

cases. In light of the compelling new evidence surrounding Bloody Sunday, we add our voice to the calls for a new inquiry into this tragedy.

We are also concerned by the deteriorating conditions under which Republican prisoners are being held in Britain and in particular the treatment of Roisin McAliskey. It is essential, in negotiating a new political framework for Northern Ireland, that respect for human rights be guaranteed. The creation of a Bill of Rights, and a police service with the confidence of the whole community, are essential to ensure the protection of the rights of all and to lay a solid foundation for a lasting peace.

We strongly oppose the continued and increased punishment beatings by paramilitaries in both communities. Such atrocities have no place in society, and we call for an immediate end to these attacks.

It is essential that there be no repeat of the deplorable events during last year's marching season. The RUC behavior at Drumcree further eroded the confidence of the Catholic community in fairness of the police force. As the State Department's Country Reports on Human Rights Practices recently noted: "Many observers on both sides of the community perceived the Government's reversal in the face of unlawful Unionist protests as a victory of might over the rule of law, and the incident damaged the RUC's reputation as an impartial police force."

We therefore strongly endorse the recommendations in the North Report that an independent parades commission be given full decision-making powers to deal effectively with controversial parades. We are concerned at the British Government's decision to delay implementation of significant sections of the report, which in our view must be in place in advance of this year's marching season.

The Friends of Ireland welcome the strong commitment of President Clinton and the Congress to the success of the peace process in Northern Ireland, and the transformation in the situation which all have helped bring about. We are confident that the United States will continue to play a constructive role in encouraging an early and peaceful resolution of the conflict for the benefit of all the people of Northern Ireland.

FRIENDS OF IRELAND EXECUTIVE COMMITTEE

Senate

Edward M. Kennedy.
Daniel Patrick Moynihan.
Christopher J. Dodd.

House of Representatives

Newt Gingrich.
Richard A. Gephardt.
James T. Walsh.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, March 14, 1997, the Federal debt stood at \$5,362,748,754,102.53.

One year ago, March 14, 1996, the Federal debt stood at \$5,035,166,000,000.

Twenty-five years ago, March 14, 1972, the Federal debt stood at \$428,412,000,000 which reflects a debt increase of nearly \$5 trillion—\$4,934,336,754,102.53—during the past 25 years.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

APPOINTMENT OF AN INDEPENDENT COUNSEL TO INVESTIGATE ALLEGATIONS OF ILLEGAL FUNDRAISING

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of Senate Joint Resolution 22, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 22) to express the sense of the Congress concerning the application by the Attorney General for the appointment of an independent counsel to investigate allegations of illegal fundraising in the 1996 Presidential election campaign.

The Senate resumed consideration of the joint resolution.

Mr. LEAHY. Mr. President, last week there was an attempt made, I think, on the part of some—not all, but on the part of some—a serious attempt made in the Judiciary Committee to put together a bipartisan letter to the Attorney General regarding what should be done on the question of an independent counsel and some of the campaign fundraising issues. Unfortunately, it ended up being a partisan matter and the Republican majority, as is their right, sent a highly partisan letter asking immediately for an independent counsel.

Most of us on the other side sent a letter, which I signed as ranking member, along with other Democratic members, asking basically that we follow the law and we go through the various steps required on the issue of independent counsel: That we do not bring political pressure on the Attorney General to act one way or the other, recognizing that the reason for the independent counsel law was to shield the process and the Attorney General from political pressure or posturing.

In this regard, I would like to draw the attention of the Senate to the lead editorial in yesterday's Washington Post. The Post has been in the forefront of those investigative journalists who have been working on stories about many aspects of fundraising that has been taking place, and is taking place, to finance Federal elections—both fundraising by the Republican Party and by the Democratic Party. Certainly, the Post has not been shy about criticizing Republicans or Democrats, in the Congress or out, with regard to campaign fundraising.

It is interesting to read their editorial because, basically, they take the same position as we had taken on the Democratic side of the Senate Judiciary Committee. They speak of all the reasons to wait and follow the law itself, as she is now doing, and to have the Attorney General make her own determination. It ends by saying this:

There is one other major factor that argues for waiting awhile before deciding whether to seek an independent counsel in the campaign finance case. It has to do with what we believe to be the integrity and, if you will, independence of this attorney general herself. She is an uncommon figure in this town, and this administration, as even many who are banging on the table for an

independent prosecutor will agree. We do not think it would be an inducement to sleeping well at night to know she was on your case if you had violated the law and were trying to hide it—especially with her honor being publicly challenged over and over again on this matter.

You balance risks in a decision like this. The risk of leaving the case in her hands at this stage, while Justice Department, congressional and other investigators continue to try to flesh it out, seems pretty slim. Events could change that. But right now the matter seems to us to be proceeding well enough without an independent counsel.

I ask unanimous consent the entire editorial be printed in the RECORD.

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

[From the Washington Post, Mar. 16, 1997]

THE INDEPENDENT COUNSEL ISSUE

Attorney general Janet Reno says the conditions that would require the naming of an independent counsel in the case of the fundraising for the president's reelection campaign have yet to be met. She's taking a lot of heat for that. Critics accuse her of trying to protect the president. Congressional Republicans, some Democrats and all manner of other commentators say if ever a case carried out for an independent prosecutor, it is this one. We aren't so sure. Anything could turn up tomorrow. But on the basis of what is known today, an argument can be made that Ms. Reno is right.

