The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FAILURE OF ATTORNEY GENERAL TO APPOINT AN INDEPENDENT COUNSEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana (Mr. BURTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Mr. Speaker, for over 2 years now, despite overwhelming evidence, the Attorney General of the United States has refused to follow the law and the recommendations of her FBI director and the chief campaign finance prosecutor to appoint an independent counsel in the campaign finance scandal. She has politicized the office over which she has control, the Justice Department of the United States. Reports about disarray in this investigation at the Justice Department abound.

After 2 years of this investigation, key players such as John Huang and James and Mochtar Riady, close friends of the President, have not been brought anywhere near to justice. White House and DNC officials are almost entirely off of the hook.

The Attorney General and her political advisors have inherent conflicts in making a decision about an investigation involving their boss, the President, and his closest friends. These conflicts are obvious to everyone but the Attorney General and the political appointees by the President made by the President at the Justice Department.

Last December, last December, we learned that FBI director Louie Freeh had recommended an independent counsel for the campaign finance investigation. He wrote that there could not be a more compelling case, there could not be a more compelling case for an independent counsel.

The Attorney General ignored his compelling and sound advice. Then the investigation continued to limp along with the Attorney General failing to focus on any of the key White House and DNC officials or even John Huang, the individual who solicited millions in illegal foreign money after being personally placed at the DNC, the Democratic National Committee, by Bill Clinton.

In fact, the core of the investigation should be focused on all of the foreign money that flowed into the DNC conference from around the world. Illegal campaign contributions from Macao, China, Taiwan, Egypt, Indonesia, and South America.

Yet the numerous 90-day reviews continually ignore this big picture and focus on isolated matters such as the Vice President's phone calls. We clearly had cause for concern even before the LaBella memo became known to the public.

The Attorney General before our committee said that, within 30 days, she would make a decision on an independent counsel. The 30 days have long past, even though our committee passed a contempt of Congress citation against the Attorney General. Thirty days have long since past. She has not appointed an independent counsel. Instead, she has extended by 90 days investigations into Mr. Ickes and the Vice President.

In July of this year, we learned that the chief prosecutor, Mr. Charles LaBella, who was appointed by the Attorney General, also recommended an independent counsel. He provided the Attorney General with a detailed 94-page memo outlining the specific information he had compiled which he informed her mandated by law, mandated the appointment of an independent counsel under the law. Again, the Attorney General ignored his advice. This is the man she personally appointed to head the investigation.

At that point, in late July, the Committee on Government Reform and Oversight subpoenaed both the Freeh and LaBella memoranda in order to fully access the sound legal arguments which the Attorney General was rejecting. The Attorney General refused to provide the memos to the Congress. She refused to provide any legal rationale for her refusal.

On August 6, 1998, the committee held the Attorney General in contempt of Congress for failure to comply with a valid congressional subpoena. The committee still has not received the memos.

Earlier this month, we did have an opportunity to read through a redacted copy. That is where they cross out anything that is related to the Grand Jury investigation. We were able to read through a redacted version of the memorandum and meet with the Attorney General about this important document.

The Attorney General's claims that this redacted version of the LaBella memo would provide a road map to the investigation is simply not true. I read it. There is nothing of a road map to anything in there except the decisions made by the Attorney General which appear to be protecting the President and the Vice President of the United States.

I will not go into the content of the LaBella memo. The memo does confirm, as I said, our worst fears, that the Attorney General of the United States, the one who is supposed to be the chief administrator of justice in this country, is clearly applying a different standard of law enforcement when it comes to the President and the Vice President than she does to any other American citizen. There is truly a dual standard, one for everybody except the President and the Vice President of the United States.

The Attorney General has taken what is obviously the White House position that the President is above the law in a way that no other citizen in this country can expect. There is something extremely wrong with the way that the Reno Justice Department dispenses justice, if you want to call it that. It is unseemly to have an Attorney General putting partisan interest above justice.

As the New York Times observed last December, ''Every decision she has made and comment she has offered has minimized the offenses and excused the conduct of the White House and the Democratic Party. The person who is supposed to be the Nation's chief prosecutor, ever alert for the signs of infraction, sounds instead like a technicality hunting defense lawyer.'' This is a quote right out of the New York Times.

Indeed, when we met with the Attorney General regarding the LaBella memorandum, she exhibited this defense lawyer type of mentality or behavior. She refused to allow Mr. LaBella to explain his memo. And even though the public integrity chief Lee Radek, whose illogical views she has adopted as her own, was present at the meeting, the Attorney General refused to allow these individuals to speak for themselves and would not let them describe their reasons why they took the positions that they did.

I mean they were both sitting right there. I asked Mr. LaBella questions, and I asked Mr. Radek questions, and the Attorney General would not let them answer for themselves.

Mr. Radek, it should be noted, told the New York Times that he considers the independent counsel statute an insult and a knife in the back to top Justice Department officials. It is clear that Mr. Radek will continue to recommend that the Attorney General not follow a law which he does not like. What is amazing is that the Attorney General believes she can pick and choose what laws she wants to follow, even though the Congress of the United States has passed it.

Janet Reno did not always hold this position. When she first became Attorney General, she testified to the following regarding the independent counsel statute, and I quote the Attorney General directly: ''The reason that I support the concept of an independent counsel is that there is an inherent conflict whenever senior Executive Branch officials are to be investigated by the Department of Justice and its appointed head.'' The Attorney General.

