correct.

Mr. WARNER. I thank the chairman and his staff for their cooperation in conducting that hearing with expedition. The matter is now before the Senate.

Mr. SARBANES. Mr. President, I listened to Senator D'AMATO, the chairman of the Whitewater Committee, with great interest. I want to say that the unreasonable element in this current situation is a request for an indefinite extension of the work of the committee. That was not the premise on which the committee was established in Senate Resolution 120. In fact, it is very clear that in Senate Resolution 120 we agreed to a termination date just as we did in the Iran-Contra investigation at the strong urging of Senator DOLE who at that time was the minority leader and who pressed the Democratic majority at that time in the Senate and the House to have a closing date on the inquiry in order to avoid making it a political exercise in a Presidential election year in 1988.

That is exactly what we sought to do here by having a termination date of February 29, 1996, and the request that has been made is for an indefinite extension.

The minority leader, Senator DASCHLE, has responded to that by proposing a limited time period. But the proposal before us that was brought first from the Banking Committee, and then by the Rules Committee, on a straight partisan vote is for an indefinite time period in order to carry out this inquiry. And, as I have indicated, this is perceived as unreasonable.

I know of no plot, as my colleague suggested, to denigrate Senators. Certainly no one on this side of the aisle is involved in any such endeavor. I want to establish that in a very clear fashion.

Two things have been argued. One is we have not gotten all of the material in, and, therefore, we need to extend. Of course, Senator DASCHLE proposed a period of time for extension. I just observe that the material is all now in. We got these notes. We had hearings on these notes. I have to take the explanations as they come.

The Lindsey notes constitute three pages. This is what came. That is the extent of it. These notes, in fact, corroborate what has previously been available to the committee.

Let me just read the note that comes from their counsel. It says:

> Following a recent Senate committee hearing in which questions were raised as to whether a January 10, 1994 memorandum from Harold Ickes was copied to other White House officials and whether they had produced their copies of such documents in response to the committee's request, Mr. Lindsey and this firm undertook a review of all our prior document productions.

And I think it is important to point out that there have been very extensive prior document productions.

With respect to the January 10th memorandum, we found that an identical copy of the document produced to the committee by Mr. Ickes was in Mr. Lindsey's White House files and had been produced by Mr. Lindsey to the White House Counsel's office January 1995 for review with regard to executive privilege and other issues. In the course of this review, we have identified two other documents in our files which inadvertently were not produced to you, or the White House Counsel's Office, earlier and which are attached.

Those are these three pages of notes. And he then goes on to say:

First, while Mr. Lindsey previously informed your committee that he did not recall taking any notes as of November 5, 1993 with Mr. David Kendall and other counsel for the President, our recent review has located some very brief handwritten notes set forth as attachment A here, to which Mr. Lindsey did write at that meeting but did not previously recall. As you will see, these brief notes are completely consistent with the testimony of Mr. Lindsey and others, and the Kennedy notes of the same meeting presented to your committee about that meeting.

You may want to go at one or another of these people for not producing the documents early but the fact is the document had been produced—the Gearan document. Then we had a full day of hearing on those documents. And the same thing, of course, is true with respect to the Ickes notes.

So those matters have been furnished to the committee. And, as I understand it, now every request made by the committee to the White House has been responded to with the exception of two new requests for e-mail that the chairman made in the latter part of February that have not yet been responded to.

Those two e-mail requests are pending, and the White House has indicated that it will provide them to the committee as soon as it is able to prepare them and furnish them to the committee.

Mr. D'AMATO. If the Senator will yield for an observation.

Mr. SARBANES. Sure.

Mr. D'AMATO. This is the first time that I have seen the letter conveying the notes. I guess we got these last Friday. They did not really come into our possession until Saturday.

That would be a week ago Saturday?

Yes, last Saturday. Last Saturday. So when we got these notes, I think you have to understand very clearly that Mr. Lindsey testified to the committee that he did not take notes. Then there is another encounter——

Mr. SARBANES. If the Senator will yield, they state that in the letter. They are not trying to conceal that fact.