We say that as strong supporters of the independent counsel statute, though in some instances we have thought past counsels carried on too long or went too far. We say it also as a frequent critic of both the administration and the rotten system of campaign finance, whose corrupting qualities the president did so much to confirm last year. The fund-raising practices, some of them, in which he, the vice president and their adherents indulged were shabby, heavy-handed, demeaning, unseemly, questionable, destructive of public confidence and pretty close to the edge. But it isn't clear they were illegal. That, in fact, is the problem. The law is at least elliptical; not enough of what ought to be illegal is.

The virtue of the independent counsel act is that it reduces the conflict of interest that inevitably arises when an administration is called upon to investigate its own behavior. But it is not meant to avert mere awkwardness; it comes into play in only certain instances. The attorney general must seek appointment of an independent counsel (by the special court created to do so) when confronted with specific, credible evidence of criminal wrongdoing by the president, vice president, Cabinet officials and certain others in the executive branch, including a limited number of senior White House aides. She also may seek appointment of a counsel when confronted with evidence of such conduct by a lesser official where she feels there is a conflict.

The evidence of such conduct in this case thus far is a lot more limited than the churning surrounding the case would suggest. A lot of pretty squalid stuff was done. But so far as we know, no specific, credible evidence exists that, say, an official covered by the act sold a particular piece of policy for a campaign contribution, or knowingly accepted money from a forbidden source. You could make the generic charge against both presidential campaigns that they violated and pretty well trashed the campaign finance laws, including their criminal provisions, by raising so much so-called soft money in excess of federal limits. They pretended it wasn't campaign money when it

clearly was. But no one is talking about that in this case, least of all the congressional Republicans who want an independent counsel but oppose most regulation of campaign finance. There are charges that funds were illegally raised (by the vice president, for one) and received inside a federal building—the very White House itself—instead of in some other building down the street, but you can find any number of lawyers who will say on one basis or another that what was done was not illegal, and does anyone really want to name an independent counsel to conduct a criminal prosecution of the vice president for making a phone call from the wrong room? That isn't what this is about, either.

More serious charges have been leveled against some lesser figures in the drama—that they laundered money from foreign sources, sought favors in return for contributions, etc. Ms. Reno has set up a task force to investigate these. As a practical matter, what the task force appears to have been conducting is precisely the kind of preliminary inquiry, though by another name, that would be required if the independent counsel statute were invoked, the question being, what evidence is there that criminal conduct occurred? If such conduct is found, and found to be of a kind that requires the naming of an independent counsel, Ms. Reno may yet ask for one. In a sense, what's going on is what the critics claim to want, but without the label.

Meanwhile, the independent counsel already investigating the president in the Whitewater case, Kenneth Starr, is also looking into what you might call one of the most advanced aspects of the campaign finance case, which is whether political donors were somehow called upon to hire Clinton family friend and former associate attorney general Webster Hubbell before he went to prison several years ago, the question being whether the large amounts of money paid him as Mr. Starr was seeking information from him were meant to hush him up.

There is one other major factor that argues for waiting awhile before deciding whether to seek an independent counsel in the campaign finance case. It has to do with what we believe to be the integrity and, if you will, independence of this attorney general herself. She is an uncommon figure in this town, and this administration, as even many who are banging on the table for an independent prosecutor will agree. We do not think it would be an inducement to sleeping well at night to know she was on your case if you had violated the law and were trying to hide it—especially with her honor being publicly challenged over and over again on this matter.

You balance risks on a decision like this. The risk of leaving the case in her hands at this stage, while Justice Department, congressional and other investigators continue to try to flesh it out, seems pretty slim. Events could change that. But right now the matter seems to us to be proceeding well enough without an independent counsel.

Mr. LEAHY. Mr. President, I sometimes think that those who are scheming for an independent counsel for this and an independent counsel for that, counsel that often cost \$20 or \$30 million of the taxpayers' money, and millions of dollars more of individuals' money, have not bothered to stop and think what they are asking for. It may be good for the evening news and may make a Member of the House or Member of the Senate feel good because his or her name gets in the paper, but does it really help this country?

In fact, some might ask about this rush to come on the floor Friday, the

steady stream of my friends on the Republican side of the aisle who blast the President and tear after the President. I am surprised they did not say, "Why don't we double-check with Bethesda as to what time he will actually be in surgery so maybe we could go on recess or go to our own fundraisers at that time and then come back and make sure he sees just how we are tearing him apart."

I suggested half joking on Friday that they would set aside another \$1 million that we could appropriate of the taxpayers' money to send a delegation of Members up to Bethesda to make sure, indeed, he was being operated on. It was about that ridiculous.

I first came to the Senate at a time when Democrats and Republicans showed some respect for whoever was holding the office of President of the United States and had some realization that the person serving as President, like the rest of us, is a human being and an individual. Yet, I have heard Members on this floor pillory the President, pillory his wife, his child, even at times his mother and others, as though somehow they don't have feelings. I have heard things said about him that, if we said them about each other, we could be censured by the Senate—even though some of the things said may be more applicable to some in this body.

I remember a time, a time when the Democrats were in the majority, since I have been here, when an issue was coming up, for example, about President Ford on personal issues. We held off—maybe he was taking a trip abroad—and we held off on issues.

The same with President Reagan. Again, when the Democrats were in the majority in the Senate, we would hold off issues of criticism of the President as he was about to leave to go abroad.

The same with President Bush. Yet, here we have the President of the United States, who has just undergone what I have to imagine is extremely painful surgery—the Presiding Officer would be able to understand that better than I because of his own distinguished medical background. I think by all accounts it was a very painful situation. They tell me tearing a tendon is more painful than breaking your leg. I know, from some of my colleagues here who have torn Achilles tendons, or others, have told me that is so.

