

taxes—the largest that has ever been done. Now we are talking about how do you reduce the size of Government. There is no debate about balancing the budget. It is just, how do you do it? When do you do it? That is a complete turnaround. That is a complete change. We are talking, now, more about how do you block-grant to the States so they can make the decisions as to how best spend the money that goes there. Surely, the concept of the closer to the people served that government is, the more effective it will be, is correct—is correct.

So I am very delighted that we have turned that thing around. Even though we continue to hassle, even though there will continue, always, to be debate about it, because, frankly, there is a legitimate difference of point of view. There are those who believe more Government is better. That is a legitimate point of view. It is not one that I subscribe to and I think, fortunately, not one that is subscribed to by the majority of the Members of Congress, but it is a legitimate viewpoint and it will continue to be argued—and it should be.

#### ILLEGAL CAMPAIGN CONTRIBUTIONS

The other thing, it seems to me, that is very important currently is the debate that goes on about illegal campaign contributions. Here again, it seems to me when you are out in Wyoming and you are listening to the TV or you listen to radio, you kind of get the notion that the whole thing is about campaign finance reform. In the broad sense, it is. But the fact is, there is a difference between reforming campaign finances on the one hand and talking about illegal contributions on the other. Those are two different things.

I think the Congress has a responsibility to have oversight hearings. The Congress has a responsibility to look into allegations of illegal contributions, and that is what the Thompson committee is primarily assigned to do. There is a difficulty in doing it, as we have seen take place here.

The idea of having the Justice Department involved makes it more difficult. Their unwillingness to give immunity to witnesses to testify so you can arrive at the facts has been a completely difficult issue. And I understand. One reason for the idea of the Congress doing this oversight is that, obviously, agencies have allegiance to the people who have appointed them and they become very edgy when you get into this whole wilderness of allegations of wrongdoing on the part of people who are affiliated to the people you work for. I understand that. That is the reason for having Congress do it. That is the reason for having independent counsels do it. As the Senator from Kentucky a few moments ago mentioned, it is clear there is a reluctance on the part of Justice to get into what they perceive to be a political kind of activity.

That is their task. The way they do it is to appoint an independent counsel.

For some reason, the Attorney General has refused to do that. So what we are talking about, then, is having a hearing in which the truth about those allegations can be determined. I think that is, indeed, a responsibility of the Congress. It is something that we ought to be responsible to the American people to do, and I am delighted that it is happening. I only wish that it were less inhibited. I wish there were less constraints being imposed by the minority in this particular committee, less constraints being imposed by the Justice Department. We ought to know what the truth is, in these instances.

I happen to be chairman of the subcommittee on Asia and the Pacific rim. Yesterday, we had a hearing for the nomination of the Assistant Secretary for the Asia-Pacific area, which we need very much, and a very learned person has been nominated whom I am sure we will support. But just to give you some idea of the involvement there, with regard to this investigation, of course the activities with respect to China influencing elections, foreign policy, has been talked about. President Clinton has said:

[I]t would be a very serious matter for the United States if any country were to attempt to funnel funds into one of our political parties for any reason whatsoever.

Likewise, the Secretary of State said that, if true, the allegations that China had launched a major effort to illegally influence United States elections "would be quite serious."

I asked that question yesterday of the Secretary: Do you agree? And, of course, he said yes. The follow-up question, then, was both Republican and Democrat members of the Governmental Affairs Committee agree that there was Chinese involvement and a plan to move money into congressional elections.

So I asked, I think quite legitimately, what is the plan, then? How does this affect our foreign policy with respect to China? And the answer was, well, we just don't know whether these are true. We don't know whether that's there. We haven't made any accommodation, which only leads me to believe that it is even more important for this committee to arrive at what the facts really are. If these allegations are true, what will it do to our policy? It ought to have some impact on policy, certainly. But, yet, the response from the administration is, well, we just don't know.

We don't know either, but we ought to find out. And that is what the system is about. That is what the hearings are about. That is why there is such concern about the obstacles placed in the way of the committee by the Justice Department, by the Attorney General, by the administration—frankly, by our friends on the other side of the aisle, as to how we come to those decisions.

So, I think we are involved in a very serious issue here. It is serious because it has to do with process. It has to do

with the obligations of the Congress to determine if, in fact, in this case, there were illegal activities carried on. That's our job.

Mr. President, I now am joined on the floor by the Senator from Arizona. I am very pleased to yield 10 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I thank my colleague from Wyoming for obtaining time this morning to speak on this important issue.

#### PRIVILEGE OF THE FLOOR

Mr. KYL. Mr. President, I would like to begin by asking unanimous consent that a staff member of mine, an intern, Kristine Kirchner, be granted the privilege of the floor during my presentation.

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

#### TIME TO APPOINT AN INDEPENDENT COUNSEL

Mr. KYL. Mr. President, the confidence of the American people in the American political system, in our Government here in Washington has been eroding in recent months, a subject that numerous pollsters and pundits have been writing about. One of the reasons that I believe this exists is that they believe people in high places can get away with things and they are, in effect, above the law, unlike the average American citizen, and that neither the Congress nor the administration has the ability, under that circumstance, to adequately track down perpetrators of crimes and pursue them to appropriate conclusion.

One of the aspects of this that is most troubling to me right now has to do with the Justice Department's purported investigation of people and events surrounding various contributions, allegedly illegal contributions, to the Democratic National Committee, to the Presidential and Vice Presidential campaigns. Attorney General Reno has, after numerous requests, steadfastly refused to appoint an independent counsel to look into these matters, and I had literally hundreds of requests from constituents to make the point to Attorney General Reno that they think this is wrong, or questions asked by constituents as to how this could be when there is such an obvious conflict of interest, at least to the average American citizen.

As a member of the Judiciary Committee, I joined in an effort with other members of the committee to follow a statutory procedure of writing to the Attorney General, asking her to either appoint an independent counsel or explain to us the reasons why she could not do so. She refused to make the appointment and gave her reasons. At the time, I thought they were relatively unconvincing. But since that time, irrespective of whether it has been appropriate up to now, Mr. President, a

couple of events have occurred that I think has made it crystal clear that the time has come for the Attorney General to appoint an independent counsel, because the integrity of her office is literally in question as a result of actions taken in connection with the Congress' investigation of these same matters.

In June, the Senate Governmental Affairs Committee announced its intention to grant immunity to 18 witnesses. They are very low-level witnesses against whom no prosecution is believed ever to be pursued or will be pursued. They were the straw donors who contributed money to the Democratic National Committee and were reimbursed by others, including one Charlie Trie, who apparently has fled the country and is currently hiding in China. Charlie Trie is a very close friend and fundraiser for President Clinton, who appointed Trie to membership on a governmental commission on U.S. Pacific trade and investment policy.

Fifteen of these eighteen witnesses that the Governmental Affairs Committee wanted to grant immunity to were Buddhist clerics who have taken vows of poverty and yet contributed funds to the Democratic National Committee at fundraisers in substantial amounts.

One was a Buddhist fundraiser in Los Angeles attended by Vice President GORE, who, of course, is a covered person under the independent counsel law; in other words, one of the people with whom there may be a conflict of interest as a result of which the Attorney General is supposed to appoint an independent counsel.

Since June, the committee has announced its intention to immunize two additional witnesses in connection with these Buddhist fundraisers. Most of the 17 Buddhist witnesses have had immunity requests pending with the Justice Department since March of this year, and yet the Justice Department has not been able to visit with these people—most of them—or to take profilers of evidence from them or declare them for immunity for the Senate Governmental Affairs Committee.

The Justice Department's policy on this is clear. Their policy is not to prosecute low-level people such as this, low-level straw donors or conduits who merely launder campaign contributions at the requests of others. So the Justice Department should have had no problem in quickly clearing immunity for these witnesses, the 18 original witnesses and the 2 additional ones.

On Wednesday, June 11, the day before the markup at which the committee was to vote on this immunity request, both the minority and the majority counsel on the committee spoke with Justice Department officials who were conducting this probe, and these officials expressed no objection to granting immunity for 17 of the 18 witnesses. But the next morning, June 12, the New York Times had a front-page

story declaring that Vice President GORE had knowledge about this temple fundraiser.

Just a little bit later that morning, at about 10:30, the Senate minority leader held a press briefing in which he said all of the minority members on the committee would oppose the granting of immunity during the markup later in the day. Of course, since it takes two-thirds of the committee to grant immunity, without some Democratic support, at least two Democrats on the committee, the Republican majority would never be able to get immunity for a witness.

Shortly after the minority leader made his statement, the committee minority counsel informed the majority counsel that he, the minority counsel, had spoken with the Justice Department and it now objected to immunizing 15 Buddhist clerics. You had a direct connection here between the minority counsel on the committee and the Justice Department as a result of which the Justice Department flip-flopped.

Mr. SANTORUM. Will the Senator from Arizona yield for a question?

Mr. KYL. I will be happy to yield.

Mr. SANTORUM. I want to make sure I understand this. What you are suggesting is, prior to this story in the New York Times that Vice President GORE knew, was involved and had knowledge, of this fundraising activity, that the Justice Department was not objecting to allowing witnesses to come and be granted immunity before the committee, and there seemed to be a recognition that these people were not the target of the investigation—they were called conduits—and, as a result, should be able to come to the committee and testify under immunity; that was the state of play before this article.

Mr. KYL. The Senator from Pennsylvania is entirely correct, Mr. President. That is the exact chain of events, according to the committee's majority counsel, whose word has never been questioned on this. It was only after the front-page story.

Mr. SANTORUM. After the front-page story that morning, the story that implicated the Vice President with respect to knowledge of the fundraising scheme, Senator DASCHLE came forward and said, "You're not going to get any support for allowing these people to testify under a grant of immunity," and then what? The Justice Department changed its mind overnight.

Mr. KYL. The Senator from Pennsylvania is correct. And there is an additional factor that makes this even more troublesome, and that is that it was the committee's minority counsel, not in conjunction with majority counsel, which is the normal way—

Mr. SANTORUM. Democratic counsel; minority counsel is the Democrats' counsel.

Mr. KYL. That is right, minority counsel represents the Democratic members of the committee; majority

counsel represents Republican members of the committee. In the past, they had dealt with the Justice Department together as counsel for the committee. On this occasion, the minority counsel, the Democratic counsel, made contact with the Justice Department, immediately after which the Justice Department position was announced as having been changed—

Mr. SANTORUM. Your sense of the timing of the Democratic counsel's contact with the Justice Department was after the New York Times article—

Mr. KYL. The Senator from Pennsylvania is correct.

Mr. SANTORUM. Once they understood that the Vice President could be implicated in this testimony, he called the Justice Department, not the Justice Department called him; is that your understanding?

Mr. KYL. The minority counsel apparently made contact with the Justice Department.

Mr. SANTORUM. And the Justice Department, as a result, I assume, of this conversation changed its mind as far as allowing these witnesses to testify under a grant of immunity.

Mr. KYL. The Senator from Pennsylvania is correct, and as a direct result of that, the Democratic members of the committee denied immunity to the witnesses. Only one of the Democrats on the committee supported immunity for two of the witnesses, but none of the witnesses, the remaining witnesses, was granted immunity because of the solid vote of the Democratic members of the committee.

Mr. SANTORUM. Did the Justice Department give any other rationale for changing its mind, other than the fact that what we know is the Vice President was implicated in this, directly now implicated, with knowledge of this fundraising scheme at this Buddhist temple?

Mr. KYL. I have to say to the Senator from Pennsylvania that I am not aware of all of the conversations that members of the Justice Department may have had with people regarding the position that they have taken. Publicly, there have been a couple of different points made: One, that it takes a long time to visit with all of these people. Well—

Mr. SANTORUM. Wait a minute. The Justice Department said it was OK to give immunity. The only thing we are aware of, that has been talked about, intervening between the Justice Department saying yes to 17 of the 18 monks to be able to come up here and testify and then countermanding that was information then presented to the public that the Vice President had knowledge of what was going on at that event?

Mr. KYL. Well, Mr. President, if I can say to the Senator from Pennsylvania, there is an old Latin phrase that is used in law, "post hoc, ergo propter hoc," meaning "after this, therefore because of this."

It seems fairly obvious that if, on June 11, the Justice Department has no objection to granting of immunity, and then there is a big headline in the newspaper on the following morning, and immediately after that the minority leader announces that all of the Democrats will oppose immunity—now, there obviously had to be some kind of a meeting at which this was discussed or he could not have confidently spoken of how the minority members would react—and then a minority counsel talks to the Justice Department and announces that their position has been changed, the only conclusion that one, I think, can legitimately draw from this is that the intervening events caused the change of policy at the Justice Department. If that is true—and, of course, none of us know whether it is true—but if that is true, that clearly injects politics into this investigation in a way which makes it crystal clear that the Attorney General does not have the credibility to continue the investigation of this matter and must appoint an independent counsel. The law requires in a conflict of interest that that be done.

What I am saying here this morning is that this chain of events clearly suggests that result. There is no other explanation that has been proffered. To the Senator from Pennsylvania, I say your questions are right on the mark in trying to get to the bottom of this entire matter.

Mr. President, I know time is short. Might I ask how much of the remaining time I have?

The PRESIDING OFFICER. Five minutes.

Mr. KYL. Fine. Let me then continue with another aspect of this that is important. Again, just to summarize this, it is not at all uncommon in law enforcement in order to be able to make the case against the people who are masterminding a crime, for example, to get the little fish to talk. And the way you do that is to say, "We will not prosecute you if you will tell us under oath everything you know and that information is useful in our ability to make a case against the bigger fish." That is the way it works in law enforcement.

With respect to these Buddhist nuns and monks who have taken vows of poverty, it is clear that nobody wants to prosecute them. They were used. They were abused in this process. I don't think anybody thinks they were criminals or that they had criminal intent. But what is alleged to have occurred is that somebody brought a lot of money in and gave it to them and said, "Now, tomorrow, when the Vice President is here, we want you to write a check in this same amount to the Vice President or to his campaign." That is called laundering money.

The way you make the case against the people who were behind that is to get the people who were the conduits to talk. That is why the Governmental Affairs Committee wants to grant im-

munity to these people, to bring them forward so that the American people can see what has happened here, and the law enforcement people can get on with their job about getting these prosecutions completed.

So far we hear nothing from the Justice Department. Mr. President, none of us want to jeopardize prosecutions, and when the Attorney General came before the Judiciary Committee, I accepted her explanation that, in effect, she was saying, "Trust me, we have professional investigators pursuing criminal prosecutions and we will do that to the appropriate end."

I can do nothing but trust the Attorney General when she makes that kind of statement, and none of us want to jeopardize prosecutions. But what I am saying this morning is that the chain of events now appears to be raising questions that are so serious that unless they are adequately publicly answered by the Attorney General, her credibility to continue this investigation on her own without the appointment of a special counsel is called into such serious question that I believe that the Senate of the United States could not adequately continue its public investigation and the American people would rightly question whether or not the administrative branch of Government, the embodiment of the Attorney General and the Justice Department, is not improperly involved in the investigation and hearings of the Governmental Affairs Committee of the U.S. Senate. I think that conclusion is inevitable.

It would be a shame for that conclusion to be reached, and, as a result, Mr. President, to clear it all up, to get to the bottom of everything and to avoid the conclusion that the Justice Department is improperly involving politics in this matter, once again, we call upon the Attorney General of the United States to call for the appointment of an independent counsel in these fundraising matters.

Mr. SANTORUM. Will the Senator from Arizona yield for a question?

Mr. KYL. I will be happy to.

Mr. SANTORUM. It is my understanding that in addition to this apparent flip-flop on granting immunity to witnesses to testify before the committee, there was another instance where the Justice Department injected itself into the investigation in an apparent partisan move that showed very clear favoritism.

Can you explain how that occurred?

Mr. THOMAS. Mr. President, I know time has expired.

I ask unanimous consent that the Senator from Pennsylvania be given 5 minutes to continue.

