

world to salute the people who are standing today, this very minute, freezing in Republic Square in Belgrade, standing for the right to do what we have done in the last few hours in Congress, and that is have a peaceful transition of power after duly held elections.

Mr. President, the people of Serbia have spoken. It is time that all the people in the world stand behind them so that their spoken word will prevail.

LOUISIANA CONTESTED ELECTION

Mr. WARNER. I have discussed with Majority Leader LOTT the procedures he proposed today with regard to the seating of Senator LANDRIEU and the review of Mr. Jenkins' petition contesting the election of Senator LANDRIEU.

I agree with and fully support the actions taken by the majority leader. I would like to take a moment to explain the actions the Rules Committee has taken thus far concerning this contest and those procedures which we anticipate following in the future.

The Senate is the Constitutional judge of the qualifications of each Senator. Article I, section 5 of the U.S. Constitution, states that the Senate is the "Judge of the Elections, Returns, and Qualifications of its own Members. . . ."

The Secretary of State of Louisiana has certified that MARY LANDRIEU defeated Louis "Woody" Jenkins by 5,788 votes in the 1996 U.S. Senate race, and this morning Senator LANDRIEU was sworn in "without prejudice." This action is in accordance with the precedents of the Senate, which recognize that the Senate generally defers to the certification of the State until the Senate has had the opportunity to review such petitions and evidence as may be submitted by the contestants or gathered by the committee.

On December 5, 1996, Mr. Jenkins exercised his right to file a petition of election contest with the Vice President of the United States. That petition was referred to the Senate Committee on Rules and Administration, chaired by myself with the distinguished Senator from Kentucky Mr. FORD, serving as the ranking Democrat.

On December 18, 1996, Mr. Jenkins submitted an amended petition along with considerable documents related to the allegations in his petition. These allegations go to the heart of the integrity of the election process on November 5 in Louisiana, and Mr. Jenkins' steps, thus far, merit thorough consideration by the Rules Committee.

In consultation with Committee members, and consistent with precedent, Senator FORD and I engaged two attorneys to serve as outside counsel for the Committee, and their letters of engagement are attached for the record. Bill Canfield was selected by the Republicans, and Bob Bauer was chosen by the Democrats. Their assign-

ment is to review the petition and all documents submitted to the Committee relating to the petition and to advise the Committee as to whether the petition should be dismissed or, if not, what further courses of action the Committee should consider.

As a means to providing equity to both candidates, the committee advised then Senator-elect LANDRIEU of her right to file material for consideration, and a copy of the letter from the committee to her counsel is attached for the record. Senator LANDRIEU's attorney has indicated that she will respond by January 17, 1997.

Mr. Jenkins will then be given time to examine any material submitted by Senator LANDRIEU and provide the committee with a surrebuttal. After reviewing all of the filings, our outside counsel will promptly provide the committee with their respective opinions. I anticipate the two counsel will have some areas of their opinions reflecting a concurrence of views and recommendations.

It is my intention to then hold a committee business meeting on counsels' reports immediately thereafter and determine the next step in this process. I am hopeful that we will be able to hold this meeting early in February.

These procedures will allow and ensure a fair and equitable review of the allegations. Senator LANDRIEU, Mr. Jenkins, and the citizens of Louisiana, as well as the entire country, expect and deserve no less.

The above outline of committee procedures, so far, parallels the actions of the Rules Committee in the Huffington-Feinstein contested election in 1995.

SENATOR BYRD'S ADDRESS TO NEW SENATORS—AND RETURNING SENATORS, TOO

Mr. KENNEDY. Mr. President, on December 3 as part of the orientation program for new Senators, our distinguished colleague from West Virginia, Senator ROBERT C. BYRD, delivered an eloquent address in this chamber emphasizing the indispensable role of the Senate in American democracy.

Senator BYRD is well known as a scholar and historian of the Senate. I believe his address will be of interest and importance to all Senators as we begin the new session, and I ask unanimous consent that it be printed in the RECORD.

REMARKS BY U.S. SENATOR ROBERT C. BYRD AT THE ORIENTATION OF NEW SENATORS, DECEMBER 3, 1996

Good afternoon and welcome to the United States Senate Chamber. You are presently occupying what I consider to be "hallowed ground."

You will shortly join the ranks of a very select group of individuals who have been honored with the title of United States Senator since 1789 when the Senate first convened. The creator willing, you will be here for at least six years.

Make no mistake about it, the office of United States Senator is the highest polit-

ical calling in the land. The Senate can remove from office Presidents, members of the Federal judiciary, and other Federal officials but only the Senate itself can expel a Senator.

Let us listen for a moment to the words of James Madison on the role of the Senate.

"These [reasons for establishing the Senate] were first to protect the people against their rulers; secondly to protect the people against the transient impression into which they themselves might be led. [through their representatives in the lower house] A people deliberating in a temperate moment, and with the experience of other nations before them, on the plan of government most likely to secure their happiness, would first be aware, that those charged with the public happiness, might betray their trust. An obvious precaution against this danger would be to divide the trust between different bodies of men, who might watch and check each other It would next occur to such a people, that they themselves were liable to temporary errors, through want of information as to their true interest, and that men chosen for a short term, [House members], . . . might err from the same cause. This reflection would naturally suggest that the Government be so constituted, as that one of its branches might have an opportunity of acquiring a competent knowledge of the public interests. Another reflection equally becoming a people on such an occasion, would be that they themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous councils. . . ."

Ladies and gentlemen, you are shortly to become part of that all important, "necessary fence," which is the United States Senate. Let me give you the words of Vice President Aaron Burr upon his departure from the Senate in 1805. "This house," said he, "is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, will resistance be made to the storms of political phrensy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hand of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor." Gladstone referred to the Senate as "that remarkable body—the most remarkable of all the inventions of modern politics."

This is a very large class of new Senators. There are fifteen of you. It has been sixteen years since the Senate welcomed a larger group of new members. Since 1980, the average size class of new members has been approximately ten. Your backgrounds vary. Some of you may have served in the Executive Branch. Some may have been staffers here on the Hill. Some of you have never held federal office before. Over half of you have had some service in the House of Representatives.

Let us clearly understand one thing. The Constitution's Framers never intended for the Senate to function like the House of Representatives. That fact is immediately apparent when one considers the length of a Senate term and the staggered nature of Senate terms. The Senate was intended to be a continuing body. By subjecting only one-third of the Senate's membership to reelection every two years, the Constitution's framers ensured that two-thirds of the membership would always carry over from one Congress to the next to give the Senate an enduring stability.

The Senate and, therefore, Senators were intended to take the long view and to be able

to resist, if need be, the passions of the often intemperate House. Few, if any, upper chambers in the history of the western world have possessed the Senate's absolute right to unlimited debate and to amend or block legislation passed by a lower House.

Looking back over a period of 208 years, it becomes obvious that the Senate was intended to be significantly different from the House in other ways as well. The Constitutional Framers gave the Senate the unique executive powers of providing advice and consent to presidential nominations and to treaties, and the sole power to try and to remove impeached officers of the government. In the case of treaties, the Senate, with its longer terms, and its ability to develop expertise through the device of being a continuing body, has often performed invaluable service.

I have said that as long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure.

The Senate was intended to be a forum for open and free debate and for the protection of political minorities. I have led the majority and I have led the minority, and I can tell you that there is nothing that makes one fully appreciate the Senate's special role as the protector of minority interests like being in the minority. Since the Republican Party was created in 1854, the Senate has changed hands 14 times, so each party has had the opportunity to appreciate first-hand the Senate's role as guardian of minority rights. But, almost from its earliest years the Senate has insisted upon its members' right to virtually unlimited debate.

When the Senate reluctantly adopted a cloture rule in 1917, it made the closing of debate very difficult to achieve by requiring a super majority and by permitting extended post-cloture debate. This deference to minority views sharply distinguishes the Senate from the majoritarian House of Representatives. The Framers recognized that a minority can be right and that a majority can be wrong. They recognized that the Senate should be a true deliberative body—a forum in which to slow the passions of the House, hold them up to the light, examine them, and, thru informed debate, educate the public. The Senate is the proverbial saucer intended to cool the cup of coffee from the House. It is the one place in the whole government where the minority is guaranteed a public airing of its views. Woodrow Wilson observed that the Senate's informing function was as important as its legislating function, and now, with televised Senate debate, its informing function plays an even larger and more critical role in the life of our nation.

Many a mind has been changed by an impassioned plea from the minority side. Important flaws in otherwise good legislation have been detected by discerning minority members engaged in thorough debate, and important compromise which has worked to the great benefit of our nation has been forged by an intransigent member determined to filibuster until his views were accommodated or at least seriously considered.

The Senate is often soundly castigated for its inefficiency, but in fact, it was never intended to be efficient. Its purpose was and is to examine, consider, protect, and to be a totally independent source of wisdom and judgment on the actions of the lower house and on the executive. As such, the Senate is the central pillar of our Constitutional system. I hope that you, as new members will study the Senate in its institutional context because that is the best way to understand your personal role as a United States Senator. Your responsibilities are heavy. Understand them, live up to them, and strive to

take the long view as you exercise your duties. This will not always be easy.

The pressures on you will, at times, be enormous. You will have to formulate policies, grapple with issues, serve the constituents in your state, and cope with the media. A Senator's attention today is fractured beyond belief. Committee meetings, breaking news, fundraising, all of these will demand your attention, not to mention personal and family responsibilities. But, somehow, amidst all the noise and confusion, you must find the time to reflect, to study, to read, and, especially, to understand the absolutely critically important institutional role of the Senate.

May I suggest that you start by carefully reading the Constitution and the Federalist papers. In a few weeks, you will stand on the platform behind me and take an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic; to bear true faith and allegiance to the same; and take this obligation freely, without any mental reservation or purpose of evasion; and to well and faithfully discharge the duties of the office on which you are about to enter: So help you God."

Note especially the first 22 words, "I do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic . . ."

In order to live up to that solemn oath, one must clearly understand the deliberately established inherent tensions between the 3 branches, commonly called the checks and balances, and separation of powers which the framers so carefully crafted. I carry a copy of the Constitution in my shirt pocket. I have studied it carefully, read and reread its articles, marveled at its genius, its beauty, its symmetry, and its meticulous balance, and learned something new each time that I partook of its timeless wisdom. Nothing will help you to fully grasp the Senate's critical role in the balance of powers like a thorough reading of the Constitution and the Federalist papers.

Now I would like to turn for a moment to the human side of the Senate, the relationship among Senators, and the way that even that faced of service here is, to a degree, governed by the constitution and the Senate's rules.

The requirement for super majority votes in approving treaties, involving cloture, removing impeached federal officers, and overriding vetoes, plus the need for unanimous consent before the Senate can even proceed in many instances, makes bipartisanship and comity necessary if members wish to accomplish much of anything. Realize this. The campaign is over. You are here to be a Senator. Not much happens in this body without cooperation between the two parties.

In this now 208-year-old institution, the positions of majority and minority leaders have existed for less than 80 years. Although the positions have evolved significantly within the past half century, still, the only really substantive prerogative the leaders possess is the right of first recognition before any other member of their respective parties who might wish to speak on the Senate Floor.

Those of you who have served in the House will now have to forget about such things as the Committee of the Whole, closed rules, and germaneness, except when cloture has been invoked, and become well acquainted with the workings of unanimous consent agreements. Those of you who took the trouble to learn *Deschler's Procedure* will now need to set that aside and turn in earnest to *Riddick's Senate Procedure*.

Senators can lose the Floor for transgressing the rules. Personal attacks on other

members or other blatantly injudicious comments are unacceptable in the Senate. Again to encourage a cooling of passions, and to promote a calm examination of substance, Senators address each other through the Presiding Officer and in the third person. Civility is essential here for pragmatic reasons as well as for public consumption. It is difficult to project the image of a statesman-like, intelligent, public servant, attempting to inform the public and examine issues, if one is behaving and speaking in a manner more appropriate to a pool room brawl than to United States Senate debate. You will also find that overly zealous attacks on other members or on their states are always extremely counterproductive, and that you will usually be repaid in kind.

Let us strive for dignity. When you rise to speak on this Senate Floor, you will be following in the tradition of such men as Calhoun, Clay, and Webster. You will be standing in the place of such Senators as Edmund Ross (KS) and Peter Van Winkle (WEST VIRGINIA), 1868, who voted against their party to save the institution of the presidency during the Andrew Johnson impeachment trial.

Debate on the Senate Floor demands thought, careful preparation and some familiarity with Senate Rules if we are to engage in thoughtful and informed debate. Additionally, informed debate helps the American people have a better understanding of the complicated problems which besiege them in their own lives. Simply put, the Senate cannot inform American citizens without extensive debate on those very issues.

We were not elected to raise money for our own reelections. We were not elected to see how many press releases or TV appearances we could stack up. We were not elected to set up staff empires by serving on every committee in sight. We need to concentrate, focus, debate, inform, and, I hope, engage the public, and thereby forge consensus and direction. Once we engage each other and the public intellectually, the tough choices will be easier.

I thank each of you for your time and attention and I congratulate each of you on your selection to fill a seat in this August body. Service in this body is a supreme honor. It is also a burden and a serious responsibility. Members' lives become open for inspection and are used as examples for other citizens to emulate. A Senator must really be much more than hardworking, much more than conscientious, much more than dutiful. A Senator must reach for noble qualities—honor, total dedication, self-discipline, extreme selflessness, exemplary patriotism, sober judgment, and intellectual honesty. The Senate is more important than any one or all of us—more important than I am; more important than the majority and minority leaders; more important than all 100 of us; more important than all of the 1,843 men and women who have served in this body since 1789. Each of us has a solemn responsibility to remember that, and to remember it often.

Let me leave you with the words of the last paragraph of Volume II, of *The Senate: 1789-1989*: "Originally consisting of only twenty-two members, the Senate had grown to a membership of ninety-eight by the time I was sworn in as a new senator in January 1959. After two hundred years, it is still the anchor of the Republic, the morning and evening star in the American constitutional constellation. It has had its giants and its little men, its Websters and its Bilbos, its Calhouns and its McCarthys. It has been the stage of high drama, of comedy and of tragedy, and its players have been the great and the near-great, those who think they are great, and those who will never be great. It has weathered the storms of adversity withstood the barbs of cynics and the attacks of

critics, and provided stability and strength to the nation during periods of civil strife and uncertainty, panics and depressions. In war and in peace, it has been the sure refuge and protector of the rights of the states and of a political minority. And, today, the Senate still stands—the great forum of constitutional American liberty!"

TRIBUTE TO LARRY PRESSLER

Mr. LOTT. Mr. President, earlier today, we witnessed the oath of office being given to the new junior Senator from South Dakota, the Honorable TIM JOHNSON. I join with all my colleagues in welcoming him to the U.S. Senate. I wish him well. However, I do want to take a moment to pay tribute to the gentleman he succeeded—a man of integrity, of kindness, and of singular achievement—Senator Larry Pressler.

I have known Larry Pressler throughout his entire 22 year career of public service in the Congress, beginning with his first election to the House of Representatives in 1974. Though a young man when he first took the oath of Office, he already had distinguished himself in other fields—as student body president at the University of South Dakota, a Rhodes Scholar, a U.S. Army Lieutenant in Vietnam, and a Harvard Law and Kennedy School graduate.

I knew then that the people of South Dakota had sent an exceptional human being. I didn't realize how right I was at the time. In 1978, he was elected to the Senate—the first of several Vietnam veterans we are honored to call our Senate colleagues. For 18 years—three terms in office—he served the Senate, his State and his country ably and responsibly.

All who know or have known Larry Pressler are keenly aware how much he holds public service in high regard. He considers it his life's calling, and he certainly responded well to the call. He knows that effective public service begins with public trust at home—the faith that he chose to represent their views and interests in Washington will do so with honor and integrity. Little did Larry know that not long after he came to the Senate, that basic principle of public trust would be put to the test. It would come in the form of FBI agents posing as Arab sheiks who attempted to bribe Larry as part of their so-called ABSCAM investigation. Larry strongly refused. His response drew national acclaim. The Federal District Judge who presided over the trial singled out Larry's action, stating that he "acted as citizens have a right to expect their elected representatives to act."

That single act, perhaps more than any other, capsulized and defined the values of Larry Pressler—the values he was brought up to practice first on his father's farm in Humboldt, SD, and the same values he practiced every day for 22 years in Congress. Just as important, his action during ABSCAM reminded all of us of that vital link between effective public service and sustained public trust.

Public trust was not just a core value Larry Pressler practiced in his own life, but a basic principle he sought to instill in government practice. He worked overtime to be sure South Dakotans were treated fairly by the Federal Government, whether it was as routine as a timely Social Security check, or as complex as environmental protection enforcement.

