

This Saturday, January 11, a 10-foot, 1,500-pound statue of Senator BYRD will be unveiled and formally dedicated in his honor in the West Virginia State Capitol. No other person in the history of the State has had such an honor bestowed upon him or her. The statue appropriately depicts Senator BYRD holding the Constitution and pointing to the section of the document that provides Congress with the power of the purse.

Of course, West Virginians are in the process of renaming the State after him. Every town you go into, it seems you can find something named after ROBERT C. BYRD. His name is prominently displayed on hospitals, university buildings, roads, and bridges throughout the State. There is the Robert C. Byrd High School in Harrison County, and the U.S. Senator Robert C. Byrd Center for Legislative Studies at Sheperd College, in beautiful Sheperdstown. There is the Robert C. Byrd Community Center in Pine Grove, the Robert C. Byrd Visitor Center in historic Harpers Ferry, and the much-needed Robert C. Byrd Cancer Research Center.

Last year, the Governor of West Virginia, Gaston Caperton, called Senator BYRD "West Virginia's most beloved son * * * truly a legend in his own time." Truly he is, Mr. President, and ROBERT C. BYRD has become a legend in the U.S. Senate, as well.

More than two-thirds of his 50 years of public service has been in this Chamber. The standards he has set here, the principles for which he has stood, the service he has rendered to this Chamber and every member in it, have all been in the best traditions of American government. For this reason, the "Almanac of American Politics" could write that ROBERT BYRD "may come closer to the kind of Senator the Founding Fathers had in mind than any other."

He is the Senate's foremost historian—"the custodian of the Senate's ideals and values," as Senator Nunn has called him.

He has held more leadership positions in the U.S. Senate than any other Senator in history, and he has cast more votes than any other Senator in history.

He was the first man in the history of the Senate to hold the job of Senate majority leader, lose it, and then gain it back again. "That fact," wrote Michael Barone, "tells us something about the determination, the combination of hard work and ambition which have propelled this coal miner's son to the top ranks of the American Congress."

I love that description, so I want to repeat it: "the combination of hard work and ambition which have propelled this coal miner's son to the top ranks of the American Congress." This is a remarkable statement about a remarkable man. An orphan boy who was raised by a coal miner in the hills of West Virginia, who once pumped gas at

a filling station and worked as a produce salesman to make a living, who worked as a meat cutter and a welder in the shipyards of Baltimore and Tampa in order to feed his family, has risen to and succeeded at the very top of our government.

His life, in the words of President Clinton, is a "testament to the idea that public discourse and public life can be a thing of very high honor."

One of Senator BYRD's favorite quotes is Horace Greeley's observance that:

Fame is a vapor;
Popularity an accident;
Riches take wing;
Those who cheer today may curse tomorrow;
Only one thing endures: character.

Mr. President, as Senate Democratic Leader, I salute the enduring character of ROBERT C. BYRD while I congratulate him for 50 years of outstanding public service. And I thank the people of West Virginia for their wisdom in keeping him here with us.

Mr. President, I now yield the floor.
Mrs. HUTCHISON. 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.

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

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

PROTESTS IN BELGRADE

Mrs. HUTCHISON. Mr. President, I think it is important today as we see a transference of power in Congress after duly-held elections that we pause to support the people who are standing, as we speak, in a frozen public square in Serbia, who are trying to have the same rights that we enjoy today in America. I think we must stand with the people of Serbia who have for 8 weeks been standing in the freezing cold to demand the results of their recent elections be implemented.

Mr. President, the world watches in awe at the display of popular sovereignty in the former Yugoslavian Republic of Serbia. In 8 weeks it has built from a few thousand to over 400,000 people who have risen up in peaceful opposition to the regime of Slobodan Milosevic on whom the Clinton administration has pinned part of its hopes in the Balkans.

We cannot help but admire the courage, the bravery, the commitment of the young people and the young at heart who are standing up for democracy. They are trying to bring about change through moral suasion and the strength of their convictions. As they do that, they remind the world that all governments everywhere borrow power from the people they serve, and the people can take that power back when they determine that they must.

We have had many debates on this floor regarding the future in that most

unfortunate part of the world. Today, we have tens of thousands of Americans on the ground in and around Bosnia to try to keep a tenuous peace, to keep the military factions apart that only recently were at war.

We are in Bosnia at great cost. Our Balkans policy is confused. We have spent \$5 billion and the meter is still running. Our troops will be on the ground for at least another year. At the same time, in neighboring Serbia, we are seeing the best example of peaceful self-determination. The people of Serbia are united on the principle of fair and democratic elections. The Milosevic regime is hanging on to an Old World order that will not remain. It will not remain because of the strength of the people.

The United States should not stand idly by. The administration needed President Milosevic to reach the peace agreement in Dayton. So there has been a tendency to turn a blind eye to his faults, his protection of war criminals, his antidemocratic actions. But it is clear the people of Serbia are rising up and they are saying, "No more." Because the administration helped create this situation in the Balkans, I think we have a special responsibility to exercise our influence on President Milosevic to honor the will of the Serbian people.

Last month, representatives from the Organization for Security and Cooperation in Europe were invited to Serbia to investigate the election crisis. They attempted in vain to persuade President Milosevic to accept the municipal election results in 14 of 19 of Serbia's largest cities.

The people are protesting to send a clear message that their votes matter and that no regime has the right to nullify the will of the people, from whom all governments borrow power.

Mr. President, we pray that President Milosevic will accept the will of his people. We pray that this crisis will be resolved peacefully, and we pray that democracy will triumph in Serbia.

Mr. President, I am urging President Clinton today to speak out with a clear, strong voice that the United States stands behind the Serbian people and that the results of the free elections that were held should be implemented. It is time for the peaceful demonstrators in Belgrade, in their fight for a self-determined nation and freedom, to prevail. I urge the President to use his influence with President Milosevic to stand down and let the results of those elections go forward.

Mr. President, we are beginning a new session of Congress. We had elections, and now we are implementing the will of the people. It has been thus for over 200 years in this country. Maybe some of us take that right for granted—the right to vote and the right to know that our vote will be counted fairly.

Mr. President, it is the time for Americans to ask everyone in the

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

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

LOUISIANA CONTESTED ELECTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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