The Attorney General serves at the pleasure of the President, so she is convicted by her own statement. There should be an independent counsel without any political influence being exerted on them whatsoever to investigate the President and Vice President.

It has been stated by the FBI director Louis Freeh; the chief investigator of this whole scandal, Mr. LaBella; Mr. DeSarno, the head of the FBI task force investigating it; and her own words. Yet, she still will not appoint an independent counsel.

Certainly the President has to be pleased with the Attorney General's failure to follow the recommendations of the FBI director and the chief prosecutor to appoint an independent counsel to investigate the President's conduct in campaign finance and fundraising.

This refusal places Janet Reno as the first Attorney General since President Nixon's Attorney General John Mitchell to investigate the President who appointed her. Every Attorney General since John Mitchell has turned over such political investigations to someone outside of the Justice Department if for no other reason than to eliminate the appearance of impropriety.

Quite simply, the Attorney General is derelict in her duties to enforce the laws equally. She is giving the President special dispensations that no other citizen could hope to enjoy.

The recent 90-day reviews are merely a smoke screen to avoid following the advice she has been given for 2 years to appoint an independent counsel for the entire campaign finance matter. It is just another delaying tactic to get us past the election.

It is the people in the public integrity section of the Justice Department who has so strongly opposed an independent counsel and have fought the appointment of one from the beginning of the campaign finance scandal and who are conducting these so-called 90-day reviews.

All these latest 90-day reviews accomplish is to push these decisions past the November elections into next January, another partisan act which demonstrates that the Attorney General continues to protect the President time and again during this investigation.

The American people have a right to know that the Attorney General is not following the law. The FBI director and the chief prosecutor in this investigation have said as much in their memos to her concluding that an independent counsel is necessary under the mandatory section of the independent counsel statute.

But it is not only their view. It is not only their view. Listen to others who have recognized the attorney as wrong in her interpretation of the law in this matter. Senator DANIEL PATRICK MOYNIHAN, a Democrat in the other body said recently, ''Two years ago, we should have had an independent counsel to inquire into the Chinese attack on our political system through political contributions in the 1996 campaign. How she,'' the Attorney General of the United States, Janet Reno, ''cannot have done that, I do not know.'' That is a condemnation from the President's own party of the Attorney General.

A person who is not generally a friend of mine and one who disagrees with me quite frequently, columnist Al Hunt, not someone that I usually quote either, said, ''The Attorney General is getting terrible advice from Lee Radek from the public integrity section over there at Justice who despises independent counsels.''

But Charles LaBella's position here is even more compelling than FBI Director Louie Freeh who came to the same conclusion earlier, about 8 months earlier. If Janet Reno does not name an independent counsel, her credibility as Attorney General is destroyed.

This is from a fellow who normally is very supportive of the administration. Janet Reno's former deputy observed last year, and this is her deputy, ''I served in seven administrations,'' he said ''and I have never seen the Justice Department so dominated in the policy realm by the White House. An Attorney General who is dominated by the White House in protecting the President does a disservice to the justice system.''

Our committee continues to seek these memos because of the need to inform the American people of the threats to our judicial system by an administration which thinks that it is above the law. No one in this country should be above the law. The law as was said earlier by one of my colleagues from Texas should be administered equally, whether it is the lowest person in the United States or the person occupying the highest office, the President of the United States. The law should be applied equally.

Unfortunately, this politicized Justice Department has one standard for everybody except the President and Vice President; and that is not only unseemly, I believe it is unlawful.

Mr. Speaker, I am happy to yield first to my colleague, the gentleman from California (Mr. HORN), a valued member of our committee.

Mr. HORN. Mr. Speaker, I thank the chairman for reviewing this matter and bringing it up. I think all of us have sat through the hours of testimony of Mr. Freeh and Mr. LaBella. We are really shocked by the treatment of two great public servants who had the courage to put their words in writing to advise the Attorney General. They wanted to go over their memoranda with her, but the letters just sat there. Until recently, they never had an opportunity to go over their memoranda with her.

One of our Members [Mr. SOUDER] asked Mr. LaBella how much new information he had in his memo. Since we could not see the memos, that was the whole issue—what information was still hidden—and that was why a majority voted for contempt, which was agreed in the committee. LaBella replied that the public and we probably only know 1 percent of what was in that memo.

Now that is shocking. That means the American people, elected legislators, and the Committee on Government Reform and Oversight have been blocked from knowing 99 percent of what is behind the tremendous misuse of the law and of the basic campaign finance laws in the 1996 presidential campaign.

Denying us information and truth had been the typical pattern within the administration but it was the first time I had seen the Attorney General engage in that behavior. Such has been the typical pattern since 1993. For those of us who investigated Travelgate, and Filegate, in Government Reform and Oversight and those who investigated Whitewater on Banking and Financial Services were used to the attitude: The attitude was ''Don't tell them a thing.''

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''Stiff them,'' was the word. And that they did and they were very successful.

