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Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

"Oh, to grace how great a debtor
"Daily I'm constrained to be
"Let Thy goodness, like a fetter
"Bind my wandering heart to Thee."

—Hymn by Robert Robertson.

Merciful God, we are debtors to Your grace. We want to live our whole lives in grateful response to Your goodness. May Your goodness bind our hearts to You. There is no limit to what we are able to accomplish when love is our motivation. Help us to live this entire day as an expression of our love to You, for all the grace You have lavished upon us. Rather than living by obligation or oughts, may we do our work today as our way of telling You how much we love You. We are so thankful for Your care, for the privilege of living in this free land, for our families and friends and for the opportunity to serve You in the formulation of public policy for the welfare and prosperity of all people. Our goal is to enjoy this day to the fullest. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. HAGEL. Mr. President, on behalf of the majority leader, today the Senate will be in a period of morning business until the hour of 11 a.m. By previous consent, at 11 a.m., the Senate will begin consideration of S. 955, the foreign operations appropriations bill. Amendments are expected to that appropriations bill, and Senators can,

therefore, expect rollcall votes throughout the day.

As a reminder, under the consent agreement reached last night, a vote will occur on final passage of S. 1004, the energy and water appropriations bill, immediately following the first vote relative to the foreign operations bill. It is hoped the Senate will be able to complete action on the foreign operations bill during today's session of the Senate.

It is also the intention of the majority leader to begin consideration of the legislative appropriations bill this week, as well as complete action on the nomination of Joel Klein under the remaining 3-hour time agreement.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 11 a.m., with Senators permitted to speak for not to exceed 5 minutes each.

The Senators from Nebraska and Georgia are recognized for 20 minutes.

The Senator from Nebraska is recognized.

Mr. HAGEL. I thank the Chair.

(The remarks of Mr. HAGEL and Mr. CLELAND pertaining to the introduction of S. 1021 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HAGEL. 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. BAUCUS. 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. BAUCUS. Mr. President, may I ask whether we are in morning business.

The PRESIDING OFFICER. We are in morning business.

DESTRUCTION OF THE EYE OF THE NEEDLE ARCH

Mr. BAUCUS. Mr. President, I rise today to express my outrage over an incident that occurred in my home State last May. Over the Memorial Day weekend, vandals on the Missouri River destroyed the Eye of the Needle Arch, as well as several other stone pinnacles nearby.

Lewis and Clark, camping in the traditional homeland of the Blackfoot Indian Tribe, first noted these structures in their historic journal which, I might add, is replete with misspellings: "Seens [sic] of visionary enchantment [sic]" and "ellegant [sic] ranges of lofty freestone buildings," describing the Eye of the Needle Arch along the Missouri River.

Former Montana Senator Lee Metcalf had the foresight to designate that stretch of the Missouri as "wild and scenic," thus ensuring that generations of Montanans would marvel at these wonders.

But what took Mother Nature millions of years to painstakingly carve out was destroyed probably in a matter of hours. The actions of the vandals have been decried in both local and national newspapers, and the people of Montana have been united in their condemnation of the acts. People have donated over \$10,000 in reward money for information leading to the arrests of the individuals responsible. I rise today to add my voice to those who cry out for the loss of a true Montana treasure.

My motivations for speaking on this subject are personal. To me, the Eye of

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the Needle was a symbol of what makes Montana the "Last Best Place." Its improbable existence was a miracle of creation and a testimony to Montana's rugged spirit.

I plan to float the Missouri this weekend. I will see firsthand what has become of this treasure. In many ways, I am not looking forward to the experience.

To know that this landmark was destroyed by human hands gives me pause to think on the absolute senselessness of the act. Tearing down a marvel of nature is not a statement of defiance, not a statement of courage, or even machismo. No, it is simply an act of raw brutality, an act of utter stupidity.

In every cloud, there is a silver lining, and though it is not easy to see in this case, there is a positive lesson to learn from this incident. In an ironic way, we have gained a deeper appreciation for the wonders that surround us. They are precious; they are fragile. Perhaps this incident will remind us to protect the things that are near and dear to our hearts. For all our sakes, I hope this is the lesson we learn.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

INVESTIGATION OF THE 1996 FEDERAL ELECTIONS

Mr. TORRICELLI. Mr. President, I rise today to address two of the current investigations that are taking place within the Federal Government on this day. They are very different and they involve different branches of the Government but are important to this country and many of our citizens.

Mr. President, I will address first as a member of the Governmental Affairs Committee what I think is potentially an important new beginning in our investigation of the problems of the financing of the 1996 elections.

Members of the committee have for some time had different perceptions about the most serious allegations involved in that investigation. This, of course, involves the question of whether or not there was an attempt by a foreign government, principally the Government of China, to influence our Federal elections in 1996.

I believe that there is now a common understanding that while all sides previously acknowledged that there was probably such an attempt and regarded it seriously, there were differences about certain aspects of the allegations.

I think the new common understanding is that while there was clearly such an attempt made by the Chinese Gov-

ernment, that it was bipartisan in its goals and primarily designed to influence the Congress of the United States and not exclusively the Presidential candidates in 1996, and that it also at this moment remains unclear whether or not to what extent it might have succeeded in either influencing the elections or more importantly the policies of the United States Government. These have been contentious issues that divided the committee until this day.

I am very pleased, based on statements made by both Democratic and Republican members of the committee, that I believe our investigation now proceeds with a common perception of these facts. I believe that is critical for the committee doing its work and in eventually uncovering whether and to what extent this foreign involvement violated our laws.

JUSTICE

Mr. TORRICELLI. Mr. President, on a separate second issue I want to address this morning the larger context of the continuing downward spiral in the national political dialogue, and specifically how it addresses the case of a single American. We have tragically in our time witnessed this deterioration in the public dialogue. We are now witnessing how its venom can influence the life of a single citizen. I am addressing, of course, the Whitewater investigation and the actions of independent prosecutor Kenneth Starr.

Mr. President, I claim no expertise in the question of the Whitewater investigation. Indeed, it is not the focus of my remarks this morning. And I hold no brief for either President Clinton or the First Lady as I address this issue. Indeed, the injustice of which I speak does not involve anyone in the President's family, but rather a simple 42-year-old woman named Susan McDougal.

Since September 9, 1996, Susan McDougal has been imprisoned for refusing to testify to an Arkansas grand jury convened by the independent prosecutor Kenneth Starr. And indeed, under the law a witness who refuses to cooperate and testify before a grand jury may be held for a civil contempt of up to 18 months. In this instance therefore the independent prosecutor initially acted within the law and probably appropriately. But that is where the problem begins. Because according to the legislative history of the statute, and indeed under the case law, the purpose of civil contempt and imprisonment "is to secure testimony through a sanction, not to punish the witness by imprisonment."

But according to briefings filed with the court, the prison conditions that Susan McDougal has endured up to this point sound more appropriate for a hardened violent criminal than a person jailed for civil contempt.

In fact, while serving 3 months in the Faulkner County Detention Center in

Arkansas, Susan McDougal lived under the following conditions. She did not see the light of day for 3 months. She was jailed in a unit that was constructed for 10 people but in reality usually held more than 20. As indicated by these photographs, she was usually shackled both by hands and feet whenever she went to court or to the doctor or to the dentist. This was not customary practice. Indeed, no other prisoner in that facility was shackled by hands and feet in this manner virtually at any time, no less when receiving medical treatment.

When in transport, marshals were under instructions not to remove her shackles at any time including when she required to urinate. She was allowed one visit per week, and only through glass. She was forbidden any family or friendly contact through visitation. She was denied potable water. She could only drink from a rusty shower or a sink attached to a toilet. She was allowed no reading materials except for the Bible, of which I am sure she would have been grateful except she was forbidden to have any reading glasses, even when she offered to buy them with her own funds.

After a brief stint at the Carswell Federal Medical Center in Fort Worth, where she was placed in a work camp with other women, many of whom were serving 30 and 40 years on narcotics charges, she was transferred to California. There in Los Angeles at the Sybil Brand Institute for Women, she was placed in isolation with one tiny slit in a door, the windows covered with barbed wire, with a single peephole where she could see the light of day. She was denied any reading material and was denied a chance to even meet with the prison chaplain.

She was later moved to complete isolation from all other prisoners and was allowed out of her cell for 2 hours per day. So for 22 hours a day she was in complete isolation, no contact with anyone, no ability to see the light of day, with a single window covered with barbed wire, nothing to read, no one to talk to, not even counseling from a minister.

During the evening hours, she is awakened every 20 minutes by a flashlight that is placed in her eyes. She is served breakfast at 4:30 in the morning where she eats alone in a 5-foot cell. If she should leave her cell, she is handcuffed behind her back and is forced to wear prison uniforms that are colored red, which is the color to indicate a murderer or an informant. She is routinely body searched and forced to strip naked for prison officials. She is escorted by a guard wherever she goes, including to the infirmary or the library.

And finally, every time she uses the shower or on those occasions when she is allowed access to a telephone, every other prisoner is forced to be locked into their cells, which has heightened animosity toward her personally and led to dangerous, unlivable circumstances.