Mr. D'AMATO. Sure. I understand.

Mr. SARBANES. They are very up front about saying ''previously informed your committee that he did not recall taking any notes.''

Mr. D'AMATO. Sure.

Mr. SARBANES. And he now says they have found these brief handwritten notes.

Mr. D'AMATO. I understand. And then we made a request after that testimony and his lawyer said that he was going to look, to search the records. And we did not get anything. And now, on March 2, after the committee goes out of its authority—I do not know whether we have authority, but certainly authorization expired February 29—this letter is sent to us enclosing the notes he had taken.

I find the letter interesting; this is the first time I have seen the letter, and I would ask my friend if he would take a look at the second page of the letter, the last paragraph, last sentence. ''We have not produced, of course, attorney-client privileged documents reflecting either Mr. Lindsey's communications with this firm.'' I understand that. In other words, he should not have to report his communications that he has had with his lawyer. Those are privileged. He has a right to assert that. But this is where I have some real trouble, and I think the committee will, and it is a very proper question. We will look and we will press and we will subpoena, if necessary, these documents, whatever they may be, because obviously his lawyer thought they were important enough that they would not place him in a position where he might be charged with obstructing justice or not responding to the subpoena. He has very smart lawyers. He is a lawyer himself, a former senior partner in a law firm. ''Or his''—meaning Mr. Lindsey's—''attorney-client privileged communications with private counsel for the President.''

I have to suggest he does not have a privilege with respect those conversations that he had and cannot assert that with respect to those conversations and those documents, and we have been in touch with him about this. We have gone to the point that we brought down to the Senate floor and voted on—this is the one area that we could not agree on—whether or not documents were privileged. That same kind of question about whether they would be required to waive privilege came, and we were ready to vote enforcement of the subpoenas that we issued. That was the only time that we had a disagreement.

I have to say to my friend, again, this raises very substantial questions. Now, reasonable people might disagree, but I have to suggest to you that was not just placed in there as some legal nicety. That is important. And I have to say, what information does he have?

We have settled the manner in which to deal with many of these issues. We have had majority counsel and minority counsel meet to see whether or not information should be made public, whether the committee had a right to it or not. At the very least, we have a right to see whether or not this falls within that area of information that is not germane to the subject of our inquiry—at the very least.

Now, if people want to raise, if the White House wants to raise the issue of privilege, which the President of the United States said he would not—he would not—why, then, that is their right. But for Mr. Lindsey's attorney to withhold and say, ''We are not going to do it,'' that is improper.

Now, if the White House wants to come in and say, ''We are asserting that Mr. Lindsey had communications with the President's private counsel that are privileged,'' then they have a right to do that. I am not agreeing that we are going to say that falls within the parameters of the privilege. We may insist on enforcement. But I have to tell you that this again raises questions. And when do we get this information? Saturday.

How is it that we have got so many of these convenient kinds of lapses? And this is not the first time. Mr. Lindsey is an assistant to the President of the United States. He has the lapse. The deputy chief of staff, Mr. Ickes, he has a lapse. He finds documents, again, at the last minute. Mr. Gearan, he has a lapse. Again, every one of these people involved with the Whitewater team has a lapse. I have to suggest to you that it does raise real questions and is very troubling.

That is why I think there are many people who believe that we have an obligation to finish this and to get the facts, and I think that if we were to move forward you would see even more documents be produced, more discoveries, more things that have not been turned over to this committee. I cannot believe given the tasks—and I am prepared to go through the list—that Mr. Ickes assigned to various people that all of the documents related to their Whitewater activities have been turned over to this committee.

I yield the floor to my friend because the Senator has been more than gracious. I just wanted to raise this matter.

Mr. SARBANES. All I would say to the Senator is that these documents have been furnished to the committee. They have not been concealed from the committee, and they have not been hidden.

Now, the people who furnished them said, ''We were late furnishing them for the following reasons.'' Now, you may accept or reject those reasons. And if you want to inquire into the reasons, you are perfectly free to do so. But the fact remains that the committee has these documents. They are now in hand.

I have been sitting here listening today to my colleagues recite various aspects of our inquiry. The fact is the matters they have been reciting they can recite because we have gotten documents, we have had hearings, we have had witnesses that we have been able to question, we have taken depositions, and therefore they can get up and talk about these matters—often I think drawing conclusions not warranted by the facts, but leave that to one side—they can talk about these matters because this material has been furnished

to the committee. So the fact is now that there has been a tremendous dragnet set out for material and a tremendous amount of material furnished back to the committee, the fact is when we set out on this endeavor last May it was agreed that we would draw it to a conclusion at the end of February.

That has been a consistent principle that has been applied to all inquiries and all investigations by the Senate. None of them has been open ended. In 1987, when Democrats pushed for an open-ended hearing, Senator DOLE was very strong in saying that should not be done, and the Democrats actually acceded to his representations and a concluding date was set—in fact, quite an early one—and in order to accommodate it, the Iran-Contra committee held 21 days of hearings in the last 23 days of its working period in order to get the job done.

Now, as the chairman knows, we urged him in mid January to have an intensified hearing schedule in respect to this matter. We now find ourselves here at the beginning of March. I think that the minority leader has been very forthcoming in proposing an extension of time until the April 3 in order to complete our hearings. And, in any event, I do not regard it as a reasonable proposition to ask for an indefinite time period which is completely contrary to the premise on which we set out. It is completely contrary to the premise of Iran-Contra, and it is completely contrary to the premise of every other inquiry and investigation.

Mr. D'AMATO. I do not know if my friend is finished, and without losing the right to the floor, I would like to make an observation if he would care to comment.

Mr. SARBANES. Certainly.

Mr. D'AMATO. Mr. President, the fact is that this letter—by the way, not so clearly, not so clearly—is what I consider to be a brilliant legal, scholastic exercise in extricating one's client from meeting the obligations that he would be required to meet pursuant to the subpoena that asked him to produce all relevant documents with respect to Whitewater. Brilliant. This is absolutely terrific.

And this fellow, Allen B. Snyder, is one good lawyer. He is the lawyer who signed this letter. Let me tell you why. Analyze this; you have to agree, this is good. This is good. Listen to this, Mr. President. ''We have not produced''—this is the last sentence in this letter that says, here we give you these things, how we found them—''We have not produced, of course,''—gets you into believing, of course—''attorney-client privilege documents reflecting either Mr. Lindsey's communication with this firm''—oh, OK, all right, we are not going to ask about that.

You are talking to your lawyer and saying, by the way, I have a problem, et cetera, whatever. We have some facts or are talking strategy, et cetera. That is what we consider to be privileged. By the way, it would seem that constitutional authorities would indicate in some cases that we would actually have the right to that documentation.

So, ''* * * of course, attorney-client privilege documents reflecting either Mr. Lindsey's communications with this firm or—get this; now we search very carefully—''or his attorney-client privileged communication with private counsel for the President.''

He is withholding documents. We do not have those documents. We have not seen those documents. And he is now asserting for the first time that he has information. He did not know he had it before. He just remembered it. He just found it. He did not know it. But he now says, ''I've got documents that you have subpoenaed. But I'm not going to give them to you because, guess what, I had conversations with or communications with the President's counsel.'' Let me tell you something, as an assistant to the President, if he has communications and shares documents with a private counsel for the President, they are not privileged. And this Senate and the Congress has a right to know what that information is.

Look, it may be that we are arguing over nothing. We have agreed to a methodology, a methodology of not attempting to provoke a court confrontation. I will tell you, I will ask for enforcement of the subpoena because this subpoena was served before the authorization of committee funds ran out. This response is carefully contrived, and the documents are produced after the committee goes out.