Here he is, the President of the United States, undergoing very painful surgery. But notwithstanding the pain he must be in, because of the importance of the relationship between the United States and the world's other major nuclear power, Russia, he is going forward with his summit meeting with President Yeltsin. The President, who is going to be traveling very painfully to Helsinki—whether it is Air Force One or not. I have ridden enough times on Air Force One with various Presidents to know Air Force One can hit turbulence, too, and bounce you all around. It will be a painful trip.

None of this seems to make any difference. They still proceed on the floor, Friday and today, blasting the President with resolutions and statements. This timing ensures, of course, that all this will be in the world's press, in Helsinki and elsewhere, just in time to be delivered to all those in the Russian party when he arrives.

Mr. President, I don't know if the Senate is just spinning out of control without any sense of propriety or decorum. Perhaps, at the age of 56, I have become the old-fashioned Member of the Senate. But I have been here for 22 years, and whether it was in my first year as a 34-year-old former prosecutor or now as a 56-year-old senior Member of the Senate, I do know that we have followed a tradition of some propriety in this body.

We have done that time and time again. We have withheld resolutions, questions or disapproval of a President when he was leaving to go abroad or was abroad so we could at least present a united face to the rest of the world.

Yet, I have heard Members come on the floor and make highly critical statements of President Clinton when he has been at summit meetings overseas, statements that had to be read by all the people with him from around the world. That, I think, was unseemly. Just as I believe having this resolution at this time at the beginning of the Helsinki summit is highly insulting, shows no sense on the part of the U.S. Senate and, frankly, of those who brought it forward at this time, of the kind of image we should give the rest of the world.

I am not suggesting by any means that we cannot question the President of the United States. I have done it, other Members have done it, both this President and other Presidents. That is perfectly appropriate under our separation of powers and under our duties as Members of the Senate.

But I suggest that there are certain times when, by tradition—and a tradition that has served this country very well—that we at least back off and show some unity. One such time, just out of a sense of common decency and perhaps upbringing, would be when the President is in the hospital recuperating from a fairly painful and serious injury. One would think that we would not see this happening in the U.S. Senate. I question what we are coming to.

But by tradition, by a sense of propriety, and by a sense of Senators putting their country ahead of their political partisan posturing, we have at least held off at the beginning of a foreign trip by a President or at the beginning of a summit.

Mr. President, I was thinking of this matter this morning as I was coming to work. Comments were made to me over the weekend while I was home in Vermont by a number of people who are not Democrats, who thought that it was unseemly. I have not talked with anyone at the White House about this

or anybody in my leadership or anybody in my office. This is simply something I started thinking about. It bothers me that we have reached the point where we are not showing the sense of history in this body that has served the Senate very well in the past, and has also served the country well.

I urge those who determine the timing of issues before the Senate to take some time during the Senate recess and read a history of the Senate and read a history of the actions of the great leaders of the Senate, Republican and Democrat alike—and we have had great leaders in both parties. Read about the number of times when they have put the United States ahead of their own partisan fortunes, when they have put the United States ahead of their own ability to be in the news, and, frankly, when they realized that the U.S. Senate can be and should be the conscience of the Nation. We should uphold that conscience of the Senate so that the Senate can be the conscience of the Nation.

With some in this body, it will be a rereading of the history of the Senate. Frankly, Mr. President, one has to assume that for some, it will be a reading of the history of the Senate, and that perhaps in all their efforts to get here, the time-consuming and difficult chore that is, they did not have a chance to read the history of the U.S. Senate before they arrived. But now is as good a time as any. There is going to be a 2-week recess, and that should allow some time to read it. Senators cannot be at fundraisers all of the time during that recess. Read over the history.

I urge the leaders, those who determine the schedule of this place, that in the future, when the President is about to embark on a major summit, in this case with the other major nuclear power of the world, that they not bring up resolutions designed to embarrass him, designed actually to be voted on the day that he would arrive. As it turns out, it won't be, because he is delayed by a day because of his injury.

We are not playing school-board politics here. We are not some small-town board. This is the U.S. Senate. There are only 100 of us who get the opportunity to serve at any one time, but we represent a quarter of a billion people in the greatest, most powerful democracy history has ever known. I think we all know that. It doesn't matter whether we are Republican, Democrat; conservative, liberal, moderate; no matter what part of this country we are from; we know, instinctively, that we represent the greatest democracy history has shown.

But instinctively knowing and diligently upholding the responsibility of U.S. Senators to represent that Nation are two different things. If Members want to criticize the President, that is their right. If they want to embark on another investigation, like the rather pointless one the Senate already has, Whitewater—pointless, except for the fact it cost the taxpayers hundreds of

millions of dollars—fine, they have a right to do that. But at least let's make an effort to present a united face when the President of the United States goes abroad on a major summit. At least give the President of the United States as much backing as possible when he is representing all the United States—not Democrats, not Republicans—all the United States.

I am reminded of a story my father had told me many times about my State, which for many years was the most Republican State in this country. In fact, after 22 years as a U.S. Senator from Vermont, I am still the only member of my party ever to represent Vermont in the U.S. Senate. In fact, we are the only State in the Union that has only elected one Democratic Senator, and I am it. Sorry about that, Mr. President, but it happens.

My father told me how the National Life Insurance Co. in the thirties and forties, basically ran the Republican Party in Vermont. They determined every 2 years who was going to be Governor. You had to be very much a Republican.

In the late thirties—I believe it was 1937—Franklin Roosevelt came to Vermont to look at some flood control projects. He was driving down State Street in Montpelier, past our statehouse and past the National Life Insurance building—they were two separate buildings, although it was sometimes hard to tell which was which—in an open car. My father, the lone Democrat in Montpelier, was standing there, as chance would have it, next to the president of National Life who was then the de facto chairman of the Vermont Republican Party. As the open car went by with Franklin Roosevelt in it, the men all stood at attention and the president of National Life, like all the other men, took his hat off—they all wore hats then—and held it over his heart as President Roosevelt drove by. My father could not resist the temptation to chide him a little bit then, and he said, "I can't believe you took your hat off for Franklin Roosevelt." The president of National Life replied, "Howard, I didn't take my hat off for Franklin Roosevelt. I took my hat off for the President of the United States."

What he did was show respect. Respect does not have to be blind. It does not mean we do not question things here. We have great respect on the Democratic side of the aisle for the Republican leadership, just as I would hope they would for the Democratic leadership. But it does not mean we vote with them all the time, by any means. There is a difference.

We show respect in this body, just following Jefferson's Manual, by the way we address each other. It does not mean we agree. We might be fighting hammer and tong, but we say "my distinguished colleague," and so on and so forth.

We should show respect to the President of the United States when he is

going abroad to represent every single American. We are the only country left on Earth that still does have the ability to destroy the world overnight with nuclear power.

Every one of us on this floor, especially every Democrat on this floor, always showed that respect for President Reagan when he was in similar situations, and for President Bush.

I see the distinguished senior Senator from Massachusetts on the floor. He has served here longer than all but a couple of Members. I think the distinguished Senator from Massachusetts is one who would well remember both Republican and Democratic members of the Senate and the House showed some restraint and unity with them.

This resolution could easily be brought up after the President came back, or any other time. There is absolutely no urgency to bring it up now. But it is brought up on the eve of his trip to Helsinki to have a summit meeting with the President of Russia.

Mr. President, frankly, in my estimation, this is a new low for the U.S. Senate. In my estimation, this is something I have never seen happen here before. In my estimation, those who determined to bring this resolution up at the beginning of the Helsinki summit ought to be ashamed of themselves. They ought to admit they are ashamed of themselves and put it off for another time.

Mr. President, I yield the floor and 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. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KENNEDY. Mr. President, I urge the Senate to support the Democratic alternative, and to reject this one-sided, partisan, and unseemly attempt to force the Attorney General to act.

On the issue of the independent counsel, last week, the Senate voted unanimously to give the Senate Governmental Affairs Committee a broad mandate to investigate campaign violations in all Federal elections, whether by Democrats or Republicans.

Our able and trusted Attorney General, Janet Reno, already has a task force in full operation investigating these issues. More than 30 special agents from the FBI serve on this task force. The task force has already issued subpoenas and presented testimony before a grand jury.

Last Thursday, Republican members of the Judiciary Committee wrote to the Attorney General urging her to seek an independent counsel. That letter requires the Attorney General to examine whether an independent counsel should be appointed and to report to the Judiciary Committee on the actions that she takes.

The Republican resolution now before us proves that Republicans are not

serious about conducting an even-handed inquiry into campaign finance violations. It focuses only on the Presidential campaign and ignores the many allegations of serious abuse in Republican congressional races.

We faced similar partisan tactics in the debate last week on the Governmental Affairs Committee's investigation. Democrats called for a broad inquiry covering both illegal and improper activities and including both Presidential and congressional campaigns. But the Senate Republican leadership resisted. They were only interested in putting the spotlight on the White House and diverting attention from abuses by Republicans in Congress.

In the end, their efforts to suppress a responsible inquiry could not stand the light of day. Republicans joined Democrats in voting unanimously in favor of the Democratic position that the Governmental Affairs Committee should investigate all campaign abuses—Presidential and congressional, Republican and Democrat.

Why don't we hear Republicans calling for an inquiry into the role of money in last year's fight to raise the minimum wage? The majority of Americans supported an increase in the minimum wage to enable American workers to support their families. But money from special business interests was rolling into Republican campaigns as corporations tried to block this long-overdue raise for working Americans. When an increase in the minimum wage became inevitable, Republicans added provisions giving huge tax breaks to business as a consolation prize.

Why don't we hear Republicans demanding an investigation of the role of money in last year's fight over medical savings accounts? The MSA proposal threatened to block the whole Kassebaum-Kennedy health care bill. The Golden Rule Insurance Co., was the driving force behind medical savings accounts. Golden Rule made more than \$1 million in campaign contributions. In October 1994 alone, just before the midterm election, it delivered \$416,000 in soft money to the GOP. Only two other companies gave more to the Republicans in that election cycle.

Golden Rule contributed lavishly to NEWT GINGRICH's GOPAC political action fund. Without Golden Rule and its huge contributions to Republicans, medical savings accounts would never have been an issue. Republicans were willing to jeopardize health care for working families in order to channel higher profits to insurance companies.

But what about the Republican regulatory reform proposals in the last Congress? Utility lawyers in a Richmond, VA, law firm are reported to have drafted the Dole bill in the last Congress—the same law firm in which Senator Dole's counsel and chief aide on that bill had been employed only weeks before. That firm represented utility companies, chemical compa-

nies, and tobacco companies all seeking to increase their profits by weakening regulations requiring companies to keep our food safe and our environment and water clean.

In fact, when the time came to inform Democrats about the Republican bill, the briefing was not conducted by Republican staff, but by three lawyers from the law firm.

So if Republicans are serious, these offensive actions that jeopardized the health and well-being of millions of Americans would be on the list for investigation, too.

Surely, if there is to be an investigation by an independent counsel, these abuses should be within the scope of the investigation, too.

President Clinton and Democrats in Congress are talking about better education and health care for children, good jobs for working Americans, protections for the environment, saving Social Security and Medicare while balancing the budget, preventing crime, and reforming the current shameful system of campaign financing. Our Republican friends are interested in none of the above. They are shamefully abdicating their responsibility to prepare a congressional budget resolution. They are stonewalling any campaign finance reform. They are more interested in investigating who slept in the Lincoln Bedroom than addressing the issues that keep working families sleepless at night.

Attorney General Reno doesn't need this kind of partisan advice to do her job and decide whether to appoint an independent counsel. Our Democratic alternative calls on the Attorney General, in determining whether an independent counsel is necessary, to "exercise her best professional judgment, without regard to political pressures and in accordance with the standards of the law." It is the responsible thing to do.

Attorney General Reno has earned broad bipartisan respect for her honesty and integrity. Congress should not pressure her to suspend the current Justice Department investigation and turn it over to an independent counsel. We certainly should not pressure her to seek an independent counsel whose mandate would conveniently ignore the obvious abuses of Republican congressional campaign financing.

I urge my colleagues to support the Democratic alternative and to oppose the Republican resolution.

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

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

Mr. LEAHY. Mr. President, I said earlier that I have never seen a time in my 22 years here when those who con-

trol the majority of the Senate would schedule a resolution of this nature as a President was leaving for a summit meeting—even some of the less significant summits, and certainly not for a summit with the leader of a nation that is, militarily, a nuclear superpower.

I can think of a number of times when there were issues that were as troublesome to Democrats, who had controlled the majority of the Senate, as this is to Republicans, or as they say it is—so long as it is limited just to investigate the Democratic President and not themselves. There were times when I was here in the majority with Republican Presidents, including President Ford, President Reagan, and President Bush, and time and time again we held off matters that we were thinking of bringing to the floor, even legislation, that might be a matter of some contention while the President was abroad at a summit meeting. At no time would even the most junior member of the Democratic Party, when the Democrats were in the majority, consider bringing up something like this while a Republican President was abroad.

I think it shows one of the most egregious breakdowns of any bipartisan comity in this body, to see this come up as the President is about to go to Helsinki. I think certainly in my 22 years of experience, it is completely unprecedented. I think it is outrageous. I think it is inexcusable. It does not mean that this whole issue could not be debated when the President came back. It might mean that we would have to delay our 2-week vacation by a couple of days to do it. But we might present a better face to the rest of the world.

It has become so partisan around here that we look first to partisan advantage and not for the advantage of the country. Some in Congress simply cannot avoid the temptation to jump the gun and demand another costly, time-consuming, largely unaccountable, potentially destructive independent counsel—provided it is only to investigate a Democratic President. Certainly, there is no effort to go and look at any activities of the Republican Party.

Senate Joint Resolution 22 does not advance the administration of justice. It was drafted and introduced before the Republican and Democrat members of the Senate Judiciary Committee, and those of the House Judiciary Committee sent letters to the Attorney General. Those letters are congressional actions contemplated by the independent counsel law. This resolution is not and does not take those actions into account. We have begun a process that will yield the reports from the Attorney General that are allowed by the statute. We ought to give that process a chance to work.

This resolution, if it was a law, would probably be found unconstitutional. It certainly is not authorized by the independent counsel law. In my view, it is

an inappropriate effort to pressure the Attorney General and to prejudge these matters. One of the main reasons this kind of a resolution is not contemplated in the law is to keep political and partisan pressure off the Attorney General. It perverts the independent counsel process.

The independent counsel law was passed to ensure that investigative and prosecutorial decisions are made without regard to political pressures. This resolution would subvert that purpose by subjecting the critical initial decisions about invoking the law to such political pressures.

It is not Congress' place to determine when to bring criminal charges. This body is ill-suited to that purpose. The administration of justice is ill-served by efforts to intimidate a prosecutor to begin a case.

The resolution of the distinguished Republican leader will serve only to undermine the investigation that the Attorney General now has underway and will undercut the independent counsel law. It will further erode public confidence in the Government's ability to do its job.

We ought to do our job up here and let the Attorney General do hers. We are having a hard enough time doing our own job. We have yet to see 1 minute of debate on the budget resolution which has to be passed by mid-April. We have not seen one single judge get confirmed. We have been voting them out of the committee at the rate of three-quarters of a judge a month, and none has come to the floor, not in 6, 7, or 8 months, and there are 100 vacancies in our Federal judiciary. The Chief Justice calls it a crisis. Yet, even though we are paid and elected to do that, to consider and confirm judges, we have not confirmed a single judge. We have not brought up the budget. We have a chemical weapons treaty which is languishing.

But we can break all precedent and bring up a resolution attacking the President as he leaves on a summit with the President of Russia, the other nuclear superpower, something that has never been done before, something that any Democrat, when we have been in the majority and leading this body, would have been ashamed to do to a Republican President because we know it was so much against the best interests of the United States. Even though it might further our own short-term political gains, we would not want to damage the United States, the President's credibility or the President's ability to represent the United States abroad, so we would not have done it and did not do it.

There are a lot of issues the Senate could be considering that are within our responsibilities, do reflect our duties in this Government and do reflect what is in the best interests of the country. This is not one of them. It is an affront to the constitutional separation of powers established by the Founders. Investigation and prosecu-

tion of crimes is left to those experienced in the use of that awesome power, not matters for a political body.

When I was a prosecutor, I knew as a prosecutor I had the power to bring or to withhold prosecution. It was not anything I was willing to share with any legislative body. I hoped I would resist that temptation if I were ever a legislator and not a prosecutor.

It makes as little sense as the call by some in the Republican Party for the Congress to be able to overturn any judicial decision of any Federal court by just a majority vote. This concept would have been laughed down by the Founders of our country. They wanted three independent branches of Government: The executive branch, the legislative branch, and the judicial branch. Government 101—in most schools, you learn it in the first or second grade.

What they are now saying, even though part of the strength of our democracy and the protection of our democracy is an independent Federal judiciary, even though we have a Federal judiciary that is the envy of all other countries because of the quality of the men and women in it and their integrity and their independence, we now have some who say, "Well, cut out the independence, we will have the Congress stand up and vote to decide whether a decision is right or wrong in a court. We will just overturn it. We will become a super court of appeals."

As though we don't have enough to do. We can't bring up a budget. The chemical weapons treaty isn't before us either to be voted up or down. We haven't even found time to vote to confirm 1 single judge when there are 100 vacancies in the Federal courts. But somehow we are going to have time to start reading judicial opinions and decide whether to vote to overturn them? I wonder how many judicial opinions most Members of this body have read since they have been here. I wonder how many are prepared to sit down and read the thousands delivered every year. This is balderdash of the first order.

Then, yes, the other thing they are going to do, there are now Members in the other body who suggest that if we don't like a decision, impeach the judge. Now, some who were saying that, I will grant you, have read—I have suggested that some don't read enough in this body—but some of those who say "just impeach the judge" when we disagree, they have at least read something. Unfortunately, they read Lewis Carroll's "Alice in Wonderland" and got stuck in the part where the queen says, "Off with their heads." Every time the queen disagrees with something, "Off with their heads."

Well, we are a gentler and kinder nation, so some say, "I disagree, impeach him, impeach him." My goodness, it sounds like the chipmunk chorus, like we hear in some of the songs at Christmas time.

This country was made by giants. Let us not have it torn down by pygmies.

Let us respect our three branches of Government. Let us respect the independence of our judiciary. Mr. President, I have tried a lot of cases. Some I won; some I lost. But if I lost them and felt the case wrongly decided, I would appeal them. If somebody on the other side lost, they could appeal. That is what you do. I can imagine the hoots if somebody in one of these cases who lost, immediately said that we have to impeach the judge. We have appellate courts—appeal it. What are you going to do if you disagree with the appellate courts? Are you going to impeach them? Suppose they are upheld by the U.S. Supreme Court. I can see a delegation of us going right out that door, Mr. President, straight across the street with our torches held high, our pitchforks brandished, our tumbrels "tumbreling"—the reporter of debates will have fun with that one—saying, "We are here to impeach the Supreme Court, you naughty boys and girls. You voted differently than we think you should have."

You know, I was reminded today of the first time that I saw a billboard to impeach the Supreme Court was when I was 18. I made my first trip down here. Some were upset that the Supreme Court didn't want to uphold segregation, so "impeach the Supreme Court" was their slogan. How laughable, in hindsight. How acceptable is the repeal of our segregation laws today. How laughable, in retrospect, were those billboards of that time. But at the time they were popular with a group. They were popular with a segment of the political society, and so that was why the billboards were there.

Well, I have no question in my mind that it may be popular today for some to say "impeach judges" when we disagree with them—but not for the high crimes and misdemeanors the Constitution speaks of, not for the only ground the Constitution allows for impeachment, but simply because we disagree with their decision. It may be popular with some.

In retrospect, it will be seen as laughable.

But at the moment it is dangerous. It is dangerous, Mr. President, because a democracy exists only if we have respect for the institutions of a democracy. A democracy exists only if we follow our traditions and our laws and our best instincts. This does none of that. It doesn't follow tradition, and it doesn't follow any laws or our best instincts. Most importantly, it does not follow the Constitution, the remarkable instrument that has maintained this Nation for over 200 years. It has turned us into the most respected, most powerful democracy known to history.

I urge all Senators, all House Members, all of us who have the responsibility, who have taken the oath to uphold the Constitution, to step back a moment, stop the foolishness of these calls for impeachment, stop the irresponsibility of refusing to fill judicial

vacancies, stop the attacks on the President as he moves from his hospital bed to one of the most important summits he will have of his Presidency.

This does not mean we cannot criticize. Everybody is free to vote for or against any proposal of the President. Any one of us is free to vote for or against any amendment of mine or anybody else's.

But what we are not free to do is, for short-term political gain, is tear down the best things that make this country run. We are not free to tear down the Constitution on issues of judicial appointments or independence just because it may sound good in a speech back home or to a fundraising group. We are not free to try to design the timing of resolutions to embarrass a President when he is about to go into a major summit.

Frankly, I will put my money on the President handling that summit with all of the issues involved, from the democracy movements within the former Soviet Union to our own nuclear security. Maybe the President is better off to have some in this body distracted by voting on this, rather than thinking of other things they could do to try to meddle into the foreign policy leadership of the President.

Mr. President, I suggest that this extreme partisanship—and that is what it is—is something I have never seen in my time in the Senate, and it is time that we back off. It does not help the Senate. If somebody wants to state a selfish reason, it won't help any one of us either. Most importantly, it doesn't help the country. I have always believed that all the men and women in here are true patriots who have, or should have, the interests of the country first and foremost above their own political well-being or the political well-being of any special interest group on the left or the right.

Maybe they want to back off. Maybe it might be good that some would acknowledge that they picked a poor time to bring this up, that it really does jump the gun. I am willing to give the benefit of the doubt that it might even have been a mistake to bring it up now. I realize the possibility is very, very slim but I will even accept the possibility that it might not even have been brought up with the intention of embarrassing the President. I assume it was. But I will accept even the possibility.

I ask the same question that so many others have asked me: Why in Heaven's name? What have we come to that we try to send the President to a summit to represent everyone of us but knowing all the headlines will be "Senate Debating Resolution to Investigate the President of the United States?" We know that for some this is being done for short-term political gain for upcoming fundraising or fundraising letters. But the people who read the headlines in the newspapers around the world do not, and certainly those who will be at the summit do not.

So I think it is a mistake. We ought to get on to other things.

ANTIPERSONNEL LANDMINES

In fact, I could suggest one thing that we could go to, something on which Democrats and Republicans could join is the question of antipersonnel landmines. Today there are over 100 million antipersonnel landmines buried in the ground in around 70 countries. Some of them are as small as a can of shoe polish.

Every few minutes somebody is killed, maimed, or injured from these antipersonnel landmines. Invariably the person killed, maimed, or injured is a civilian. The injuries tend to go almost in an inverse ratio to the age of the person. Some are children who are killed, or hopelessly crippled for life. In one country, I was told by their leaders that they cleared their landmines "an arm and a leg at a time."

This Senate has supported legislation on antipersonnel landmines that I have written, the Leahy ban on the export of landmines. That was something, in a rare show of unity, where Republicans and Democrats across the political spectrum came together and the United States has been able to take the high road of banning the export of landmines as a result. In this body, Republicans and Democrats across the political spectrum, including at that time the two leaders, Senator Dole and Senator DASCHLE, came together and supported legislation of mine to ban for 1 year the use of these antipersonnel landmines by the United States, the first time we have ever unilaterally banned such a weapon. Our hope was that when we demonstrated that it was possible for us to do it for 1 year, we could certainly do it for every year thereafter and again give us a leadership position with the world.

I urge the administration now to consider making that a permanent ban and to consider joining with Canada and others who want to seek such a ban throughout the world.

My legislative efforts have been very simple. It would ban production of antipersonnel landmines, ban the export of antipersonnel landmines, and ban the use of antipersonnel landmines. Country after country after country has now adopted similar steps. Country after country after country has notified me through their prime ministers, or through their presidents, or the head of their parliaments, and said, "We have adopted this legislation."

I must admit to a growing sense of satisfaction of seeing this done, but at the same time a sense of apprehension that not enough are doing it, and it is not being done quickly enough because every year more—sometimes millions more—landmines are put into the ground, and every year thousands and thousands more children and civilian men and women are injured. More and more years in vast parts of countries they can't raise their crops, they can't graze their animals, and their children

can't go to school because of the landmines, Mr. President.

I have visited critical sites all over the world where the Leahy War Victims Fund is used where we buy prosthetics, provide wheelchairs, and give training and rehabilitation to people who have lost arms or legs from landmines.

My wife is a registered nurse, and she has gone with me when she was able to get away from her own duties at the hospital. She has gone with me to these various sites. She has helped people with the fitting of prosthetics. She has helped with the care of those in the hospitals.

I remember one time, especially, in the country of Uganda, after we had visited this site. We had American volunteers and others at one of the first sites at which the Leahy War Victims Fund was used. She came to me because there was a little boy horribly malformed and terribly crippled. She and the other nurses there had helped to bathe and clothe the child. She asked what was wrong with him. He was crippled by polio. She had hardly ever seen in her years as a nurse a polio victim, unless it was somebody who had polio decades ago. She asked how could this be because, as the distinguished Presiding Officer who is a physician knows, polio is one of the easiest things protected against. For everyone of us who has children, they automatically get their polio vaccination. We don't think of it anymore. She said, "Wasn't a polio vaccination available for this young boy?" And there was. The country had a polio vaccination program. But they could not get to his village with it because of all the landmines around.

So this young boy was never injured by a landmine, but he is crippled for life in a country where he is unable to work and grow his food, and in all probability will not live long because of the presence of landmines. So if the landmine doesn't get you, the landmine still gets you.

That is why, Mr. President, the only way you get rid of landmines is to get rid of them. Every single country has to ban them. And those of us who have the resources, the power and the technology should join together and start removing mines. This is true whether it is in Bosnia, where the mines are the one major threat to American peacekeepers, or throughout Africa, Central America, every place that landmines exist.

They serve no real military benefit—clearly not for our Nation, the most powerful nation that history has ever known. They serve as a terrible, terrible weapon to the children who pick up the little piece of metal thinking that it is a toy and have their face torn off, or are left with other terrible problems. They pose a terrible threat to a woman who goes to the well to get water for her family and has her legs blown off. They pose a terrible problem to the man who is out trying to harvest

his crops to feed his family, and he touches a landmine and his family no longer has a father.

That is why we should ban them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. I ask unanimous consent to speak as if in morning business.

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

FBI MISMANAGEMENT—PART 4

IG ASKS FBI DIRECTOR TO CORRECT RECORD

Mr. GRASSLEY. Mr. President, I rise today to continue my observations about major problems in the FBI's crime lab, and about the Bureau's failed leadership. This is my fourth such statement.

My colleagues are no doubt curious about the harshness of my criticisms of the Bureau's leadership. But my critique directly matches the level of the Bureau's misleading of the public.

I have not been unfair or unmeasured in my comments. I dare say, I have been softer on the FBI than others in Congress. Yet the ranks of those of us who are perturbed are growing swiftly.

I have raised these issues for two reasons: First, to use the Justice Department's and FBI's own documents to show where the Bureau is misleading the public; and second, to contribute an understanding of why it is happening.

I will briefly remind my colleagues of what I already revealed before this body. Many of the allegations of the lab's whistleblower—Dr. Frederic Whitehurst—are being substantiated. FBI documents are showing that. In previous statements, I have referenced three problem cases, examined by the Justice Department's Inspector General, that were uncovered by the press. The three cases are those of ALCEE L. HASTINGS, George Trepal, and Walter Leroy Moody. The conduct of specific FBI agents in each of these cases is in question.

Second, the FBI tried to explain Dr. Whitehurst away by questioning his credibility, and saying no one else backs up his allegations. But now we know that is false. At least two other scientists have backed him up. One has been made public. The other is fixing to.

Third, we now know that the FBI investigated these same allegations, knew about the problems, and covered them up. They did not fix them. They covered them up. The IG, then, took an independent look and flushed out the problems. The Bureau is now doing a mad scramble to control the damage.

At the heart of its damage control operation is an effort to mislead. And that effort comes right from the top of the FBI. Right from the Director himself—Louis Freeh.

But their scheme is unraveling, Mr. President. I rise today, to assist in the unraveling process. The public has a right to know what the FBI is covering up. And I am here to help them know.

The latest case of misleading by the FBI involves the public testimony of Mr. Freeh approximately 2 weeks ago. On March 5, Mr. Freeh testified before the House Appropriations Subcommittee on Commerce, Justice, State. The chairman is Representative HAROLD ROGERS of Kentucky.

During the hearing, Mr. Freeh was asked why the FBI placed Dr. Whitehurst on administrative leave. In response, Mr. Freeh stated:

[T]he action that was taken against Mr. Whitehurst was taken solely and directly on the basis of the recommendation by the Inspector General and their findings with respect to Mr. Whitehurst....

Mr. Freeh also said the IG, Mr. Michael Bromwich, was notified about the action and had not objected. Mr. Freeh concludes by saying:

The only reason that action was taken was because of what the Inspector General wrote and recommended to the FBI.

When the IG found out what Director Freeh had stated, he fired off a letter the very next day. He demanded that Mr. Freeh correct the record in three specific areas.

First, the FBI has consistently maintained that it was not just the IG report that factored into action against Dr. Whitehurst. I know this, Mr. President, because the Deputy Director, Weldon Kennedy, told me the same thing. The other reason involves the FBI's belief that Dr. Whitehurst would not answer questions in an administrative inquiry. It seems the FBI Director is using the IG report to hide behind. In my view, he wants the public to think he was forced by the IG to take action against a whistleblower.

Second, the IG says it is inaccurate for Mr. Freeh to say the IG did not object to action against Dr. Whitehurst. In fact, the IG spent over a year objecting to such treatment of Dr. Whitehurst. I had not known this before, Mr. President. According to the IG, representatives of the FBI had an active campaign—for more than a year—to take action against the whistleblower. The IG spells this out in detail in his letter.

That sounds suspiciously like retaliation against a whistleblower. And as you know, Congress has passed statutes prohibiting retaliation against whistleblowers. But it would certainly explain why the FBI is over-reacting to the IG's report, with respect to Dr. Whitehurst. I suspect that the IG would have had nothing but praise for Dr. Whitehurst, and the Bureau's response would still be, "See? The IG recommends that we fire Whitehurst!"

I met on January 28 with then-Deputy Director Kennedy. I asked him

what it was in the IG report that he thought gave the FBI grounds to take action against Dr. Whitehurst. I am bound to maintain the confidence of what is contained in the report that Mr. Kennedy cited. But let me assure you, Mr. President. When you see the report, you will be scratching your head in bewilderment. I was.

Third, the IG says no such recommendation pertaining to Dr. Whitehurst is in his report.

These were the three specific points about which the IG took issue with Mr. Freeh. If I could offer a translation, I will bet Mr. Bromwich thought Mr. Freeh misled the subcommittee. If Mr. Bromwich indeed reached that conclusion, the facts would be on his side.

The IG's request that Mr. Freeh correct the record was responded to on March 11. In letters to both Mr. Bromwich and Mr. ROGERS, Mr. Freeh appears to do what some of his agents have been accused of doing in a courtroom—cutting corners to get a conviction.

I ask unanimous consent that those three letters be printed in the RECORD.

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

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE INSPECTOR GENERAL,
Washington, DC, March 6, 1997.

Hon. LOUIS J. FREEH,
Director, Federal Bureau of Investigation, U.S.
Department of Justice, Washington, DC.

DEAR DIRECTOR FREEH: I am writing to urge you to correct testimony you gave during your appearance yesterday before the House Subcommittee on Appropriations. I have reviewed the videotape of your testimony and believe that your response to a question regarding Dr. Whitehurst is incorrect in three respects.

Your testimony was as follows:

Q. (By Chairman Rogers) Now why was Mr. Whitehurst suspended?

A. What I can say in the open session, sir, is that the action that was taken against Mr. Whitehurst was taken solely and directly on the basis of the recommendation by the Inspector General and their findings with respect to Mr. Whitehurst, which they furnished us in writing. We notified the Inspector General and the Deputy Attorney General's office that we were going to take administrative action. They did not object to it. The only reason that action was taken was because of what the Inspector General wrote and recommended to the FBI. And when that is public, I think you will be satisfied.

First, we have consistently been informed that the FBI did not take administrative action against Dr. Whitehurst "solely and directly on the basis of the recommendation by the Inspector General and their findings with respect to Mr. Whitehurst," as you testified. Rather, Deputy Counsel James Maddock has informed us (and others) on several occasions that the FBI's action was also taken because of Dr. Whitehurst's refusal—after being administratively compelled—to testify in 1996 in the matter regarding leaks of information about the laboratory. Indeed, that dual rationale was contained in the memo from Weldon Kennedy to the Deputy Attorney General, a copy of which was sent to me, on January 24, 1997, notifying her of the FBI's intention to place Whitehurst on administrative leave that afternoon.