When we were in the minority in 1993, 1994, Chairman Bill Clinger of this committee, the predecessor to the gentleman from Indiana (Mr. BURTON) had an instinct, and he was absolutely right, on that White House travel office. Of course, the administration made a major mistake when it picked on that office. The media knew that the Travel staff were good efficient and effective people. They had arranged their trips. Some of the employees were hired during the Kennedy administration.

But the idea was when we sent information requests to the White House or a department, they just never replied. And yet the law authorizes the minority on our committee, when seven or eight sign such a request, the executive branch is supposed to provide the answers.

Mr. Speaker, what the gentleman has described tonight is a very sad commentary. I have had very great respect for the Attorney General. I knew of her before she came to Washington. She has done a lot of good things. But this situation has simply been mishandled from the beginning. The Director of the FBI is a former judge, and Mr. LaBella, one of the best prosecutors in the United States, who headed the campaign task force within the Department of Justice. Both are men of integrity. In fact, Mr. LaBella certainly had the confidence of the Attorney General. She was moving him to San Diego to be United States Attorney. That seems to be off now.

But when Mr. LaBella appeared before us, as did Mr. Freeh, they were speaking from the heart. They were very careful as to what they said. But let me just note another President, or

both Presidents, we can talk about President Clinton's views on the independent counsel statute and this is what he said on June 30, 1994:

Regrettably, this statute was permitted to lapse when its reauthorization became mired in a partisan dispute in the Congress. Opponents called it a tool of partisan attack against Republican Presidents and a waste of taxpayer funds. It was neither. In fact, the Independent Counsel statute has been in the past and is today a force for Government integrity and public confidence.''

The President was right when he said that. Whether they were Republicans criticizing reauthorization or Democrats, the fact is we reauthorized it. And we reauthorized it for a very good reason. No matter how able and honest one is, there might well be a conflict of interest in actuality and a conflict of interest in perception. That is why Congress reauthorized the statute.

The reason that is important is that when one is an appointee of the President of the United States, as the Attorney General is an appointee, confirmed by the Senate, the fact is she is investigating the boss. That is not a very credible situation. That is why Congress enacted the independent counsel statute. That act was approved by the President. And the President was right when he signed it. He probably does not have too much respect for it now, in the sense that there are a number of independent counsels who have sent some people to jail. Others have been fined. These independent counsels have generally been uncovering the corruption that has occurred in various parts of the executive branch.

In his testimony before us FBI Director Freeh noted that the appointment of an independent counsel was based on both sections of the law. There is a mandatory section and there is a discretionary section. The first basis for his recommendation was the mandatory section: that an independent counsel must be appointed when there is specific information from a credible source that the President, Vice President, or other high-ranking officials may have violated a Federal criminal law.

The second basis for his recommendation was the discretionary or conflict of interest section. This is what I have been discussing. The Attorney General may appoint an independent counsel when she determines that having the Justice Department investigate the matter might result in a personal, financial, or political conflict of interest.

Let me cite the views of another President, a President for whom I have great respect. He has showed in retirement many fine qualities and he is a highly ethical man. That is former President Jimmy Carter, who said October 20, 1997, [The campaign fund-raising scandal is] ''the most embarrassing and debilitating thing I have ever seen evolve in the political structure in our country.'' [An independent counsel could] ''diffuse this big issue . . . get it out of the front pages and get out of these everyday new, minor revelations that are having such a devastating effect.''

Now, it is still alive and we still do not know the truth in it. The Thompson Committee on Governmental Affairs in the Senate dealt with this. We dealt with it in the House. And the witnesses who would come before us just stared at us and when we asked them: ''Did you do this? Did you know this?'' They would answer ''Who me?'' Or, ''Gee, I don't know. I don't recollect what that was.''

Mr. Speaker, the gentleman from Indiana (Mr. BURTON) might bring us up to date on the number of witnesses we have sought and the number who have taken the Fifth Amendment, which is their right under the Constitution to not incriminate themselves, and how many have fled the country. Last fall when we held some of these hearings, it was 65. I believe it is over 100 now. Is that correct?

Mr. BURTON of Indiana. It is now 116 people have taken the Fifth Amendment or fled the country, 116.

Mr. HORN. Think of it. Mr. Speaker, 116 people took the Fifth Amendment and/or fled the country. Some of these were American citizens. Some of these were not. But the fact is, Congress has been denied getting the facts. When the administration has the facts, they are not giving them to us. That is why these two memos written by two men of very high integrity are important for this body to review and the Committee on Government Reform and Oversight to review in particular.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from California. And I am happy to yield to the gentleman from Virginia (Mr. DAVIS), my colleague and another valued member of the committee.

Mr. DAVIS of Virginia. Mr. Speaker, these are difficult times for this country and I think that political leaders of all stripes should take pains to step above partisanship and move into the realms where the facts can be judged by the American people and the proper investigative authorities.

What concerns me the most in this particular case is that we have really the two only nonpolitical figures that have looked at this, Mr. LaBella, who is the head of their campaign task force, a professional, and Louis Freeh, the President's appointee as head of the FBI, who have taken a look at this objectively and both came to the irrevocable conclusion that the mandatory parts of the statute that would trigger an independent counsel have been met, and that the only option that the Attorney General had would be to appoint an independent counsel.