Is it any wonder why reasonable people say, ''Why are you doing this? Why are you holding this?'' Is there any reason why newspapers say, ''How come you keep dribbling this thing out? What are you trying to hide?''

At the very least, it all seems to me that the majority counsel and the minority counsel have done this before. We can look at this information, see if it is relevant or not, and examine whether or not a claim of privilege is valid. I cannot see how it can be asserted, but if it is not relevant, we will not ask for it. We will agree to take a pass.

I do not want to know whether he was discussing whether a football team or basketball team was going to win the game the night that they went to see it, or if he was in the company of the President, that he discussed that kind of thing. But if it is relevant, we have a right to it. If he communicated to the President's counsel, ''By the way, I'm worried about X, Y and Z,'' we have a right to that.

Either we want the facts or we do not. Do we want to hide the facts? Let me say, as it relates to the proposition that we are not willing to set a time certain, I think that is bad. I think it is really bad. But I am willing to say, let us provide a period of time after the conclusion of the trial. We know, whether that trial concludes with a final verdict—guilty, innocent, hung, et cetera—that within 10 weeks after that trial, we will conclude.

You have to start someplace. I do not like setting a time because I think again when you set a time line, you set a prescription for people looking to delay and get past that time line. That is what our friends in ''Men of Zeal'' said. And they were right. Again, this was authored by Senator COHEN and Senator Mitchell about Iran-Contra. They said, ''The committee's deadline provided a convenient stratagem for those who were determined not to cooperate.''

I suggest, given the manner in which these documents came forward, that this is part of the stratagem. When I see this letter, we know conclusively that we have not had an opportunity to examine documents that were subpoenaed.

This is a very brilliant, lawyerly, scholarly letter. I read it for the first time, and it just jumped out at me. Then counsel told me they have attempted to get some kind of an agreement from Mr. Lindsey's counsel in order to inspect this material. They were told no.

So where is the cooperation? If the White House has nothing to hide, where is that cooperation? It's a needle in a haystack. We want the facts and information—the needles—but we get the whole haystack, we do not get the critical information.

This is just another example. Let me suggest to you, is it not great cooperation when lawyers tell their clients, ''What are you holding back?'' and ''You better not hold back''? I see a pattern here. I see some very bright lawyers saying, ''You can't withhold this stuff. You have memorandums all over this place. If someone comes over and says, 'Where is that memorandum?' and you sent it to eight different people, where do you think we get these documents from?''

Some very capable lawyers would tell a client, ''I'm not going to be part of advising you to withhold.'' Perhaps, that is why we have been getting documents from them. Of course, that is an assumption on my part. There are a number of suspicious instances. We could take Susan Thomases and the repeated requests to her for records—two times, three times, four times before we get all of the information, before we get the logs that show the communications, key communications, information withheld from us. I think there are some very capable lawyers that she has representing her saying, ''Wait a minute. Wait a minute. They have asked you about these things. You can't withhold these things.''

You really think that a very capable lawyer like Ms. Thomases would not have looked at the diaries and logs as it relates to communications that she had during critical periods of time on or about the day of the suicide, or the

day following the suicide, of Vince Foster? She would have missed these during that week? And it took us months to obtain this vital information.

We have not been able to examine her. She broke her leg. We examined her twice. She was scheduled to come in a third time. Unfortunately, we could not do that because she said she broke her leg. What were we supposed to do? Drag her in there? Have her come in a wheelchair?

I recognize the discomfort level that my friends and colleagues on the other side would have as it relates to an indefinite extension. I understand that. But as a practical matter, if we receive $600,000, and spend it at the rate of approximately $150,000 a month, Mr. President, we are talking about 4 months. That is the practical side of this.

We could be doing that business without rancor, doing it to the best of our ability. We may not be able to complete all of the work as we would like. If there were facts and information that clearly demonstrated that we had to go forward, I am sure that my colleagues would then say, maybe reluctantly, we have to do that. That is the position we would be placed in.

