

of welfare recipients to work and care for their own families by earning their own money.

Mr. President, changing the work ethic of the welfare community is not a simple process, but the results so far are impressive. The state and local governments are proving that they can accomplish this goal when we give them the latitude to do so. I'm proud to have been a part of this historical policy change.

Mr. CRAIG. Mr. President, I thank my colleague from Colorado for the examples he brings and the issue about which he speaks. There is no question that we are finding here the ideas that percolate from local and State governments which are really the laboratories of change that we have been able to bring and incorporate into public policy at this level, and welfare reform is the prime example. I am pleased that Senator ALLARD would speak to that this morning.

I recognize his leadership in that area.

Mr. ALLARD. I thank the Senator from Idaho.

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

EXTENSION OF MORNING BUSINESS

Mr. BINGAMAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The time until 2 p.m. is to be under the control of the Senator from North Dakota, Mr. DORGAN, or his designee.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the 2 p.m. time be extended until 2:10.

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

Mr. BINGAMAN. Mr. President, I yield myself such time as I may require.

FAIRNESS OF STARR/HOUSE PROCESS

Mr. BINGAMAN. Mr. President, as I make this statement today, it is doubtful that many in the press or the public are paying attention to the proceedings of the Senate. While many are watching every nuance and listening to every syllable of the President's videotaped testimony before the still-sitting grand jury, I want to talk about what I believe is a more important issue—the basic fairness of the process of which the videotape is a part.

Since we Senators may be called on to consider various allegations in judging articles of impeachment, I will not speak here about the substance of what is alleged, or about whether the allegations constitute adequate grounds for impeachment.

But I believe each of us has an immediate obligation to concern ourselves with the process that is being followed. My purpose today is to call for fairness

in that process; fairness in the procedures Congress follows as it prepares to consider these allegations; fairness in the treatment afforded the President. Regardless of what disposition is finally made of the allegations leveled against the President by the Independent Counsel, it is in the interests of everyone—especially future Presidents—that basic fairness be maintained. And to my mind it is impossible to conclude that the process to date has been fair.

What "unfairness" am I talking about? Frankly, the lack of basic fairness in these proceedings has been so pervasive that it is hard to know where to begin. But here are three significant ways in which the process has lacked basic fairness.

The first is that the accused has been denied the secrecy of grand jury testimony. Second, the Independent Counsel's report was issued as a sensational narrative, not as a legal document. And third is the rush by both the Independent Counsel and the House to publish and publicize all the material unfavorable to the President before the House has reviewed it and before any determination that impeachment proceedings are warranted.

First, the actions of the independent counsel have had the effect, and possibly the purpose, of denying this accused, the President, the basic right to secrecy concerning testimony given to a grand jury.

While the grand jury was considering the matter, the pattern of leaking information about testimony was clear for all to see. Once the testimony was concluded, the Independent Counsel sought and gained authority to deliver to the House of Representatives his report and all materials he chose, regardless of their relevance to particular charges. I firmly believe the Independent Counsel did this with the expectation that the Republican leadership of the Congress would quickly make public any and all material in its possession that portrayed the President unfavorably.

Rule 6(e) of the Federal Rules of Criminal Procedure requires prosecutors to keep secret the testimony given before grand juries. And with this grand jury, the Independent Counsel assured the President and all witnesses that the testimony they gave was subject to the secrecy requirements under the rule.

The secrecy requirement recognizes the fact that grand jury proceedings are anything but fair and balanced legal proceedings. Witnesses before a grand jury are not entitled to legal counsel who can object when the rights of the witness are being violated. There is no opportunity for a person who is the target of a grand jury proceeding to cross-examine witnesses against him or to present testimony he considers favorable to his position.

In the case of this prosecutor and this grand jury, there was no secrecy, at least as to evidence damaging to the President. The substance of every

witness's testimony was eagerly made known to the press and, in turn, eagerly reported.