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

Mr. KYL. Mr. President, if I could respond then to the Senator from Pennsylvania, he is absolutely correct. There is a second event which again calls into question the objectivity of

the Justice Department and I think requires us to add a second element to this request for the appointment of a special counsel.

On July 11, Assistant Attorney General Andrew Fois, who is a political appointee running the Office of Legislative Affairs, and who frankly is very unlikely to have access to the classified information, the sensitive information on which Chairman THOMPSON based his opening statement about the influence of Chinese money in American Government on, this individual, this Assistant Attorney General, sent a letter asserting that the chairman's statement did not represent the views of the executive branch.

Now, this is important for the following reason. Recall that when Chairman THOMPSON began the Governmental Affairs hearings, he announced that the committee had sensitive information implicating the Chinese Government for its efforts to involve itself illegally and improperly in American political campaigns.

Some people in the media and in the minority questioned whether Chairman THOMPSON could legitimately make that claim. His response could only be that it had been cleared with the FBI, of the Department of Justice, and the CIA. He could not go any further because information was classified and highly sensitive. So he was in effect defenseless, Mr. President, to further explain his position. But he had to rely upon people's reliance upon his statements.

Then comes this letter from the Justice Department casting doubt on Chairman THOMPSON's assertions saying, no, they had not cleared the content of his statement. That is the Department of Justice, that is supposed to be engaged in an independent investigation of these matters, clearly undercutting the chairman of the committee.

Mr. SANTORUM. When in fact the chairman has said—and I think it has come out since then, that the FBI and CIA in fact cleared that statement and in fact had made some changes, I think one change in one word, is my understanding, one change in one word to the statement that the chairman read, and that they cleared that statement, that this letter was in fact erroneous, that this letter was put forward by someone who I think you suggested probably had no knowledge of what was right or wrong.

Mr. KYL. If I could respond to that direct point by the Senator from Pennsylvania. You and I know, all our colleagues know, how long it takes to get a letter cleared downtown. It takes a long time. A legislative liaison cannot quickly get a letter out without a lot of higher-ups signing off on it. So I have no doubt in my mind that this was not a rogue act of an Assistant Secretary, but it had to have been approved at high levels of the Justice Department.

Mr. SANTORUM. Who knew otherwise, knew that the FBI—part of the

Justice Department—had cleared this statement, had signed off on that statement.

Mr. KYL. Precisely. And that is confirmed.

Mr. SANTORUM. What would be the possible reason why someone at a high level of the Justice Department would sign off on a letter which they know would be untrue to basically call into question Chairman THOMPSON's assertion that the Chinese had some plot to influence American elections?

Mr. KYL. To respond to the Senator from Pennsylvania, I am not going to attribute motives to anyone, but it did cast doubt on the claims of the chairman of the committee. Yet a couple of days later, both the ranking minority leader and Senator LIEBERMAN made the point they reviewed the FBI information and they agreed that Chairman THOMPSON's allegations were entirely supported.

Mr. SANTORUM. So in the end everyone agreed that the chairman's original statement was correct, and that really the sole voice of dissent was a Justice Department letter which was intended really just to muddy the waters and cast doubt.

Mr. KYL. Again, to conclude then, and to answer the Senator from Pennsylvania, I cannot ascribe a motive to anyone, but it seems mighty coincidental that at a very critical moment in the committee's deliberations and public hearings great doubt would be cast upon the chairman by the Justice Department of the United States, which is supposed to be conducting an independent, objective—

Mr. SANTORUM. And apolitical investigation.

Mr. KYL. And apolitical investigation. And that I say is the second reason why we believe at this time events warrant the Attorney General to request the appointment of an independent counsel to investigate these matters.