You know, the editorials indicate that we should go forward. They also say that there is a caveat, a clear caveat, as it relates to the work of the committee, if we begin to appear to be unfair, if we appear to be partisan in terms of being demanding, and that we, those of us who are pressing to finish our work, could feel the political fallout. But there are what we call common sense, common decency, in handling the inquiry in a manner that is proper. I think we can do that. I would like to proceed in that manner.

I thank my colleague for giving me the opportunity, at least, to share these thoughts with you. I hope that between now and tomorrow, when we come to the floor again, that I have put forth something in a manner in a way in which we could possibly move forward.

I suggested some way to begin to resolve this, such as taking a period of time after the completion of the trial. I said 10 weeks. My friend may feel that is too long, but let us see if we cannot do it. Again, there is a finite amount of time, constrained by very limited resources, resources of $600,000.

There has been an endeavor by my friends to put forth a proposal for 5 weeks starting now and $185,000. I think we have to say even if that is the most good-faith offer they can make—and I do not question the fact that my colleague advances that in good faith—I hope that my friend, Senator SARBANES, will understand that it will not deal with the question of access to those witnesses.

Again, we may never have access to them. I admit that. I am not trying to score debating points here. What I am trying to do is tell you clearly where we are troubled, what some of those facts are and see if we cannot work out a way cooperatively to go forward.

Mr. SARBANES. Let me say to the chairman, let me make a couple of points. First of all, they cite editorials that say do an indefinite extension. I have cited on the floor today editorials that say—let me just quote a couple of them.

. . . Whitewater hearing needs to wind down. A legitimate probe is becoming a partisan sledgehammer.

. . . The Senate Whitewater hearings, led since last July by Senator Al D'Amato, have served their purpose. It's time to wrap this thing up before the election season.

That is the Greensboro, NC, paper.

The Sacramento Bee says:

With every passing day, the hearings have looked more like a fishing expedition in the Dead Sea.

And says these ought not to be extended.

Mr. D'AMATO. That is at least an imaginative image, fishing in the Dead Sea. I like that.

Mr. SARBANES. It is very imaginative, in my opinion. This is a growing body of editorial view about the nature of these hearings.

When we agreed to these hearings on a 96 to 3 vote last May, an essential premise was that they would come to a conclusion. In fact, when the chairman went before the Rules Committee, he made the point that he wanted to keep it a year, so it would not extend into the election season.

It was very clear that we were not going to defer to Starr and his trial. We were going to carry out our hearings, just the way Iran-Contra carried out their hearings, and Walsh kept going after they concluded their hearings. Iran-Contra did not come in behind the trials. They carried out their hearings and brought them to a close, and, in fact, we stated that to Starr very clearly back on October 2 when we joined and wrote him a letter and said:

For these reasons, we believe the concerns expressed in your letter do not outweigh the Senate's strong interest in concluding its investigation and public hearings into the matter specified in Senate Resolution 120 consistent with section 9 of the resolution.

And section 9 was the February 29 date. So we were very clear about that, as far back as October.

By seeking an indefinite extension, there is a complete change in the ground rules by which the special committee has been operating heretofore. And I say to the chairman, that is part of the basis for the very strong opposition that we have to an indefinite extension of this inquiry. It has not been done before.

I commend to you Senator DOLE's very strong comments in 1987 on this very issue in which he was very explicit, repeatedly, with respect to this question, and actually to accommodate, the Democratic Congress agreed that we would not extend the inquiry into the election year, thereby politicizing the matter and, I think, increasing the public perception that what is going on is simply a political exercise.

Mr. D'AMATO. Again, I have not heard any response, but I have indicated that, obviously, the committee would be very hard pressed to continue its work past 4 months. That is No. 1. At $150,000 a month, in some cases even more, and particularly if we are going to attempt to conclude this and take the necessary depositions, et cetera, that is about the time frame that we are talking about.

It is reasonable to assume we are going to talk about a trial that lasts anywhere in the area of 6 to 8 weeks. I suggested we take a time line from the conclusion of that trial and attempt to use that as the date.