Larry was the first to oppose President Clinton's nomination of Zoe Baird because he sensed early on that her past actions damaged the level of public trust needed in our Nation's chief law enforcement officer. He was right.

Larry has been a superb watchdog of Federal agencies that oversee air safety because of his concern both for the safety and security of air travelers, and the faith travelers place in these agencies and carriers to ensure their safety. He was right on the mark again.

Larry also has been an outspoken champion of our efforts to reform the cancerous corruption and waste that has infected the United Nations to the point of near ineffectiveness. As a supporter of the United Nations, Larry is concerned that continued United Nations mismanagement would erode the public's support and trust in the world body. Some people in the United Nations are listening. Indeed, largely because of the persistence and diligence of our friend and former colleague from South Dakota, the United Nations today now has an inspector general to investigate waste, fraud and abuse, and is beginning to take seriously this body's demands for real, concrete reform.

Persistence and diligence—that best describes the style of Larry Pressler's approach to public service, and it has paid off for the State of South Dakota and the Nation. His last campaign slogan was "Fighting and Winning for South Dakota." That's a good example of truth in advertising. Whether it was rail service or air service, wheat prices or cattle prices, Ellsworth Air Force Base in Rapid City or the EROS Data Center in Sioux Falls, Larry Pressler fought and won for South Dakota.

Internationally, Larry Pressler is known and respected for his efforts on nuclear nonproliferation, and human rights causes in China, Cyprus, Armenia, Turkey, and Kosova. I'm sure there are many around the world who will miss Larry Pressler's commitment to these and other important causes.

But perhaps Larry Pressler's greatest achievements as a Senator came in his last 2 years in office, when he served as chairman of the Commerce, Science, and Transportation Committee. Chairman Pressler presided over one of the most productive and bipartisan periods of legislating by a single Senate committee perhaps in the history of this body. At the end of the 104th Congress, I had the opportunity to detail this extraordinary record of accomplishment. Chairman Pressler reported 97 bills and resolutions out of the Commerce Committee—more than any other Senate

Committee during the 140th Congress. Of those, 87 became law.

Of that 87, perhaps the most heralded was the Telecommunications Act of 1996, the most important economic growth legislation to become law in a decade. This piece of legislation was Larry Pressler's life for well over a year.

It's fair to say that the Telecommunications Act would not be law today if not for Larry Pressler. It passed with extraordinary support because Larry Pressler took the time to work with virtually every Member of Congress—House and Senate—to see that their concerns were addressed. He demonstrated bipartisanship, fairness as well as toughness, but perhaps most important are the two qualities I mentioned earlier—persistence and diligence.

Those qualities also were shared by Larry Pressler's staff. Indeed, both his personal and committee staff deserve a tribute and our thanks as well. They were a great team. Many are from South Dakota. Many have served with Larry Pressler for more than a decade. Several for as long as he was a Senator and a select few even worked for him in the House. Larry, one of our more regular participants at our weekly Senate Bible study, often joked that Abraham died leaning on his staff. Well, it's safe to say Larry Pressler succeeded leaning on his staff. I know Larry Pressler is very proud of all his dedicated staff. I also know that all the staff are proud of Larry Pressler—proud to have worked with him and for the people of South Dakota.

They are not alone. All of us are proud to have worked with our distinguished colleague from South Dakota. I say this not just as a colleague, but as a dear friend. My wife, Tricia, and I have enjoyed the countless times we have spent with Larry, his lovely wife, Harriet and their wonderful daughter, Laura. I am hopeful there will be many more good times ahead.

F. Scott Fitzgerald once wrote: "Vitality shows in not only the ability to persist but the ability to start over." I have seen the vitality of Larry Pressler as a persistent and dedicated public servant for his state and nation. I am confident Larry will demonstrate that same vitality as he starts a new, a private life that will bring professional success and personal satisfaction.

So today, Larry Pressler finds himself in a position all of us will be placed in—a point where past service is subject not to the approval of voters but to the scrutiny of history. Mr. President, it is safe to say history will treat Larry Pressler quite well, and will see him as we do—as a model public servant. To paraphrase the words of Saint Paul known and referred to often by my friend from South Dakota, Larry Pressler stayed the course, fought the good fight and kept the faith.