We are frustrated here at the congressional level trying to get all the facts. The Thompson committee was frustrated in the Senate. But 116 witnesses who have fled the country or taken the fifth amendment, and we do not have the means to go out after them. The Justice Department, in many cases, would. They would be able to grant immunity and be able to reach out. But they have so far been unable or willing to do that in an appropriate fashion. That is of concern to me.

The most important thing I noted when Mr. LaBella and Mr. Freeh came before our committee, both of them were careful to guard the Attorney General's prerogatives. I think in that way they were good servants and good underlings, taking their appropriate place before the committee and recognizing the hierarchy they had to report to.

But these memos have been examined for days by Justice Department officials and neither one of these have been called in at this point to give their point of view. Instead, the Attorney General had called upon the politicians, the political appointees to come in try to poke holes in their argument. It looks almost as if they were looking at a way they would not to have appoint an independent counsel. They could stiff Congress and this thing would go away.

Mr. Speaker, I think it is very clear now with everything else happening that is not going to wash with the editorial boards across this country. It is not going to wash with the American people. And it is certainly not going to wash here in Congress.

Mr. Speaker, the gentleman from Indiana has had an opportunity to review some of these redacted copies of the memorandum, and I understand that some of the excuses they were giving or some of the reasons that were given by the Attorney General for not releasing that was that it was going to be a road map to other prosecutions and so on, and that the gentleman just does not think that lies at this point. Is that correct?

Mr. BURTON of Indiana. Yes, and I am happy that the gentleman from Virginia brought that up. The Attorney General said before our committee that she was afraid that if they even gave us a redacted copy where they crossed out certain grand jury material, that this would still lead to people that they may want to prosecute or question and it might impede their investigation. I read that, and I am not at liberty——

Mr. DAVIS of Virginia. I would not ask the gentleman to divulge that conversation.

Mr. BURTON. Mr. Speaker, I cannot give the information in the memo, but after having read it, along with some of our legal staff on the committee, there is nothing in there that would lead to anybody other than the Attorney General's position of not appointing an independent counsel. In fact, I think that some of the remarks that are made by Mr. LaBella come close to condemnation of the Attorney General for not acting on the mandatory section of the statute.

So, that is the only thing that I found in the memo that she could be concerned about. That is why I believe it should be made available to every

Member of Congress and to the American people.

Mr. DAVIS of Virginia. Mr. Speaker, if the gentleman would continue to yield, it seems that we have here a man of high integrity in Mr. LaBella, a thorough professional prosecutor who took a look at this and expressed his frustration in a memo of over 100 pages in length and containing 55 exhibits that really reaches only one conclusion. It is in no way inconclusive or gives policy options.

We have the head of the FBI, another political appointee but someone who I think has the respect and the independence that we would expect from the Nation's top law enforcement officer, making the same strong recommendation; really looking at no other options but that the mandatory sections of the statute are triggered. And we have not heard a peep from the Attorney General or anyone else as to why they take issue with this and an independent prosecutor cannot be appointed.

That is the way it ought to go. It ought to be away from politics. It ought to be away from the floor of the House, away from the partisan structure that we have going into the November elections. It ought to be in the hands of the professionals and let the chips fall where they may, Republicans, Democrats, whatever. That is what ought to happen. I feel from the bottom of my heart, that is the right answer here.

Yet, we are consistently being stonewalled and we are being blocked in every way possible. And it seems to be done by the political appointees, because the professionals have reached their conclusions. Would the gentleman agree with me on that?

Mr. BURTON of Indiana. Yes, I would. And I would like to add that the Attorney General has appointed independent counsels for some of the periphery of this administration, but whenever it gets close to the Oval Office or people close to the Oval Office, there is a reluctance to go ahead and appoint an independent counsel.

Instead of doing this piecemeal, as has been the case by the Justice Department, there should be one independent counsel to look at the whole campaign finance scandal, the money that has come from all over the world illegally.

Mr. DAVIS of Virginia. That would include Republicans and Democrats, whatever.

Mr. BURTON of Indiana. Yes, and we have investigated Republicans as well as Democrats. But we need an independent counsel who is not beholden to anybody to get to the bottom of this whole thing.

Mr. DAVIS of Virginia. Mr. Speaker, I have tremendous respect for the Attorney General and her career. She was a career prosecutor and I know she is under tremendous pressure, it appears to me, right now from the hierarchy in the administration.

But I hope if she reviews this quickly, number one, if she disagrees with the professionals in her own agency as to why this should not move forward, release that information to the public so she can explain why and show the report that we have paid for that basically would indicate otherwise; or if she would rise and have the courage to do the right thing, take this out of the politics and put it in the hands of professionals where it belongs. Not for partisan purposes, but I think in some cases for national security purposes.

Mr. Speaker, I applaud the gentleman from Indiana (Chairman BURTON) and others for bringing this to our attention this evening.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Virginia (Mr. DAVIS). He is, as I said, a valued member of the committee and he does a heck of a job for his constituents.

The gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I join in the accolades for the gentleman from Virginia (Mr. DAVIS) and the gentleman from California (Mr. HORN), members of the committee who care very deeply about the American public getting to the bottom of the truth of this matter.

Mr. Speaker, as the gentleman from Indiana knows, over one month ago the Committee on Government Reform and Oversight, of which I am also a member, voted to hold the Attorney General of the United States, Janet Reno, in contempt for failing to produce two documents to Congress. We are now faced with the decision of whether the entire House of Representatives should vote to hold her in contempt. This would be the first time Congress would use its contempt powers against an Attorney General, and we are well aware of the gravity of this matter.

Our decision to subpoena the Attorney General was not made lightly. It was the result of a great deal of serious reflection. But members of the Committee on Government Reform and Oversight, and many others both inside and outside the halls of Congress, have serious concerns about the way the campaign finance probe has been conducted at the U.S. Department of Justice. What I would like to do is to discuss some of these problems that we have seen.

Statements by senior Department of Justice officials that the independent counsel statute has not been applied consistently.

Statements by senior Department of Justice officials that the White House staff have been treated more leniently than other citizens, and press accounts that some may have not been investigated because of who they are.

Public accounts that senior political officials have weighed in against pursuing prosecution of campaign finance figures, even though the law supports prosecution.

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Indications that the Department of Justice has not pursued evidence vigorously.

Needless delays by the Attorney General that will push the start of investigations into 1999, a full 3 years after allegations of wrongdoing were made and known.

Lee Radek, a senior adviser to the Attorney General, gave an unfair advantage to the defense attorney of an important Democratic contributor. When prosecutors, who had evidence of wrongdoing, called Mr. Radek, he refused to take the call.

Complete failure by the Department to follow any evidence, speak to any witnesses, or subpoena any documents in some matters that may indicate improper impropriety by the Democrat National Committee and leading Democrat contributors.

The failure to maintain continuity in the supervision of the Department of Justice investigations. There have been three task force supervisors in 1 year, and given that, they have all had their own advisers.

A consistent siding with the White House in its failing and sometimes frivolous claims of privilege on a variety of matters.

A failure to recognize that the Attorney General has conflicting legal duties: To keep the President informed of information relevant to national security, and keep information relevant to campaign finance investigation from people under investigation, a category that includes the President of the United States.

Tolerance of top advisers belittling the laws that they are constitutionally bound to uphold. For example, Lee Radek, who was discussed earlier, told The New York Times: ''Institutionally, the Independent Counsel Statute is an insult.''

Further, providing misleading information about who is covered by the Independent Counsel Statute and who is not covered. One letter provided to the committee seems to indicate that two of the principals of the Clinton-Gore 1996 campaign are not covered by the statute, and the clear language of the statute indicates that there is no doubt that these officials are covered.

Further, providing false information to the public to make congressional demands seem unreasonable. The Attorney General has maintained that Congress has never before asked for information on an ongoing criminal investigation, and this is clearly not the case.

Further, repeated leaks of information that are protected by Grand Jury secrecy and, I might add, leaks that were made for their own political benefit.

Further, repeated attempts to answer requests made by Congress. I repeat: Repeated failure to answer requests made by Congress. For example, 1 month ago our committee asked the Attorney General for permission to speak with the assistant United States attorney most familiar with a case known as the Intriago case, and she has failed to respond to our request.

Further, coordination between the Department of Justice and the minority on this committee are being done for political benefit.

Some of these examples, taken by themselves, would be matters of grave concern. Put together, they indicate that there is something very wrong over at the Department of Justice. The Attorney General is not applying the law correctly. Her own advisers have been telling her this, yet she continues to oversee an investigation of the President of the United States, who appointed her.

In November of 1977, FBI director Louis Freeh prepared a lengthy memorandum on the Department of Justice campaign finance investigation. Director Freeh, former Federal Judge Freeh, who had been advising the Attorney General to appoint an independent counsel since late 1996, concluded that according to the Independent Counsel Statute, 28 USC section 591, the Attorney General was required by both the mandatory and the discretionary provisions of that law to appoint an independent counsel.

My colleagues will also see that I have on this side information that contains other testimony that Director Freeh has given.

This view was shared by the most senior FBI investigator on the investigation, Mr. James DeSarno.

On July 23, 1998, The New York Times reported that the departing lead prosecutor on the campaign finance task force, Charles La Bella, had prepared a 100-page memorandum reviewing the facts gathered during the campaign finance investigation. According to press reports, Mr. La Bella also found that the mandatory and discretionary portions of the independent counsel law required the appointment of an independent counsel. Thus, both Director Freeh and task force head La Bella have repeatedly found specific evidence from a credible source that required the appointment of an independent counsel.

We subpoenaed Director Freeh and Mr. La Bella's memoranda because we believe it is clear that something is seriously wrong. The Attorney General was asked last Thursday, and I quote, ''Do you still have confidence in the leadership of President Clinton for both the administration and our country?'' This is what she said, and I quote the Attorney General, ''I certainly do.'' And then she said, ''He has a sense of what needs to be done. He is doing it.''

Well, I, for one, have a problem with what the Attorney General has said for several reasons. The independent counsel, whose staff includes the Department of Justice lawyers and FBI investigators who are charged with enforcing the laws of this country, have recently provided Congress with a referral that says the President of the United States committed perjury in a Federal lawsuit; that he lied to a Federal Grand Jury; that he obstructed justice; and that his actions have been inconsistent with the President's constitutional duty to faithfully execute the laws of this country.

The President has responded by having his private lawyers and government lawyers on the government payroll go out and trash the independent counsel. He has had them go out and make the most absurd legal arguments I believe that I have ever heard. It is so bad that yesterday two top Democrats in the House and the Senate made a public plea for the President to stop the legal obfuscation. And yet the Attorney General, who is in charge of upholding and protecting the law, blithely goes before the American people and tells us that the President has a sense of what needs to be done and he is doing it.

Remember, the Attorney General has signed off on all the things that the independent counsel has done; all of these investigations now for 3 years. It seems, however, that either she does not care about the independent counsel's evidence or she has already rejected the findings of the independent counsel that the President is acting against the principle that everyone is entitled to a fair trial; that he has sent his lawyers out to say that it really does not matter if one lies in these courts. These appear to be of no importance to the Attorney General.

It seems to me that the President has been attacking the rule of law; that he has used and continues to use the most powerful office in the world and to say that one does not need to tell the truth, especially sitting in front of a Federal judge in the oval office. It just does not seem right to me.

It seems to me that the Attorney General should care about this matter. She should care deeply. And that is what her job is all about: Protecting the rule of law. And she is certainly not doing so in the campaign finance investigation, where she keeps giving the President a break.

The Attorney General's words speak volumes, I believe, about her own beliefs, but also they tell us one very important thing: She has a fatal conflict when it comes to investigating the President. This has not been a mystery. If she is willing to side with him before she has even seen the evidence in the Lewinsky matter, how can we possibly expect her to do the right thing when it comes to campaign finance investigation?

For 2 years she has been ignoring what should have been clear to even the most junior lawyers on her staff. The appearance of conflict in the campaign finance investigation is devastating, and it does great harm to the Department of Justice and to the rule of law.

But making a mistake does not rise to the level of misconduct. If that is all that we were here to talk about today, and I do not think it would be the only discussion that we would have, I think that we would have voted for contempt when she failed to turn over the Freeh and La Bella memoranda. Let us focus on some of the issues that have led to my conclusion that something is wrong at the Department of Justice.

First. The Intriago case.

This committee held hearings and was provided documentary evidence that major Democratic National Committee figure Charles Intriago had advised one of his clients how to break U.S. law and give money illegally. There was testimony that someone, and the inference was that this someone was highly placed in Democratic fundraising circles, was giving Intriago advice about where to direct illegal money.

What happened in this case? It was pulled from one of the U.S. Attorney's offices by Lee Radek, one of the Attorney General's advisers, and the statute of limitations was about to expire. The appearance of impropriety is stunning. We asked the Attorney General if we could talk to the lawyer who was preparing the case before it was killed in Washington. We asked over 1 month ago, and the Attorney General has not even gotten around to fulfilling our request.

She is behaving like a defense attorney trying to run out the clock.

Another thing about this case. The adviser who killed this case for the Attorney General would not even take the phone calls of the New York State prosecutors who uncovered the evidence. In our hearing, however, we learned that he did take at least one call from a defense attorney.

How can we believe that the Attorney General's protestations that she has left no stone unturned when the evidence shows that there are boulders right under her nose and her advisers are making sure they are not disturbed.

Another investigation this committee has been conducting involves an elaborate scheme by the Democratic National Committee to break a State law in Kansas. Individuals were given money by a Democratic National Committee organization and told to act as conduits to get the money to another organization. Let me read from a document obtained by this committee, and I quote.

''The Democratic Senatorial Campaign Committee, in an effort to support State Senate candidates, the Democrat party, and their own candidates will contribute $1,000 to each State Senate campaign our office designates. You may keep $200, but then must turn around and contribute $800 to the Senate Victory Fund.''

Instructions on how to make conduit contributions does not get much clearer than this. If it had not been illegal, the Democratic Senatorial Campaign Committee would have given the $200 to the candidate and sent the $800 to the place where they wanted the money to go. But they could not do that, so they used decent men and women from their own party to act as straw donors.

This is direct evidence of a plan to use conduits to get money to a third

party to help the Democratic National Committee candidates in the 1996 Kansas election. Overall, a third of a million dollars was contributed to Kansas, where the State law limits the contribution from a national party to $25,000.

One would think that this would attract the Attorney General's attention, but public accounts from Kansas indicate that the Department of Justice has made no effort to investigate this scheme. Again, as the Attorney General talks of leaving no stone unturned, certainly we are not being kidded. Far from being a zealous investigator, it appears that she is providing cover for those who broke the United States laws.

The Intriago investigation and the Kansas conduit contributions are two major examples that go right to the Democratic National Committee. Both involve decisions by people who had to know that they were breaking the law. And in both cases the Attorney General of the United States has failed to conduct the necessary investigation.

□ 2045

I think we would not be doing our jobs if we did not make an attempt to find out what is going on over at the Department of Justice. If the Attorney General is going to condone the President's conduct in the Monica Lewinsky matter before she has ever seen the evidence, how can we possibly have her confidence today?

Today I call on the Attorney General to release this non-6(e) material from the Freeh and LaBella memorandum.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). The gentleman will suspend for just a moment. The Chair must remind Members to avoid all personal references to the President.

The gentleman from Texas may proceed.

Mr. SESSIONS. Mr. Speaker, I apologize if I have done anything in that regard, and I apologize for using the President's name.

Mr. Speaker, today I call on the Attorney General to release the non-6(e) material from the Freeh and LaBella memoranda so that the American people can see for themselves what has been going on and so that they can judge for themselves whether she is fairly executing the laws which she is sworn to uphold.

I thank the gentleman from Indiana (Mr. BURTON) for allowing me the opportunity to present this information and I appreciate his forthrightness in this matter.

Mr. BURTON of Indiana. Mr. Speaker, let me just say to the gentleman from Texas (Mr. SESSIONS) that I neglected to say that the gentleman likewise is a very valued member of our committee and I really appreciate all the things that he does for this country.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. SOUDER), another valued member of the committee, who had a great special order last night.

Mr. SOUDER. Mr. Speaker, I thank the chairman, the gentleman from Indiana (Mr. BURTON), for yielding. I thank him for his leadership and his attempts to try to move the Attorney General to action.

Mr. Speaker, I would first like to say a few words in defense, albeit a mild defense, of Attorney General Reno. Her job is not easy. After all, it is not as though she is a nonpartisan person. She is a long-time democrat. She was a staff director at the Florida House Judiciary Committee. She ran for the State legislature and lost. She was a long time State's attorney. She came to Washington as a partisan democrat and these days have to be very hard on the Attorney General, seeing around her all these allegations and all of these challenges. It has to be heart rending to her.

The Attorney General was appointed by a democratic president and can be fired by that democratic president. So she has to look and consider that, even though you try not to when you are Attorney General of the United States. It is a fact. She is surrounded by political staff, democratic appointees. Remember, this White House sent the close Arkansas ally, Webb Hubbell, since in prison, to be her deputy Attorney General.

This bears repeating. It is not every day that the Nation gets a deputy Attorney General who goes to jail while that administration is still in power. That is another thing that clearly made her job not easy.

She has had to appoint special prosecutor after special prosecutor on cabinet member after cabinet member; certainly not an easy thing to do if you are a democratic former candidate, former staff person, former elected official now appointed by a democrat. She now has a special prosecutor on Harold Ickes, who is at the highest levels of the White House. Even higher than that, although it is in a limited way for the Vice President, even Judge Starr, after all that is an Attorney General Reno appointment, but his investigation was limited, and some of us, as the Nation is abuzz about sex, have concern about other matters and have for multiple years and that is what about the campaign finance?

As we have been looking at this, and as we heard the FBI director as the chairman brought him in front of our committee, and Mr. LaBella and others, part of the question, as we look at the FBI as to how they approach drug cases, how they approach other issues, the goal has not been to try to set up and catch the lowest level people. There is a real question going on here.

We see special prosecutor after special prosecutor chasing little bits of a larger picture; yet the training, the training of the people who investigate this type of thing in the FBI and others, is to look at combinations and to see who is behind this. Yet, we have not seen this coming out. There has been, at the very least, a reluctance, if not actually a deliberate attempt, to break up and not pursue the larger questions of why is this person doing this, why is this person doing this, why is this person doing this, why is this person doing this?

People all over the country are debating this in another matter but we see this, as we heard last night, in the Teamsters investigation where the same names start to pop up. We see it in the casinos where the same names start to pop up. We see it in China in technology sales, where the same names start to pop up.

When one sees this, one would think that the Attorney General would say, I better get to the bottom of this and see where it is headed, not where it is down there.

This is not easy. She has a difficult job with it.

One other thing I want to point out, we have had past cases in this House of Representatives far, far, far less serious than this, in fact most of which turned out to be false. Yet, we heard rhetoric on this floor that one would have thought the entire republic was collapsing because there were not special prosecutors.

Now is this curious that this particular notion of shame be advanced by someone who has an ethical cloud over him so big and heavy that dewdrops now glisten on his neo-Victorian halo? Questions about whether the activities of a high public official are appropriate, ethical or legal become as pervasive as though raised about the complicated affair, which is something that was said about a Member on this floor.

The American people should know where this money came from. Did these donors get anything in return, are there any conflicts of interest, was the high and mighty rhetoric on this floor paralyzing this country in the past, as allegations that have proven to be false even were thrown about.

This cloud grows larger and darker with new questions of ethics violations, another Member said. Another one said, the cloud of alleged improprieties threaten public confidence in this House. Can appointing a special prosecutor remove this cloud of darkness?

We heard this type of rhetoric, and it is just amazing how many of these people are silent. All of a sudden, independent prosecutor, oh, that is not a big deal. All of a sudden, apparently there is a different standard, that it is okay to go after individuals over history here on minor things but when we are questioning whether American technology was sold because of foreign money, when we are questioning whether inside deals were made on decision after decision, whether or not the very national security of this country has been at stake, well, then we do not really want to get into this.

Even though the FBI director says, ''Hey, you are a democrat, you have a partisan stake, you do not really have

credibility to do this,'' when her own Justice Department officials say you do not have the credibility to do this, we have to move ahead.

I commend the leader of this committee, the gentleman from Indiana (Mr. BURTON) for pushing to move this ahead.

We have lots of discussions in this country about sex and whether there has been cover-ups and this and that and who did what, but, there is a lot more to this story and we need to get to the bottom of this truth. It is our obligation to do so, and I commend the gentleman for his leadership.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Indiana for all the service he gives to his constituents and the country by working so hard on the committee. I really appreciate it.

Mr. Speaker, I yield to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I just want to say after living through some of these investigations under both Chairman Clinger and now Chairman BURTON, I did have the idea last year that maybe we need a new Institute of Health at the National Institutes of Health. Its mission would be to test the water that is used on Capitol Hill and in the White House, and do that on a weekly basis and see if any elements in that water have caused the loss of memory that we have heard from so many witnesses when they come before us.

People have said that the Roman leadership died because the pipes were filled with lead. There are many private water dispensers in the legislative branch to keep that from happening.

We need a lot of trained medical doctors who ought to be studying this memory loss that occurs only within the District of Columbia. Washington is probably the only city in the world where nobody can remember what they did when they made a decision.

We, of course, remember. We have roll calls. Apparently they do not have roll calls elsewhere in this city and especially not at the other end of Pennsylvania Avenue.

Getting back to Attorney General Reno, a lot of people have forgotten that she gave Independent Counsel Starr a number of additional assignments. That was cleared with the three judge court. The independent counsel, in essence, is an officer of that court. That is why that person is independent.

In watching what has happened over the last few years and as a student of American history, to my knowledge, this is the first White House staff in the history of the United States, over 200 years, that consciously set up a war room to destroy the reputation of the independent counsel.

When that happened, the President should have stopped it. No president should let that kind of an operation exist in or out of the White House. It is wrong. It is a violation of the civility which ought to exist within the separation of powers. Attacks which have been made to discredit the independent counsel are shameful. It is a shameful act to let those attacks go on and on and yet the have every day. Even with Chairman Clinger, who was recognized as one of the most civil members in the House, people were going through his garbage and all the rest of it, and that type of heat—or psychological stalking—simply because people are doing their duty under the Constitution. That childish behavior should not be part of American politics. We can do better than that.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, I see that my time has about expired. Let me just end by saying, once again, for my colleagues, that there are 116 people, many friends of the administration, many people who are in the administration, who have taken the Fifth Amendment or fled the country. They do not want to talk to our committee. They do not want to talk to anybody because of the threat of self-incrimination, the threat that they might go to jail for what they have done; 116.

That is unparalleled in American history, as far as any administration is concerned, unparalleled. Millions and millions of dollars have come in from Egypt, from China, from Taiwan, from Macao, from Indonesia, from South America, into the campaign coffers of the Clinton/Gore campaign and the Democratic National Committee. Much of that money has not been returned. The American people have a right to know what was given in exchange for these contributions.

Foreign governments like communist China do not give great sums of money to foreign candidates, like the administration here in the United States, unless there is some reason for it. They do not give those large amounts of money just because they think we are nice. They want something in exchange. That is what we have to get to the bottom of. That is what we have to illuminate for the American people.

Now, they ran out the investigation, they ran out the time on the investigation of Senator THOMPSON in the other body. The investigation of the independent counsel, Mr. Starr, is about to be concluded. Our investigation in the House, I think they hope, would conclude at the end of this legislative session. I want my colleagues to know that we will write an interim report at the end of this month, and should we have the same control next January that we have right now and should I be the chairman of this committee come next January, if the American people have not had all the facts given to them about these illegal campaign contributions that may have jeopardized our national security or compromised our foreign policy, then we will pick up the ball in January and go forward and get the facts for the American people. That is a promise I make to the people tonight.

SOCIAL SECURITY REFORM

The SPEAKER pro tempore (Mr. BASS). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, tonight I want to talk about Social Security reform. I am going to be joined by the gentleman from Washington (Mr. SMITH), who is here also to talk about the same issue. We may be joined by other Democrats this evening.

This is an extremely important and controversial issue and it deserves more attention than the majority, the Republicans, have been willing to give it in the 105th Congress. I am increasingly concerned about the neglect of Social Security for a number of reasons. For one, Mr. Speaker, there is a lot of disinformation about the Social Security program and its connection to the budget surplus flying around these days and I intend to spend some time talking about that tonight.

While I am concerned about it, I think we can get the truth out there through education. What concerns me far more is the willingness by Republicans to dip into the surplus before we have strengthened the Social Security trust fund. We hear that on Thursday, this Thursday, the Committee on Ways and Means is going to be reporting out a bill by the gentleman from Texas (Mr. ARCHER), the chairman of the committee, that will basically be providing some kind of tax cuts, if you will.

□ 2100

The alleged basis for this is because we have a large surplus and will continue to have a large surplus over the next few years and therefore we can afford to have this tax cut. But what in reality is happening, Mr. Speaker, is that we are taking the money from essentially an unreal surplus, or money that could and should be devoted to make sure that the Social Security trust fund is sound.

In order to explain why what the Republicans want to do is a bad idea for Social Security, I first need to explain the connection between the surplus and the Social Security trust fund.

Mr. Speaker, the Social Security trust fund is funded through payroll taxes and the overwhelming majority of the money collected from payroll taxes goes into a fund called the Old Age Survivors and Disability Trust Fund. The fund also generates money through interest and other methods, including that from taxes on Social Security benefits themselves. But this fund in turn holds all money that is not used to pay benefits and administer the program itself. Federal law, from what I can tell going back to Franklin Roosevelt when Social Security was started, the Federal law requires that this remaining money, or the surplus or extra money, if you will, in the Social Security trust be invested in U.S. treasury securities.