So I have given an opportunity to our Democratic colleagues and friends to consider this, instead of just being placed in a position of those of us who would come to the conclusion, rightfully or wrongfully, that there may be people who are calling and orchestrating this from the White House who just do not want those facts to come out, whatever they may be.

I do not know what they will be. I tell you, if they are exculpatory, if they clear the record, if they clear the clouds away, fine, so be it.

While Senator DOLE has indicated previously the need and necessity to keep investigations and hearings from going into the political season—and I recognize that and I have addressed that—there is the experience that our colleagues and the former majority leader had during that same period of time. In his book, ''Men of Zeal,'' it was said that to set a time line is basically to encourage people to look at delay.

We can continue this back and forth, but I hope my colleague will consider what I suggested as a way to attempt to resolve this without us becoming involved in other matters.

Let me say this to you. Tomorrow I will advance, if we do not get an extension and if my colleagues continue to vote against cloture—and I have no reason to believe my Democratic colleagues will not come in here and, to a man, vote against proceeding and we will continue this filibuster—then we will go through the record very clearly and attempt to make the case why it is we are seeking to continue, what facts we are still seeking, what information, what witnesses, in detail. They can still vote that particular way. But then there will come a point in which we will attempt to do the work of the committee. It may not be as neat, it may not be as tidy, but I can assure my friend and colleague that we will persist. I think when I say we are going to undertake something and I am committed to seeing to it that we do the best job we can, that is something we can count on.

I put forth an offer that I think I can get substantial support for. There will be some of my colleagues, as I am sure there will be a number of yours, who are adamantly opposed to any kind of compromise. I recognize that, and I

recognize, in all due sincerity, that my friend probably has a number of colleagues who just do not want to agree to even 5 weeks. I recognize that, too.

Mr. SARBANES. If the Senator will yield on that point, there are many people who feel the committee should have done its work within the requirements of Senate Resolution 120, just as Iran-Contra had to do its work within its allotted requirements under the resolution under which it was operating.

Mr. D'AMATO. I really tried as hard as possible to attempt to put forth an offer——

Mr. SARBANES. No, I just want you to understand there are some strongly held views of that sort.

Mr. D'AMATO. Sure, and you must recognize that there are legitimately held views that people themselves feel strongly about without any partisan motives being attached to their feeling; that they say we want to end that. I understand that, and I am saying to you that I have a number of Members who do not want to compromise as it relates even to a time line and they suggest we are going to be back in the same problem again. But there comes a point in time when you have to make the best of the situation.

I am suggesting possibly we explore looking at a time certain, from which we say we will conclude, that being the conclusion of the trial, one way or the other, if it is a hung jury, whatever it might be. We may not be able to get any of those witnesses.

Mr. SARBANES. That is right, and we need to examine that up front.

Mr. D'AMATO. I am first to admit that. I am first to admit that. What I am trying to do is to say there is a good faith offer, an attempt to wind this up in a manner that does not detract from everything and everybody because there are going to be those who say in the drumbeat of the political spin doctors on one side saying the Senator from New York is attempting to keep this going for political reasons.

Mr. SARBANES. That is right.

Mr. D'AMATO. I understand that. On the other side, there will be the chorus, What are you hiding? For every editorial you can produce, I can produce one, two, three, four and you can produce some, and back and forth. What does that achieve? My gosh, what have we advanced?

So I am—and I am not asking you for an answer now—I am asking you to consider attempting to deal with this impasse, so that we do not have to come down here and have our colleagues vote, line up on one side, those vote to cut off debate, cut off the filibuster, and those who take the opposite possible positions and all the various characterizations that are going to flow—from both sides, absolutely totally well-meant. All right. So I hope I have covered the waterfront on that.

It may be that we cannot find a way to resolve this. But I am suggesting that I am certainly willing to spare us further debate here, further time here, and let us be able to do the best we can, given that we cannot control all the circumstances in this investigation. Some of it is beyond our ability to control.

I yield the floor, and I thank my friend for his courtesies in giving me the opportunity at various times to make some points that I thought were important.

The PRESIDING OFFICER. Who seeks recognition?

Mr. D'AMATO. Mr. President, I believe, without imposing upon my colleague, that concludes our discussion with respect to going forward on the Whitewater resolution.

Mr. SARBANES. Yes.

VACANCIES AT THE FEDERAL RESERVE BOARD

Mr. D'AMATO. Mr. President, on that note, let me say this. The Banking Committee has been waiting for months now for the President to fill vacancies at the Federal Reserve Board. It was just a little less than 2 weeks ago last Saturday, March 2—there are two vacancies, two other vacancies aside from Mr. Greenspan—I guess it was about 10 days ago when the President indicated that he was going to recommend not only Chairman Greenspan but two other people, Alice Rivlin as the Vice Chairman, and Lawrence Meyer as a Governor.

Since this announcement from the White House—and I have indicated publicly that we would move expeditiously to take up these nominees—we have not received any word and the Federal Reserve has been forced to adopt various rules to address this gap so that Chairman Greenspan could carry on his work. This continues to be a very critical post, and these positions are critical. I hope the administration will move with some speed and alacrity in sending those nominations over to us so we can move.

I pledge to the body here and to the administration and to the President that we will move as quickly as we possibly can. We will set up a hearing—if it means in the afternoon, if it means whatever time convenient to the nominees—to deal with these important nominations, because they are important and they are critical.

We want to move this. I hope they will send those nominations over. Certainly they should send over Mr. Greenspan at this point in time. We could dispose of that. I do not understand why they would not have Mrs. Rivlin ready, given her long stewardship in Federal Government and the fact that she has had all her clearances, et cetera. So at least two of those positions are something we would be willing to move on very expeditiously.

Mr. President, I yield the floor.

MORNING BUSINESS

Mr. D'AMATO. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each.

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

DEPLORING TERRORIST ATTACKS IN ISRAEL

Mr. DASCHLE. Mr. President, every American deplores the bombings in Tel Aviv and Jerusalem in the past days.

The Tel Aviv bombing was a senseless act of violence cynically targeted to hit as many innocent people as possible at a shopping mall on a school holiday commemorating what is to be a joyous holiday of Purim. Once again, a suicide bomber did this awful deed; people are dead and injured; a nation is stricken; and the peace process is further jeopardized.

Ironically, Purim commemorates the time in which Esther, a Jewish heroine, convicted her husband to stop the slaughter of the Jews. There was no modern day Esther Monday in Tel Aviv.

Monday's bombing follows Sunday's in Jerusalem, which took place on a street down which I have walked. I can see with terrible clarity the horror of Sunday's bombing.

Mr. President, along with my colleagues, the President, and all Americans, I offer my condolences to the families of those killed and injured. I fear for the future of the peace process, which offers hope that, maybe, some day, Israelis and Palestinians can walk down these same streets in Jerusalem and Tel Aviv in peace, free of the fear that they may be the terrorists' next victims. I join the President in pledging to do all we can to stop this senseless slaughter; apprehend the terrorists and bring them to justice; and get the peace process back on track.

GEN. BARRY McCAFFREY, DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY

Mr. WARNER. Mr. President, in today's Washington Post there is a remarkable article. I commend all to read it. It is about the President's appointment of Gen. Barry McCaffrey, a four-star general, to the position of drug czar. It has been my privilege to know this fine American for some many years. I recall on one occasion, together with other colleagues in this body—it may well have been the distinguished whip was on that trip, the Senator from Kentucky, when we visited the gulf region. We visited a number of the U.S. commanders who had taken an active participation in the war in the gulf. General McCaffrey was the general who spearheaded the tank column which crushed Saddam Hussein's armor.

From that experience and many other chapters of complete heroism as a soldier, he now takes on another assignment and immediately goes into