

of votes for each and every candidate or person voted for, for such Senator, I have found William V. Roth, Jr., to be the person highest in votes, and therefore duly elected Senator of and for the said State in the Senate of the United States for the Constitutional term to commence at noon on the third day of January in the year of our Lord one thousand nine hundred and ninety-five.

I, Thomas R. Carper, Governor, do therefore, according to the form of the Act of the General Assembly of the said State and of the Act of Congress of the United States, in such case made and provided, declare the said William V. Roth, Jr. the person highest in votes at the election aforesaid, and therefore duly and legally elected Senator of and for the said State of Delaware in the Senate of the United States, for the Constitutional term to commence at noon on the third day of January in the year of our Lord one thousand nine hundred and ninety-five.

Given under my hand and the Great Seal of the said State, in obedience to the said Act of the General Assembly and of the said Act of Congress, at Dover, the 15th day of December in the year of our Lord one thousand nine hundred and ninety-four and in the year of the Independence of the United States of America the two hundred and nineteenth.

By the Governor:

THOMAS R. CARPER,  
Governor.

#### COMMONWEALTH OF PENNSYLVANIA

*To the President of the Senate of the United States:*

This is to certify that on the eighth day of November, 1994, Rick Santorum was duly chosen by the qualified electors of the Commonwealth of Pennsylvania as a United States Senator to represent Pennsylvania in the Senate of the United States for a term of six years, beginning on the third day of January, 1995.

Witness: His excellency our Governor Robert P. Casey, and our seal hereto affixed at Harrisburg this twenty-second day of December, in the year of our Lord, 1994.

By the Governor:

ROBERT CASEY,  
Governor.

#### STATE OF MARYLAND

*To the President of the Senate of the United States:*

This is to certify that on the 8th day of November, 1994, Paul S. Sarbanes was duly chosen by the qualified voters of the State of Maryland a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor, William Donald Schaefer, and our seal hereto affixed at the City of Annapolis, this 7th day of December, in the Year of Our Lord, One Thousand, Nine Hundred and Ninety-four.

WILLIAM DONALD SCHAEFER,  
Governor.

#### STATE OF MAINE

Greeting: Know Ye, That Olympia J. Snowe of Auburn in the County of Androscoggin on the eighth day of November, in the year One Thousand Nine Hundred and Ninety-Four, was chosen by the electors of this State, a United States Senator in the One Hundred Fourth Congress of the United States of America to represent the State of Maine in the United States Senate, for the term of six years, beginning on the third day of January, in the year nineteen hundred and ninety-five.

In Testimony Whereof, I have caused the Great Seal of the State to be affixed, given under my hand at Augusta this first day of

December in the year One Thousand Nine Hundred and Ninety-Four.

JOHN R. MCKERNAN, JR.,  
Governor.

#### STATE OF WYOMING

##### CERTIFICATE OF ELECTION

*To the President of the Senate of the United States:*

This is to certify that on the 8th day of November, 1994, Craig Thomas was duly chosen by the qualified electors of the State of Wyoming a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our governor Mike Sullivan, and our seal hereto affixed at Cheyenne this 7th day of December, in the year of our Lord 1994.

MIKE SULLIVAN,  
Governor.

#### CALIFORNIA ELECTION CONTEST

Mr. DOLE. Mr. President, prior to the Chair asking that the Senators-elect present themselves to take their oath of office, I would like to address the Senate briefly on a petition submitted on behalf of Michael Huffington, who was a candidate for U.S. Senator from California. The petition contests the election of the Senator-elect from California [Mrs. FEINSTEIN], asserting that there were irregularities and fraud in that election. The petition asks that if Senator FEINSTEIN is seated, as will occur, the seating be without prejudice to the ultimate determination of the election contest.

Election petitions are submitted to the Senate pursuant to the Senate's power, under article I, section 5, clause 1 of the Constitution, to "be the judge of the elections, returns, and qualifications of its own members." Under rule 25 of the Standing Rules of the Senate, petitions concerning contested elections shall be referred to the Committee on Rules and Administration, and that shall be done with Mr. Huffington's petition. It shall be the responsibility of the Rules Committee to determine what procedures should be followed in considering the merits of Mr. Huffington's election contest, and whether a recommendation should be made to the Senate about its disposition.

With respect to the swearing in that will follow, the petition asks that we consider at this time the narrower question whether the oath should be administered to Senator FEINSTEIN without prejudice to the election petition. At the convening of the 103d Congress, Senator Mitchell and I addressed the Senate on how that question has been viewed in previous election contests. In the course of our remarks, we particularly relied on the analysis of a predecessor of ours as majority leader, Senator Robert Taft of Ohio. Our full remarks, and a reprinting of remarks delivered by Senator Taft in 1953, are set forth in the RECORD for January 5, 1993. I shall not repeat all that has been said previously, but the essential point is as follows.

The oath that will be administered to Senator FEINSTEIN, just as the oath that will be administered to all other Senators-elect, will be without prejudice to the Senate's constitutional power to be the judge of the election of its members. In the words of Senator Taft in 1953,

If a Senator takes the oath, I do not believe that the fact changes the basis of the vote, or the percentage of the vote required, which is determined by the character of the case, rather than by anything done at the time the oath is administered.

As I stated to the Senate 2 years ago, "In effect we are all sworn in 'without prejudice.'"

Just as the Senate retains its full power to judge the election in California and all other Senate elections, the pendency of an election contest does not diminish the effect of the oath that will now be administered. As I also expressed to the Senate at the opening of the last Congress, "All Senators sworn in today are Senators in every sense of the word."

Nevertheless, as Senator Mitchell told the Senate 2 years ago, the making of this statement prior to the swearing in of a challenge Senator-elect serves the purpose of acknowledging formally that the Senate has received an election petition and that it will review the petition in accordance with its customary procedures.

#### SWEARING IN OF SENATORS

Mr. DASCHLE. Mr. President, I would like to state my concurrence with the basic proposition stated today that the administration of the oath to Senator-elect FEINSTEIN will not prejudice in any way the Senate's constitutional power to judge the California election. Neither will the pendency of Mr. Huffington's petition diminish in any way the effect of the oath that will now be administered to Senator FEINSTEIN. I join in the observation by Senator DOLE and shared by previous Senate leaders that all Senators sworn in today are Senators in every sense of the word.

#### ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senators to be sworn will now present themselves at the desk in groups of four as their names are called in alphabetical order, the Chair will administer their oaths of office.

The clerk will read the names of the first group.

The legislative clerk called the names of Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, and Mr. BINGAMAN.

These Senators, escorted by former Senator Griffin and Mr. LEVIN, Mr. INOUE, Mr. BOND, and Mr. DOMENICI, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally