

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

Mr. President, I do not know Susan McDougal, and I confess I do not know a great deal about the Whitewater case. In many respects I rose today on the Senate floor to speak to neither, but to talk about justice. This is a barbaric set of circumstances that are indefensible and give rise to the question of whether or not Mr. Starr's investigation is being led by someone who seeks justice or is driven on the personal destruction of individuals to vindicate himself and his own investigation.

Mrs. McDougal is not imprisoned for murder or robbery or any violent offense. She has faced no jury and is convicted of nothing. But for almost a year, she has been held on civil contempt.

The Federal courts have ruled on a variety of circumstances, including in 1983 in the Sanchez case, and in 1984 in the Simkin v. United States case that a court is obligated to release an individual if it becomes clear that she will not testify after continued confinement.

Indeed, in case after case throughout the history of this country judges have released individuals who have refused to testify after 6 or 8 months of imprisonment.

Susan McDougal has now been imprisoned for 10 months. There is no indication that it will end soon. And it clearly is not going to result in her giving credible testimony.

Indeed, it was argued before a Federal judge 2 weeks ago that not only is Susan McDougal's incarceration inhumane, it is counterproductive.

If Susan McDougal were released from these extraordinary barbaric circumstances tomorrow, her testimony in the Whitewater case would be of absolutely no value. Her testimony would have no credibility. It clearly would have been coerced. No grand jury, no judge, and no jury would give it any validity.

Her testimony is now useless. Any individual held in solitary confinement with no privacy, with no ability to consult with family or friends, denied access to a chaplain, shackled hand and foot, subjected to body searches, awakened during the night every 20 minutes, in some circumstances by a flashlight in her eyes, could not possibly at this point be giving voluntary testimony that would be usable in a court of law.

Mr. President, Kenneth Starr should pursue the facts. If they produce further evidence that allows a case to proceed, it is his duty to do so. It is the obligation of every officer of this Government, in any of its branches, to first and foremost, however, pursue justice.

Former Senator William Cohen, then a Member of this institution, said, "The appearance of justice is just as important as justice itself in terms of maintaining public confidence in our judicial system."

Mr. President, there is no confidence in our judicial system that can come from these facts. There is a cold tyranny on a single American citizen. It is

time for the Federal judiciary to intervene to bring justice and to change the circumstances of Susan McDougal's life.

I yield the floor.

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

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

Under the previous order, the Senator is recognized for 20 minutes.

Mr. DORGAN. Mr. President, I ask unanimous consent that morning business be extended to accommodate 20 minutes.

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

WHO GETS THE BENEFIT OF A TAX CUT?

Mr. DORGAN. Mr. President, I want to talk today about a debate that is going on in a conference committee on who gets what portion of the tax cut that is now proposed by the Congress. It is, I suppose, a debate that one would expect if the Congress decides there shall be a tax cut, and the Congress has decided that taxes shall be reduced in some measure for the American people.

The obvious question is, for whom and for how much? Who gets the benefit of the tax cut?

We had a generous discussion on the floor of the Senate with an enormous amount of data and charts, with each side demonstrating that it is right and the other side is wrong, and each side using economists and all of the research groups that say this side is right, that side is wrong, or that side is right, this side is wrong. I suspect people watching this do not have the foggiest understanding of how you manufacture all these numbers. It is like making sausage, I assume—somebody over there, huddled over a bowl, is throwing all kinds of things in a bowl, and they grind it out and say, "Here's our sausage."

I come from a farm State, so I suppose I talk a lot about agriculture. I was thinking about an old story that a fellow in my hometown told me years ago about the chicken and the pig. It reminds me a little of this debate about the tax issue, who gets what. A chicken and a pig were prancing around the farmyard and they were talking about the upcoming birthday for the farmer and deciding what they would give the farmer for his birthday. The chicken said, "Why don't we give him ham and eggs," and the pig thought about that for a long time, and said, "Well, gee, for you, that's terrific, because for you that's just a contribution, but for me that requires real commitment."

Well, commitment or contribution, this is the kind of chicken-and-pig issue on who gets what in the Tax Code, who contributes what taxes in this country.

I want to talk just for a moment today about this commitment or contribution issue, and when it comes time to providing tax relief, then who gets some help. There is a discussion in this Congress that occurs almost every year around something called tax freedom day. The Tax Foundation, in fact, puts out a little publication. This year it was May 9, I believe, and it says tax freedom day is May 9. We have someone dutifully coming to the floor, and they hold it up and say, "Here is the day in which we are free. Up until this day, all of the things we earn have to go to pay taxes, and beyond this day we are free."

It has always been curious to me that the amount of money I pay for my children to go to school is somehow considered a burden. It is not to me. I consider it an opportunity to put my kids in a good public school system, and the taxes I pay to help that public school system is not a burden to me. But some people feel every dollar they pay is an enormous burden and a waste. They say, "Here is tax freedom day, May 9, this year." When they talk about tax freedom day, the same people that come to the floor and do that say tax freedom day is the accumulation of taxes that people have to pay, including income taxes and payroll taxes. And, incidentally, payroll taxes are a big chunk of the taxes people have to pay in this country. When they talk about tax freedom day, they include payroll taxes.

When they talk about who gets what in terms of tax cuts, guess what happens? The Congress then says we are only going to measure income taxes. We are only going to measure the income taxes you pay, and that is the basis on which you get a tax cut. So you have a situation in this country where over two-thirds of the American people now pay a higher payroll tax than they pay in income tax. Two-thirds of the American people pay higher payroll taxes than income taxes. Payroll taxes have grown, and rather substantially.

So when it comes time to give a tax cut, we are told that the tax cut shall go to people based on the income taxes they pay, and if you don't pay substantial enough income taxes, you do not get a tax cut.

Some of us feel that the working families toward the bottom of the ladder, those working families somewhere between the 50th percentile and down who are paying more in payroll taxes than income taxes, they are working, they are paying taxes. It is a different kind of tax—payroll tax—they ought to get a tax cut, as well.

Here is the dilemma. We have a tax cut that is proposed in part of this package that is a per child tax credit of \$500, and we are told that the per child