give approximately 700 acres of their land to enlarge the wilderness for access through 7 miles of wilderness. This is being objected to by the Department of Interior and by many of the environmental community.

I hope, as we return from our recess, we can reflect on the human merits, so we do not have to address additional obituaries of people who died because of their inability to get medical care and have simple access that every American enjoys with the exception of people in the village of King Cove, AK.

Mr. President, let me take this opportunity to wish you a very pleasant recess, and the other officials who are here in the Senate Chamber.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

SELF-DETERMINATION FOR PUERTO RICO

Mr. MURKOWSKI. Mr. President, I would like to advise my colleagues that today, as Chairman of the Energy and Natural Resources Committee, I submitted to both the Democratic and Republican members of that committee, a chairman's mark specifically on the issue of self-determination for Puerto Rico. It is certainly a responsibility of my committee to provide and address the eventual disposition of the status of the American citizens in Puerto Rico, and the purpose of the draft is to provide them with an opportunity to express their dispositions on future political aspirations of the choice among commonwealth, independence, or statehood.

Also, I advise my colleagues, this is the centennial anniversary of Puerto Rico under U.S. sovereignty—100 years that Puerto Rico has been under the U.S. flag. The people of Puerto Rico, as U.S. citizens, have been in a process of transcending to something that would focus in on certainty. There is a growing effort to try to bring some finality to the disposition of the status of Puerto Rican Americans because they do not participate as other U.S. citizens in the election of representation in the House and Senate. As a consequence, many of them are looking towards a definitive alternative.

We have had hearings. We have listened to individuals from all sides of the debate. We have reviewed all testimony. We have had input from three political parties, certainly, as well as the Governor. I have directed the chairman's mark in the hopes that it will provide a brief, accurate and neutral definition of the status of the options. The mark is drafted to advance the process of self-determination for our fellow citizens of Puerto Rico. It is strictly advisory in its legislation. It does not mandate introduction of future legislation. It does not require any fast track.

I grew up living in a territory—my State of Alaska. We had taxation without representation. Many people in the State of Alaska, filing their income tax returns, used to write in red, ''filed in protest.'' It made them feel a little better. It didn't do any good. But the point is these people living in Puerto Rico are entitled to certainty, and it is an obligation of the Congress to address a final resolution.

I think our committee has a moral and constitutional responsibility to address the situation in Puerto Rico, but we don't want to get involved in the politics of Puerto Rico. That is not our business. I know the Governor intends to call a plebiscite this December. He may or may not choose to use the definitions that we provide him. Whether or not the Senate acts is another story. We have a short time left, but in my view this is an ongoing effort of the committee, a systematic progression. The definitions we have come up with and the structure in the previous bills, either the House bill or the Senate bill, have not been as neutral as we would have liked and would have involved, I think, more activity in local politics. We have attempted to be more objective.

It is my hope the measure that eventually comes out of our committee will provide the Governor language that is accurate and neutral. The draft chairman's mark clarifies citizenship under each option. That was very important, in our conversations with all groups. The classification and clarification of citizenship was very important. Under commonwealth, citizenship provided by statute will continue to do so. Under separate sovereignty, citizenship would end. Under Statehood, citizenship is, of course, provided under the Constitution, so there is no question about that.

Finally, I want to make it clear so long as Puerto Rico remains under U.S. sovereignty its residents, of course, will be U.S. citizens. If Puerto Rico wants separate sovereignty then, of course, U.S. citizenship would end.

I provided members of the Energy Committee a copy of this mark for their review over the recess. After receiving members' comments, members of the committee, again, will discuss this matter in September.

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

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

THE PRESIDENT'S OATH OF OFFICE

Mr. ASHCROFT. Mr. President, the oath of office taken by the President of the United States is majestic and simple; as a matter of fact, it is eloquent. The President simply swears that he will faithfully execute the office, the highest office of the land, and that he will preserve, protect and defend the United States Constitution.

In its enumeration of his duties, the Constitution of the United States directs that the President ''take care that the Laws be faithfully executed.'' So the President is directed by the Constitution to ''take care that the Laws be faithfully executed.'' The core values of American self-government are concentrated in the Presidency.

Do we expect the President of the United States to be a patriot? Of course. Not only do we expect that from the structure of our government, we have grown to expect it because that has been established as a precedent by President after President after President.

Do we expect the President to love freedom? To serve the people rather than to serve himself? To act with respect for the rule of law? To uphold the idea in America that there are no kings, that the highest rank in this culture is the rank of citizen? To put the institution of the Presidency above his own personal interests? I think it is fair to say that all of us would respond to those inquiries with a resounding ''Yes.'' We do expect that. We have high expectations.

Do we expect the President to be truthful? Yes. To keep his solemn oath of office? Yes. Certainly. These are qualities—the love of country, the commitment to public service, the obedience and supremacy of the law—that we expect in the behavior of the President. He or she is to be a national model for honesty, integrity, and respect for the law.

It has been shocking to me that defenders of President Clinton have begun to suggest, however, that such is not the case, that our aspirations are without foundation, that somehow we are dreaming an impossible dream to think that the President would be a model. Indeed, we are told he is not even responsible for telling us the truth. Some of his defenders have begun to suggest that lying under oath can be acceptable conduct in a President or that the President is generally above the law and that the President would not need to honor, for instance, a lawful subpoena to a grand jury—the idea that somehow the President's power is so substantial that the President would not have to respond in the event that he were called.

Jack Quinn, former White House counsel and a friend of many in this Chamber, argues in the pages of the Wall Street Journal that the President simply is not the subject of law in the same way as other citizens in an article entitled ''Clinton Can Avoid the

Starr Chamber.'' He argues that the President does not have to comply with a grand jury subpoena.

As new evidence comes to light, all the President's men work to keep America in the dark. And I believe that is wrong. I believe the concept of self-government carries with it an implicit need of citizens to know what is happening in government, what the circumstances are, what the conditions are. And certainly if a person is called upon by a part of our Government to provide truthful testimony, the failure to do so is a very serious offense.

I believe that perjury is unacceptable conduct and that it is an impeachable offense. How can it be otherwise? It is not possible to—and I am quoting the Constitution—''take care that the Laws be faithfully executed'' while deliberately slighting the law against perjury. It is that simple.

I, for one, am fascinated by the prevailing conventional wisdom that Presidential perjury would be harmless error, while suborning perjury or obstructing justice would be much worse and an impeachable offense.

The suggestion is shocking—that somehow it is OK for the President to lie but it would not be OK for him to tell someone else to lie, that the act itself would be OK and permissible, but telling someone else to do it would be an infraction. That is an utterly false dichotomy.

Since when is it worse to try to get someone else to lie than to tell a lie yourself? Is it worse to try to convince someone else to steal than to steal yourself? Is it worse to convince someone else to cheat on their taxes than to cheat on your own taxes?

Being under oath and lying under oath or convincing someone else to tell a lie under oath is criminal in either case and irreconcilable with the President's constitutional oath to take care that the laws of the land be respected, honored, and enforced.

Terrible events appear to be engulfing the Clinton Presidency. The investigation of the President raises fundamental questions about the standards we should expect from a Chief Executive of the United States. If the House of Representatives begins an impeachment inquiry, the momentous machinery of the Constitution will raise the issue of Presidential conduct and misconduct to their highest levels.

Because the prospect of Presidential impeachment seldom troubles this blessed Nation—and we can be grateful for that—there are fundamental questions about the President's standing under the law that have never been answered definitively.

If we had impeachment processes going on every month, month by month, year by year, in virtually every Presidency, we would have a great body of law that told us exactly how things are to be done in this situation. That is how the rules of behavior in the legal system are developed, through precedent and experience. But we really do not have major impeachment experience.

As a matter of fact, there has been one President who has undergone that kind of inquiry in the Senate, and that was well over 100 years ago. Moreover, in more recent times, when this body has considered impeachments for a variety of other, lesser officials, we have not conducted full-scale impeachment proceedings. So there are lots of issues that surround the potential of illegal activity by a President that have not been answered; some probably have not even been asked.

It is time to clarify these issues, I believe, before the House addresses the momentous decision of whether to open a formal inquiry. I think the questions need to be answered, and I believe that we can begin this important discussion about the President's obligations to comply with the normal criminal process.

I think we can begin to develop an understanding of how this should be conducted by holding hearings over the recess in the Constitution Subcommittee of the Senate Judiciary Committee. I believe we can invite scholars in to answer questions about whether the President is subject to prosecution; whether, indeed, the President is responsible for appearing before a grand jury in response to a subpoena; what level of conduct the President must compare to; what standard can he be measured by; in the absence of measuring up, are there things that can, should, or ought to be done?

I might point out that very shortly we will be called to reevaluate the independent counsel statute which provides a basis for individuals being investigated when the normal investigatory process would be replete with conflicts of interest.