As if to ensure that the full impact of the accumulated damaging testimony would be felt by the American public before any chance for rebuttal testimony could arise, the Independent Counsel then rushed to obtain court approval and to deliver to the House of Representatives the report and the accompanying documentation which he alone chose to include. The speedy delivery to the House of the report and materials the Independent Counsel selected, freed the grand jury testimony from the limitations of Rule 6(e), and gave the public the full brunt of the prosecution's case without any opportunity for the accused to question the testimony on which it was based.

BASIS FOR CLAIMING UNFAIRNESS

Second, the Independent Counsel presented his report, not as a legal document which should have set out the asserted grounds for impeachment and then summarized the evidence supporting each ground as well as the evidence arguing against it. Instead, he chose to present his report in the format of a narrative where facts are presented in a manner designed to arouse the greatest public revulsion. The narrative is one-sided in that it summarizes the evidence damaging to the President and omits all other. It contains damaging and salacious testimony concerning the President and others even when that testimony is not relevant to any asserted ground for impeachment.

The third basis for claimed unfairness is that the House, as of today, has made public the Independent Counsel's report, the President's videotaped testimony, and 2,800 pages of other grand jury testimony. This comes before the House has even made a determination to begin an impeachment inquiry. The effect of this action, and possibly its purpose, is to undermine any fair and objective assessment of the evidence and the allegations. The result is to try and convict the President in the court of public opinion long before there is any opportunity for the President's counsel to counter the accumulated weight of this evidence.

The rush by the House to disclose all, has pressured the media, us politicians, and the public to come to judgment before the defense can present its case.

Our system of justice requires that an accused person, first will be charged, second will be tried, and then if convicted, will be sentenced for the crime.

In this case, this procedure—this due process—is being trampled upon. The Independent Counsel has charged the President and every effort is being made to have the public convict and pronounce sentence on him before any trial occurs.

One final plea: we must constantly remember that the procedures followed in this case are not just procedures which will affect this President and this impeachment inquiry. What actions we take here will set a precedent

for future Presidents and high government officials, and for future impeachment proceedings. If this President is not entitled to be treated fairly, then why should future Presidents expect fairness?

Mr. President, there is a certain mobility that has taken hold of some here in our Nation's capital. And in that atmosphere it may be foolhardy to think that a call for "fairness," for "due process," for the "rights of the accused," will be given much heed.

But just as this President justifiably is going to be judged by the American People and by history for his actions, we in Congress are going to be judged as well. If we deny the President basic fairness, that judgment on this Congress will be harsh, regardless of the final verdict on this President.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CHILD NUTRITION REAUTHORIZATION ACT

Mr. JOHNSON. Mr. President, I rise today to give my full support for the Child Nutrition Reauthorization Act. This important legislation authorizes and allows for continued funding for important child nutrition programs for the next 5 years, until the year 2003.

I want to commend Agriculture Committee Chairman LUGAR and our ranking member, Senator HARKIN, and my colleagues on the Senate Agriculture Committee for working cooperatively in what I believe is a very excellent bipartisan spirit to unanimously pass this bill out of committee. I also want to thank my Senate colleagues for passing this vital legislation unanimously on the floor this past week. Clearly, this legislation demonstrates our commitment to feeding our Nation's children in an effective and cost-efficient manner.

The Child Nutrition Reauthorization legislation provides funding for the National School Lunch and Breakfast Program, for the Child and Adult Care Food Program, the Summer Food Service Program, the Women, Infant and Children (WIC) Program, along with many other nutrition food programs to feed our Nation's young people.

One of the provisions in this legislation that I worked on with a particularly focused effort during this debate was a provision that provides for a detailed research and pilot project on how school breakfast programs impact a child's academic success and behavioral attitudes.

This research provision is a modified version of S. 1396, the Meals for Achievement Act, which I introduced

this last November. The research provision provides for the mandatory funding for a school breakfast research project to further test the impacts of school breakfast on children's academic and behavioral patterns.

This provision will require the Secretary of Agriculture to conduct a 5-year school breakfast study in six different school districts throughout the United States, involving approximately 15,000 schoolchildren.

As I have stated before, the research on the impact of children eating school breakfast, so far, points overwhelmingly to a positive result. Not only do our research studies so far indicate that the academic scores in reading, writing, and math improve, but levels of hyperactivity and tardiness are greatly reduced.