I thank the Senator from Pennsylvania.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 22, 1997, the federal debt stood at \$5,366,067,378,744.76. (Five trillion, three hundred sixty-six billion, sixty-seven million, three hundred seventy-eight thousand, seven hundred forty-four dollars and seventy-six cents)

One year ago, July 22, 1996, the federal debt stood at \$5,169,929,000,000. (Five trillion, one hundred sixty-nine billion, nine hundred twenty-nine million)

Five years ago, July 22, 1992, the federal debt stood at \$3,984,029,000,000. (Three trillion, nine hundred eighty-four billion, twenty-nine million)

Ten years ago, July 22, 1987, the federal debt stood at \$2,314,592,000,000. (Two trillion, three hundred fourteen billion, five hundred ninety-two million)

Fifteen years ago, July 22, 1982, the federal debt stood at \$1,085,930,000,000 (One trillion, eighty-five billion, nine hundred thirty million) which reflects a debt increase of more than \$4 trillion—\$4,280,137,378,744.76 (Four trillion, two hundred eighty billion, one hundred thirty-seven million, three hundred seventy-eight thousand, seven hundred forty-four dollars and seventy-six cents) during the past 15 years.

#### HONORING THE BEHRENS ON THEIR 60TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Brooks and Ray Behrens of Eldon, MO, who on August 3, 1997, will celebrate their 60th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Behrens' commitment to the principles and values of their marriage deserves to be saluted and recognized.

#### TRIBUTE TO DENISE BODE

Mr. NICKLES. Mr. President, the great success of our Nation is rooted in the labors of millions of Americans who work every day to make America a better place. I'd like to take a moment to recognize one such American—a fellow Oklahoman, Denise Bode, who has dedicated most of her adult life to making our Nation a better place through her work in the public and private sector. Soon she will begin a new chapter of service to the people of Oklahoma. For this reason, I am very proud to take this opportunity to recognize her contributions over the past several years.

Denise Bode became involved in Government right after she graduated from the University of Oklahoma, serving as an adviser to my former Senate colleague David Boren who was the Governor of Oklahoma. When David Boren was elected to the Senate, Denise became a member of his U.S. Senate staff and developed an expertise in energy and tax policies. Even though she was working full time, she somehow found time to take courses at night and earn both a law degree and a masters of law in taxation, and devote time to her son Sean as well as be a helpmate to her husband John Bode, who was an Assistant Secretary of Agriculture in the Reagan Administration.

For the past 6 years she has served as president of the Independent Petro-

leum Association of America, an organization founded in 1929 in Oklahoma and which today is the Nation's largest membership association representing America's oil and natural gas producers. She was the first and so far the only woman to head a major energy trade association.

All of us who have worked with Denise over the years in Washington, regardless of party affiliation, whether in the public or private sector, know her to be a tireless advocate for Oklahoma and always looking out for the best interest of our Nation. She is the type of person who will fight tirelessly for what she believes in. In the process, she has made a difference.

She returns to Oklahoma next month to serve, at the request of Governor Frank Keating, on the Oklahoma Corporation Commission, which oversees both the interest of the consumers in the State and key industries. Ask Denise why she's going back to her native State and she'll say it's because she wants to make a difference; she wants to make Oklahoma an even better place.

We in Washington often talk about devolution, giving more power and responsibility to the States. I certainly believe that is the proper course of action. Knowing that Denise and other extremely capable people are leading the way in the States gives me added confidence in this policy. And once again, Denise is going where her beliefs lead her.

I wish her well in this endeavor and feel very confident that she will give to this new position the same dedication and commitment she's given throughout her years of public service.

#### MARY FRANCES BURNS, 1909-1997

Mr. BURNS. Mr. President, on July 14, 1997 Mary Frances Burns died in Gallatin, MO. She was born there, a daughter of a farmer and stockman and a sister to four brothers and two sisters. She married Russell Burns in 1931 and they farmed just northwest of Gallatin all of their lives.

Mom was so typical of the farm women of the American prairies. She was wife, partner, mother, homemaker, field hand, and gardener. She could coach younger girls in 4H, teach a Sunday School class, attend a school board meeting, cook all three of the daily meals, keep an old gas powered Maytag wash machine going, and still have time to play an active role in Democratic Party politics.

She and her husband were married 61 years until dad died in 1992. They navigated this family through the droughts of the 1930's and the Great Depression. Yet through it all, she maintained a great sense of faith and humor. The times were hard in the Depression as anybody who lived in that era could attest. The actions and conversations of mom and dad were always of hope and optimism in the American dream, of the American system, and their dream of a better life.