I noted with interest that the assistant majority leader was on the floor here in the Senate Chamber earlier today talking about the fact that the Attorney General has been implored by the Director of the FBI to appoint an independent counsel to look into, investigate, and prosecute possible violations of the criminal laws regarding political contributions. Not only has she been asked to do that by the Director of the FBI, she has been asked to do that by the person she appointed in the Justice Department to look into the matter. His recommendation to her is, according to the reports is, that she ought to appoint an independent counsel, yet she has refused. I noted that the assistant majority leader indicated that her refusal and her continued refusal would become the basis for her resignation, in his view.

I think all of these serious questions about the accountability of high-ranking executive branch officials beg resolution and they demand discussion. It is important that we resolve them and begin to have a full awareness of these potentials as we move toward the responsibility of reauthorizing or otherwise adjusting or dealing with the concept of the independent counsel's office in the independent counsel statute.

Perhaps there is a single open question that is more demanding than any other of the open questions, and is certainly more relevant now, it appears, more than at any other time in history: whether a sitting President is subject to the regular compulsory criminal process.

I think, as I indicated, former White House counsel Quinn's article in the Wall Street Journal says no. When we mean regular criminal process, we have to say up to and including prosecution. So the question becomes, Can a sitting President be prosecuted if he violates the law, or is the sitting President above the law? Or is the only remedy to remove him from office through the impeachment process, and then would he be liable for prosecution or is he liable for prosecution if the Congress decides to sit on its hands?

You can imagine a situation in which a President was favored by a group of individuals in the Congress who simply didn't want to get involved or were allies of the President politically who said, ''No, there are a sufficient number of us to stop an impeachment procedure, so we won't allow it to happen.'' If the President were to persist in criminal behavior, it seems to me, there is a question in that setting about whether there is any remedy. Would a President be subject to prosecution if the House turned its back on obvious—obvious—criminal infractions, simply saying, ''We don't want any part of an impeachment proceeding?''

There is a pretty high level of political discussion now that says, even in the President's opposition party, that says the Republicans might not want this President to leave office to give his Vice President a jump-start on the next election. That is something that I don't buy. I don't believe in that. I believe that if there has been a serious infraction that merits impeachment, the inquiry must take place. Even if it is on the last day and the last 20 seconds of the Presidential term—Americans ought to do what is right. But there is a lot of discussion in the culture now that even an opposition party might not want to remove a particular official. So if there isn't any other remedy, does that mean that a person is free to violate the law? I think these are important questions.

The question, then, is whether a sitting President is subject to the regular compulsory criminal process—up to and including prosecution—or whether impeachment is the only avenue available for addressing Presidential wrongdoing?

It is a serious question. It is a question that has been commented on by a number of individuals hypothetically in the past. In commenting on the options available to address Presidential crimes, many people seem to proceed on the assumption that the impeachment process is the exclusive avenue

for addressing Presidential misconduct. Judge Bork reached this conclusion many years ago when the Justice Department considered the options for prosecuting Vice President Agnew. But Judge Bork's view is hardly the unanimous view of legal scholars.

For example, Professor Gary McDowell has argued that the independent counsel does have the capacity to indict a sitting President. In the Wall Street Journal of March 9, 1998, Professor McDowell, who is a director of the Institute of the United States Studies at the University of London, says yes, in a rather well-written piece, yes, you can indict the President. Jack Quinn says, ''Clinton can avoid the Starr Chamber,'' basically saying you can't.

Perhaps the most well-known constitutional scholar in America with whom I sometimes agree and with whom I often disagree is Professor Larry Tribe. Now, Lawrence Tribe, in his ''American Constitutional Law'' text, admits that the question must be regarded as an open one, saying that, with respect to whether or not you can proceed against a President in a criminal proceeding, ''the question must be regarded as an open one, but the burden should be on those who insist that a President is immune from criminal trial prior to impeachment and removal from office.''

Interesting. That is one of the most noted constitutional legal scholars in the United States saying that while he thinks the question is an open one, that those who want to say that there is immunity here have the real burden of making the case.

This is a constitutional question of the highest order. The answer provides insights into whether the President is subject to the criminal laws applicable to the citizenry of America. The answer also informs whether a popular President—or a President whose party has a secure congressional majority or a President whose value to other individuals in office would make them reluctant to involve themselves in impeachment proceedings—could ever be held accountable for violations of the law.