The purpose of the study contained in this legislation is to further analyze the existing data and to provide the additional research and data at a national level and to provide the positive impacts—to show what the positive impacts are, in general, of eating a school breakfast.

It is important to note that the funding for the research provision will require no new additional expenses and maintains our balanced budget discipline. It is not my intention that this research project create any new Federal bureaucracy. However, once the researchers have completed a 5-year study and find, as I believe they will, that breakfast does indeed improve a child's academic success, we as Federal lawmakers can work with local and State officials to create guidelines of how school breakfasts can improve success in all of the schools throughout our Nation.

The rationale for this provision is very simple: In order for the United States to compete effectively in the world, we must have an educated and productive workforce. We have far too many children who are simply not prepared at the beginning of each school day to succeed with their schoolwork.

In 1994, the Minnesota Legislature directed the Minnesota Department of Children, Families and Learning to implement a universal breakfast pilot program integrating breakfast into the education schedule for all students. The evaluation of the pilot project, performed by the Center for Applied Research and Educational Improvement at the University of Minnesota, showed that when all students are involved in school breakfast, there is a general increase in learning and achievement.

Again, researchers at Harvard and Massachusetts General Hospital recently completed a study on the results of a universal free breakfast at one public school in Philadelphia and two in Baltimore. The study, published this week in the Archives of Adolescent and Pediatric Medicine, which is a journal of the American Medical Association, found that students who ate breakfast showed great improvement in math

grades, in particular, but also in attendance and punctuality. The researchers also observed that students displayed fewer signs of depression, anxiety, hyperactivity, and other behavioral problems.

This study is reflected in an article in this week's Economist Magazine, Mr. President. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Economist, September 19, 1998]

YOUR MOTHER WAS RIGHT (AGAIN)—FREE BREAKFASTS MAY BE A GOOD WAY TO HELP POOR KIDS DO BETTER AT SCHOOL

When it was shown recently that fat people eat more than thin people, some laughed, some jeered and some bawled their indignation that money had been spent on discovering anything so obvious. But if the results had been different, they would have been very interesting: so it is not always wasteful to do research that tells you something you thought you knew all along. In any case, even if the results are expected, it sometimes takes such research to get people to pay attention to a problem.

So it is with a paper published this week in *Archives of Pediatric and Adolescent Medicine*. Michael Murphy, a psychologist at Massachusetts General Hospital, in Boston, and his colleagues have proved that what your mama told you all along is true: breakfast is good for you.

Dr. Murphy and his colleagues looked at a programme of free breakfasts in three inner-city state schools—one in Philadelphia and two in Baltimore. At these schools, 80% of children are so poor that they are eligible for a free school breakfast anyway; yet before the start of Dr. Murphy's programme, only 15% were eating one. Dr. Murphy says that this is because there is a stigma attached to showing that you are so destitute that you have to eat free. Also, because breakfasts are provided before school starts, they may be over by the time the school bus arrives, making it impossible for many pupils to benefit. Unlike free school lunches, which have a higher consumption rate, breakfast is not part of the normal school day.

The programme Dr. Murphy was studying provided breakfast free of charge for everyone regardless of their means, and changed the timing so that the meal was eaten after roll-call. Within four months of these innovations, participation had almost doubled, to 27%.

More significant, however, were the benefits of eating breakfast. Before the programme started, the researchers interviewed a sample of more than 100 school-children (the average age was just over ten) from the three schools, and also their parents and their teachers, to assess each child's sense of well-being, anxiety and depression. They also collected data on school attendance, tardiness, academic grades and breakfast consumption. Four months later, they did it all again (although this time they interviewed only a subset of those previously questioned).

The researchers found that kids who started eating significantly more breakfast (defined as an increase of at least 20% over their previous consumption) were doing better at school, particularly in mathematics. This result confirms earlier studies on the benefits of breakfasting on academic performance. But Dr. Murphy and his colleagues also found that those children who started eating more breakfast were significantly less likely