Perhaps early in a term a President is alleged to have done something, does the statute of limitations run, and if it runs before the term is over and the Congress decides to turn its head, does that mean there is absolutely no requirement that the President adhere to the law, respond to the law, be involved and uphold the law in the same way as other citizens are?

I think these questions are very serious questions, and they are questions that demand resolution. I think an inquiry is important to begin the process of resolving these questions.

There are also important subsidiary questions about whether the President is subject to a criminal process that should be examined. On August 17, the Nation will witness the spectacle of a sitting President providing grand jury testimony.

He is going to do it pursuant to a negotiated agreement. The President will appear, but he is going to be available for questions for a single day and will have the benefit of legal counsel. By doing so, by agreeing, he has deferred a legal resolution of these issues. I am, frankly, happy that the President has decided, at least in this measure, to make himself available. This negotiated agreement for the President to appear for a single day has deferred a confrontation over the ultimate constitutional question of whether a sitting President must comply with a grand jury subpoena. But this question may not go away.

In the event that a single day proves insufficient, for example, to resolve all the questions that Judge Starr has for the President, this unresolved question could resurface.

The importance of this question also goes beyond the context of this particular dispute over alleged Presidential perjury, or a series of other alleged Presidential acts relating to perjury and obstruction of justice. I have here an opinion piece by one of President Clinton's former White House counsels, Jack Quinn—to which I have referred already—in which Mr. Quinn argues that the President is not obligated to comply with the ordinary criminal process and is free to ignore a grand jury subpoena—to simply say: I don't participate in enforcing the law. If I have information about a crime that might have been committed, or evidence about it, I don't have to do that, I am the President.

That is a sweeping proposition, and I think it is one that the Congress should examine, particularly as we move toward the possible reauthorization of the Independent Counsel Act. I plan to bring in a number of constitutional scholars to address these critical issues and these yet unanswered questions.

Frankly, I do not mean to prejudge these issues. However, they are too important to leave unexamined. The answers to these questions may well inform the progress of Judge Starr's investigation and shape the difficult question of what the House should do if a report from Judge Starr does not arrive until the eve of adjournment.

The events of the past 6 months have raised many novel questions about the scope of the powers and privileges of the President. These are important questions and they are not easy to resolve. And in our system of separated powers, the answers to these questions also determine the scope and the power of Congress, and they will also determine, in some measure, the scope and the power of protection offered to the people. The answers will determine whether the people deserve to be protected by virtue of prosecuting those who offend the law even if Congress chooses not to be involved in proceedings which it had the opportunity to pursue, like impeachment. Congress cannot be a mere bystander in these debates. Congress has an important responsibility to use its investigatory functions to shed light on these important and unresolved questions. It is time for Congress to stop looking at the polls and to start looking at the Constitution.

I hope these hearings will provide important insights into the extent to which the President must comply with criminal process. I believe every other American has the responsibility to comply, and it is a serious question to determine whether or not the President has the responsibility of being a citizen, as well as being the President. So I look forward to sharing this discussion with other members of the Constitution Subcommittee and to chairing these hearings to help clarify these issues at a time when we need this clarity, either in reformulating our view on the independent counsel statute, or as it relates to events that are unfolding at the other end of Pennsylvania Avenue. I believe that a discussion of these issues will advance our capacity to understand the appropriate balance that is necessary for the maintenance of freedom and the responsibilities that come with the privileges that we enjoy as free people.

I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota, Mr. GRAMS, is recognized.

Mr. GRAMS. Mr. President, I ask unanimous consent to be able to speak for as much time as I may consume.

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

THE CRISIS IN SUDAN

Mr. GRAMS. Mr. President, as an original cosponsor of the sense-of-the-Senate on providing humanitarian relief to the Sudan, I believe it is important that we focus on the tragedy that is unfolding before our eyes. The people of southern Sudan are starving. Khartoum is using the denial of food as a weapon in its war against the rebels in the south—and we are letting the government of Sudan get away with this odious practice by allowing Khartoum to have a veto over aid deliveries.

Sudan has been torn by a devastating civil war between the Muslim north and the predominantly Christian and animist south for most of history since independence. The current phase of the war started in 1983 when the then-President embarked on an Islamization program. Recurring famine is just one of the tragic outcomes of Khartoum's brutal method of warfare where women, children, and livestock are taken as prizes of war. It has also resulted in institutionalized slavery, more than 4 million internally displaced people, and more than 1.5 million casualties in the past 14 years.

Our State Department lists Sudan as a terrorist state. We have sanctions on Sudan which prohibit American investment. But we respect the right of the