

Perhaps President Clinton said it best today:

If you asked me to summarize in a word or two what happened today, I would say that we advanced the security interests of the people of the United States and the people of Russia.

I should also note that, regarding Chechnya, the President spoke out strongly and publicly against Russian action in Chechnya at an event at Moscow State University. He has made clear to President Yeltsin and to the Russian people the United States position. Tomorrow he will meet with opposition leaders and with the family of Fred Cuny, the American aid worker still missing in Chechnya.

So I would say the President certainly went to Russia knowing we have serious differences with Russia, but committed to the essential process of supporting democratic roots and institutions in Russia and developing our relationship with the Russian people. The list of accomplishments is impressive, and the trip continues.

I only hope that in the interest of ensuring the greatest degree of success, at least until he returns, we give him the greatest benefit of the doubt, that we offer him our support, that we send the right message to the Russian people that we stand behind this President as he negotiates, as he continues to confront the many very perplexing issues that we must address in our complicated relationship with the people of Russia and certainly Russian leadership.

So, again, I must say I think in 2 days it is remarkable the President has developed the list of accomplishments he has. I hope we could continue to add to that list in the remaining time the President spends in Russia. It was a trip well spent. It was a trip I think we can look on with some satisfaction. I hope as the President continues to travel we can demonstrate our support for him and for his efforts, and wish him well as he continues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. I thank the Chair.

(The remarks of Mr. CHAFEE pertaining to the introduction of S. 789 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending question before the body is the substitute amendment reported by the Committee on Environment and Public Works to S. 534. Is there further amendment?

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 754

(Purpose: To express the sense of the Senate on taking all possible steps to combat domestic terrorism in the United States)

Mr. SPECTER. Mr. President, I send an amendment to the desk on behalf of myself, Senator CRAIG, Senator GRASSLEY, and Senator BROWN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] for himself, Mr. CRAIG, Mr. GRASSLEY, and Mr. BROWN, proposes an amendment numbered 754.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. .SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) There has been enormous public concern, worry and fear in the U.S. over international terrorism for many years;

(2) There has been enormous public concern, worry and fear in the U.S. over the threat of domestic terrorism after the bombing of the New York World Trade Center on February 26, 1993;

(3) There is even more public concern, worry and fear since the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995;

(4) Public concern, worry and fear has been aggravated by the fact that it appears that the terrorist bombing at the Federal building in Oklahoma City was perpetrated by Americans;

(5) The United States Senate should take all action within its power to understand and respond in all possible ways to threats of domestic as well as international terrorism;

(6) Serious questions of public concern have been raised about the actions of federal law enforcement officials including agents from the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms relating to the arrest of Mr. Randy Weaver and others in Ruby Ridge, Idaho, in August, 1992 and Mr. David Koresh and others associated with the Branch Davidian sect in Waco, Texas, between February 28, 1993, and April 19, 1993;

(7) Inquiries by the Executive Branch have left serious unanswered questions on these incidents;

(8) The United States Senate has not conducted any hearings on these incidents;

(9) There is public concern about allowing federal agencies to investigate allegations of impropriety within their own ranks without congressional oversight to assure accountability at the highest levels of government;

(10) Notwithstanding an official censure of FBI Agent Larry Potts on January 6, 1994, relating to his participation in the Idaho incident, the Attorney General of the United States on May 2, 1995, appointed Agent Potts to be Deputy Director of the FBI;

(11) It is universally acknowledged that there can be no possible justification for the Oklahoma City bombing regardless of what happened at Ruby Ridge, Idaho, or Waco, Texas;

(12) Ranking federal officials have supported hearings by the U.S. Senate to dispel public rumors that the Oklahoma City bomb-

ing was planned and carried out by federal law enforcement officials;

(13) It has been represented, or at least widely rumored, that the motivation for the Oklahoma City bombing may have been related to the Waco incident, the dates falling exactly two years apart; and

(14) A U.S. Senate hearing, or at least setting the date for such a hearing, on Waco and Ruby Ridge would help to restore public confidence that there will be full disclosure of what happened, appropriate congressional oversight and accountability at the highest levels of the federal government.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that hearings should be held before the Senate Judiciary Committee on countering domestic terrorism in all possible ways with a hearing on or before June 30, 1995, on actions taken by federal law enforcement agencies in Ruby Ridge, Idaho, and Waco, Texas.

Mr. SPECTER. Mr. President, the thrust of this amendment is clear on its face; that is to proceed as promptly as possible, but in a reasonable way, to have as comprehensive hearings as possible in the U.S. Senate on ways to combat terrorism.

Pursuant to that general objective, this Senator scheduled hearings in the Subcommittee on Terrorism, a series of four hearings, with a fifth one planned. The first hearing was scheduled for April 27 on legislation which had been pending dealing with terrorism, with its focus on transnational terrorism but also with some focus on domestic terrorism as it related to FBI counterterrorism strategies. A second hearing was scheduled for May 4, with the subject being technical aspects of the legislation and also to provide an opportunity to the American Civil Liberties Union, the American Jewish Congress, the Irish National Caucus, and the National Association of Arab-Americans to be heard on the civil liberties issues raised by the legislation. The third hearing is scheduled for May 11, which is tomorrow, on the subject of the so-called mayhem manuals on how to make bombs being transmitted over the Internet. A fourth hearing is scheduled for May 18, dealing with Ruby Ridge, ID, and Waco, TX. There is a fifth hearing planned, which we may be able to schedule for May 25, which would deal with the growth of the militia movement around the United States.

The hearing scheduled for April 27 became a full committee hearing and proceeded on that basis. Then Senator HATCH, who is on the floor at the moment—I had notified him that I would be presenting this sense-of-the-Senate resolution at about 6:20, as we are doing at this time—wrote to me saying that he believed the May 18 hearing should not be held as scheduled but ought to be held at some time in the future with a date not specified.

It is my view, Mr. President, that it is a matter of urgent public interest that the hearing be held as promptly as reasonably possible, but in any event that a date certain should be set so

that we do not have the vague and indefinite statement as to when a hearing might be held in the future.

This is a matter which I have been concerned about since the incident in Waco, going back to April 1993. I had requested, shortly after the incident in Waco, that the Judiciary Committee hold hearings on the subject. The response which was given at that time was that hearings ought to be deferred until internal agency investigations were concluded. Once that had happened, other matters overtook the Judiciary Committee, and the hearings have never been held. I pursued the matter last year, however, by inquiring of the Justice and Treasury Departments about some of the conclusions they reached in their internal reports.

There is a great deal of public unrest as to what happened at Waco. There has been a report filed pursuant to an investigation initiated by the Department of the Treasury which was highly critical of the actions of law enforcement officials there. An internal investigation by the Department of Justice found little fault, to characterize it, although the report speaks for itself.

The incident at Ruby Ridge drew a tremendous amount of controversy. A deputy Federal marshal was killed; others were killed. There was a Federal prosecution, and the defendant, Mr. Randy Weaver, was acquitted of the most serious charges in that matter.

As specified in the sense-of-the-Senate resolution, there is substantial public concern that the handling of the Waco incident may well have been a triggering factor in the Oklahoma City bombing, with the Oklahoma City bombing coming on April 19, 1995, exactly 2 years after the date of the Waco incident.

Mr. President, it is hard to emphasize it any more strongly than was said in the sense-of-the-Senate resolution, that regardless of what happened at Waco and regardless of what happened at Ruby Ridge, there was absolutely no possible, no conceivable justification for the bombing in Oklahoma City. But there are those who say that the triggering factor at the Oklahoma City bombing was the failure to have appropriate action taken as to what happened at Waco. The media are full of reports of militias being concerned about what is happening in the Federal Government and fears expressed by many people that the Federal Government will infringe on or abolish the constitutional rights of citizens, including their rights under the second amendment.

I believe that it is incumbent upon the Senate to have hearings on this matter so that there may be assurances of full disclosure—let the chips fall where they may—so that there may be public assurance that the Congress of the United States will exercise its oversight responsibilities and that, if we do not act at least to set a hearing date, that this issue will fester and

who knows what the consequences may be.

I certainly do not want to make any predictions or have any self-fulfilling prophecies. But I believe as a U.S. Senator, as chairman of the Terrorism Subcommittee, as a member of the full Judiciary Committee, and also as the chairman of the Senate Intelligence Committee—which could conceivably have jurisdiction over these matters, but I think it is more properly a matter for the Judiciary Committee—that action be taken so that the Congress of the United States, the Senate of the United States, in pursuance of its oversight responsibilities, will do everything that it can to investigate and understand the problem of terrorism and to take all action which it can to respond. If we sit by idly without taking as much action as we can to allay the public concerns which have been expressed, that there has not been appropriate action by the Federal Government to hold accountable the Federal officials who were involved in Waco, TX and Ruby Ridge, ID, that certainly we would be responsible if anything happens in the interim which might be attributable, fairly or unfairly, to our inaction.

There had been reports that the Senate was not acting on Ruby Ridge, ID, because of concerns that there might be some interference with the investigation which is being undertaken by the prosecuting attorney of Boundary County, ID. The prosecuting attorney there, Randall Day, is conducting an inquiry to make a determination as to whether there ought to be a State prosecution of Federal officials.

Having had some experience in that particular line and not wanting to interfere with whatever the prosecuting attorney of Boundary County, ID, might want to do, I called Mr. Day and had an extensive conversation with him. There is no objection on Mr. Day's part for Congress to undertake whatever kind of an inquiry we choose to undertake.

Mr. Day advised me that there is a report by the Department of Justice which he has seen, which is not public, and he has a concern that if that report comes into the hands of potential witnesses that there may be some problem with those witnesses. But that would be unrelated to whatever kind of a hearing the U.S. Senate might want to undertake.

Mr. President, the essence of this resolution is that we move ahead with a hearing on Waco and Idaho, as they are, at least in the minds of many, related to the problems of terrorism in the United States. I personally believe it is totally insufficient to deal with this matter by talking about hearings, as Senator HATCH has said, "in the near future" or "after the House completes its hearings." That is a framework which is not sufficiently definable or definite, I think, to address this problem as it should be addressed.

My preference is to proceed with a hearing on May 18. I would be delighted to see that hearing in the full committee, as the hearing was held on April 27, after the original notification and purpose was sent out for a Terrorism Subcommittee hearing. So let there be no mistake, a full committee hearing would accomplish all of the purposes which I have in mind.

But I feel very strongly that we should not stand idly by without having the hearing or at least setting a date for the hearing. That is why the resolution is specifically calling for a hearing on or before June 30, which will at least let everyone out there know that there will be oversight and that the Senate will take action to put all the facts on the table and let the chips fall where they may, so that we will be doing everything in our power to understand terrorism and to curtail it to the maximum extent that we can.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Utah.

AMENDMENT NO. 755 TO AMENDMENT NO. 754

(Purpose: To express the sense of the Senate concerning the scheduling of hearings on Waco and Ruby Ridge in the near future)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 755 to amendment No. 754.

The amendment is as follows:

Strike all after the first word and insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) The American public is entitled to a full, comprehensive, and open hearing on the circumstances surrounding the efforts of federal law enforcement officers, including agents from the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms, to investigate and effectuate (or seek to effectuate) the arrest of Mr. David Koresh and others associated with the Branch Davidian sect in Waco, Texas;

(2) The American public is entitled to a full, comprehensive, and open hearing on the circumstances surrounding the efforts of federal law enforcement officers, including agents from the Federal Bureau of Investigation, the U.S. Marshals Service, and the Bureau of Alcohol, Tobacco and Firearms, to investigate, and effectuate (or seek to effectuate) the arrest of Mr. Randy Weaver and others associated with Mr. Weaver, in Ruby Ridge, Idaho;

(3) The Senate has not yet conducted comprehensive hearings on either of these incidents;

(4) The public interest requires full disclosure of these incidents through hearings to promote public confidence in government; and

(5) The public's confidence in government would be further promoted if the timing of the hearings takes into consideration the need for such hearings to be conducted in an atmosphere of reflection and calm deliberation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that hearings should be held in

the near future, before the Senate Judiciary Committee, at a time and under such circumstances as determined by the Chairman, regarding the actions taken by federal law enforcement agencies and their representatives in the aforementioned Ruby Ridge and Waco incidents.

Mr. HATCH. Mr. President, as usual, I have a lot of respect for the distinguished Senator from Pennsylvania. I know that his intentions are honorable. He would like to have these matters examined, and I believe that they will be examined.

I have to say that there were 12 Federal law enforcement officers and personnel who were murdered in the Oklahoma City tragedy.

I understand that memorial services for those Federal law enforcement personnel will be held next week. Out of respect for those who were victims, I am reluctant to hold hearings on Waco at this time—although I believe Congress must do so. I have to admit that nobody has been more concerned about the Waco incident and the Ruby Ridge incident than I have been. After all, both States are in close proximity to mine. I have a lot of friends in both States, and there has been a considerable amount of pressure on me to hold hearings in the last month or so, and even before that.

I been frank about the fact that I intend to hold Judiciary Committee hearings. When I heard that the House was going to start hearings on Waco and Ruby Ridge, with the agenda that we have in the Senate, which is a very heavy Judiciary Committee agenda, and also with the occurrence at Oklahoma City, I told people that we will hold hearings but that I would like to wait at least a reasonable time and allow the FBI and other law enforcement agencies to do everything they possibly can to catch, convict, and punish those people who were responsible for the Oklahoma City bombing. It is certainly the most tragic terrorist incident in the history of this country. There are others that I can cite, some of which even involve my own forebears. As people will recall, the Mormon Church is the only church in the history of this country where its members had an extermination order against them, issued by a Governor of one of these States, which extermination order was rescinded by none other than one of our colleagues when he was Governor of that respective State.

I have to say that we will hold hearings and I intend to hold them in a reasonable period of time. They will be held, though at the full committee which is the proper jurisdictional setting, as the full Judiciary Committee has retained jurisdiction over the Department of Justice. This issue is a Department of Justice oversight issue, so the full committee should hold these hearings.

One thing I am very concerned about is pulling any FBI leader off of the Oklahoma City case until they wrap up

the investigation. They are making great headway. I am updated almost daily by the Director of the FBI, by people at the Justice Department, people in this administration, and others who are on top of what is happening following the Oklahoma City bombing. And I personally believe we should allow our law enforcement community some time—and it may be longer than the middle of next month or the end of June—for them to use every power at their disposal to resolve the investigation and problems in Oklahoma City.

Now, every time we have one of these hearings—and in this particular case, if we hold a hearing, a Department of Justice oversight hearing on Waco and Ruby Ridge, the FBI Director is going to have to be there. Mr. Potts, who is doing an excellent job of running the investigation on Oklahoma City, is getting accolades from everybody involved in this particular investigation. Were we to hold hearings now, Mr. Potts would have to defer his time from Oklahoma City to prepare for and testify at our hearings up here. And there are innumerable other people who may or may not be involved in hearings, but who need to be on the job in Oklahoma City.

That is why I am reticent to calling these hearings during the month of May, and I am reticent to have a due date of June 30, which is what the distinguished Senator has in his sense-of-the-Senate resolution. I will be happy to do whatever the Senate says. But it is my prerogative as chairman of the Judiciary Committee to determine when these hearings are going to be held. I have to say that I hope that the Senate will take into consideration the importance of the work that is being done to try and uncover the problems and catch those responsible for the Oklahoma City bombing.

I personally think it is the wrong thing to do—to try to push hearings too soon on this matter, under these circumstances at this time.

Now, perhaps there is reason to criticize the Senator from Utah for not having held hearings before the Oklahoma City incident, but the Senator from Utah has been studying these matters and we have people looking into them. We do not feel that we are prepared to hold the hearings at this particular time, and we certainly were not prepared before the Oklahoma City incident. Indeed, much of our attention in the Judiciary Committee has been focused on passing the Contract With America.

I want to share with my colleague from Pennsylvania that I have many friends who are very concerned in my home State and in the State of Idaho, my neighboring State, and in the State of Texas, a State I have a great deal of love and respect for, who are very concerned about the fact that the Waco and Ruby Ridge matters have been allowed to drag on as long as they have. When I heard that the House was going to move forward, I thought to myself,

good, let them do it and then we will watch that carefully and we will follow up with hearings, if necessary, to do the necessary things to cover all of the matters that were not covered there or that need to be recovered by Members of the Senate.

There is no desire on my part to avoid holding hearings, no desire to ignore these matters. And there is no desire to fight the distinguished Senator from Pennsylvania on this issue. I will be happy to hold hearings, as I informed the Senator. There will be full committee hearings. The distinguished Senator from Pennsylvania will have every right to participate as a distinguished member of the committee. He is a member whom I respect. But it ought to be done, it seems to me, in a reasonable and a considered way, giving consideration to the pressures on everybody, including members of the Judiciary Committee but, most importantly, on the leadership of the FBI at this particular time. Perhaps they will wrap up the Oklahoma City investigation within the next week or so. I imagine it is going to take more time than that. But they are on their way, and they are making great headway and I do not want to pull anybody off from that investigation at this particular time.

If we did, you never know whether some felon or murderer could slip through and escape or find some way out, or cover his or her tracks or their tracks; we just do not know at this point.

So I encourage my colleague from Pennsylvania to work with me on a resolution that will certainly express the sense of the Senate to hold hearings on this matter but to do so in a timeframe that I think will bring people together rather than split us apart. I would like to do that, and I am humble enough to be given advice and to try and follow it. But in this particular case, I feel very deeply that there is a time to hold these hearings and a time not to. And right now is not the time to do it. I believe probably next month will not be the time to do that as well. I certainly hope that we will hold hearings in a short time and in a reasonable time from this particular date.

So I commend the Senator from Pennsylvania for his desire to do this, for his zeal, and for his interest in trying to resolve wrongs that exist or may exist in this country with regard to these two incidents and any other incident. I also believe that if we are patient and wait until we see the outcome of the investigation of the Oklahoma City bombing—if we wait a short while longer, not only will we help the FBI and others to get the job done, but we may be able to uncover some things that will help us to understand improvements that they are making at the FBI with regard to terrorism. And I have no doubt that we will uncover the truth about whether there is no conspiracy of the Government against the American people, or against the

militia movement, or against individual citizens. We know that there have been mistakes made. In Waco, it was a catastrophe; I have said that publicly, and I cannot remember, but I believe I have said it on the floor. Ruby Ridge was one of the great tragedies of our western lives. I believe that hearings are going to be appropriate and we will hold them.

I hope that we will work this out so that we can work together on it rather than work apart.

Let me just add that I think it is the prerogative of the chairman, to determine when hearings within his committee's jurisdiction will be held. I intend to stand by that position—for a reasonable time but not a definite time—until after I see what happens in Oklahoma City. I do not want to put extraordinary pressure on the FBI at a time when they have extraordinary pressure on them anyway.

Especially with the understanding that Ruby Ridge and Waco will not go away, with the understanding that we are studying those matters now, and trying to figure out what would make the most effective and reasonable and worthwhile hearings on the subject, I feel we can withhold on hearings. I have no doubt that the administration and others with whom my colleague from Pennsylvania has spoken have informed him that if the Senate chooses to hold hearings, they will appear. I cannot, however, believe that they would take the position that hearings at this time, in the midst of the largest criminal investigation in history, are a priority for them.

I commend my distinguished colleague from Pennsylvania for his efforts in trying to move this issue forward. I hope he will work with me on it. If he will, we will get farther than if he does not. If he does not work with me, the Senate will vote on a sense-of-the-Senate resolution—a nonbinding resolution. I will determine when these hearings will be held. I just think it would be flying in the face of good law enforcement, flying in the face of reality, flying in the face of the need to hold hearings which are calm and deliberative, and flying in the face of the people who have died in Oklahoma City, who deserve a resolution to their problem, to hold Waco and Ruby Ridge hearings at this time.

Now, there are people who have died in Waco, and people who have died in Ruby Ridge, both law enforcement people and innocent people in those compounds, and they all deserve to have this matter fully reviewed. I intend to do so. But these are matters which require a comprehensive and full review—not a hurried hearing.

I intend to work with every member of the Judiciary Committee so that every member can have an opportunity to be part of the hearings, to have an opportunity to ask the questions, and hopefully they can during the time that will be allotted. It may take more

than one day of hearings. In fact, it will probably take more than one day.

I have the commitment from the Director of the FBI and from the people at Justice that they will cooperate in those hearings. I have discussed with them the need to hold hearings and I have made it clear to them that we will hold them. And they, themselves, have indicated to me that they would like a little bit of time to finish the Oklahoma City matter before they have to divert their efforts and come up here for full-blown hearings before any committee of the U.S. Senate and, I believe, even the House of Representatives.

They will do it if we demand they do it. I just believe there is a time to have them do it. That time is not now, under the circumstances of Oklahoma City.

With that, I offer to work with the distinguished Senator from Pennsylvania and see what we can do to resolve this problem. I stand ready to work with him.

Mr. SPECTER. Mr. President, I ask unanimous consent that Senator KEMPTHORNE be added as an original cosponsor of the resolution.

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

Mr. SPECTER. Mr. President, when the Senator from Utah talks about patience, it seems to me that the American people have been patient long enough, since April 19, 1993. There has been ample time to hold these hearings, long ago.

As I said, I had asked for hearings shortly after the event itself. Had they been held in January or February or March or up to mid-April of this year, we would not be looking awaiting further action on Oklahoma City. It may be that we would not have looked at anything at Oklahoma City at all had the hearings been held earlier.

I do not know that that is so, but I think that when there is a request for patience, I think that there has already been an undue amount of patience on the matter. I do not think that it is impatient to say, "Do it by June 30." That is 41 days from May 10, as we stand here at the present time.

I discussed these hearings with the Director of the FBI, Louis Freeh, who was willing to proceed at this time and has no objection. The Attorney General of the United States has publicly stated that she is prepared for hearings.

When the Senator from Utah offers a resolution that "hearings should be held in the near future," my judgment is that is totally, totally, insufficient.

When he talks about time, and he says we should wait until we "catch and punish those responsible for Oklahoma City"—punishing them may take a matter of years. Some murder cases languish in the courts for up to 20 years. I do not think he necessarily means that, but if he is talking about waiting for punishment, even a trial would take months or more than a year.

When he talks about awaiting hearings in the House, "We will wait for the hearings in the House, if necessary to see if we proceed," the Senator from Utah is not even talking in a definite way about hearings after the House hearings. We will see after the House hearings, if necessary. I firmly believe that the Senate has an independent responsibility. We do not have to get involved in being a bicameral legislature. We have an independent responsibility to undertake these hearings.

When paragraph 12 of the resolution calls to hearings by the U.S. Senate to dispel public rumors that the "Oklahoma City bombing was planned and carried out by Federal law enforcement officials," that is a statement of the Director of the FBI himself. When Director Freeh was at lunch yesterday in the Republican Caucus he talked about rumors that the Federal Government itself had caused the bombing in Oklahoma City, and that he welcomed the hearings to dispel those rumors.

On two occasions the Senator from Utah has said that it is "My prerogative"—"My prerogative to decide when the hearings would be held." I think that that is customarily the situation. When we schedule subcommittee hearings, however, it is the prerogative of the chairman of the subcommittee to schedule the hearings.

Or, as I said, it would be conceivable to have hearings in the Intelligence Committee which has jurisdiction over terrorism matters. And a good bit of what we are considering now in the Judiciary Committee relates to the deportation or aliens, which is clearly a matter within the jurisdiction of the Intelligence Committee. As chairman, I could schedule them there, if we want to talk about prerogatives, but I have not done so because I think this is really a matter for terrorism as it is defined in the Terrorism Subcommittee of the Judiciary Committee. As I say, I would be glad to see the hearings held in the full committee, as was the hearing on April 27 after the notice had been given by the subcommittee for that hearing.

When we talk about the prerogatives of Senators, I think that is a little excessive, even if the Senators are chairmen, when we have a matter of public interest.

I am a little surprised by the statement by the Senator from Utah, again I wrote this down, that even if the resolution passes, "I am going to determine when to hold these hearings, unless the Senate orders me."

I do not know of any procedure for having an order or a mandamus, or direction of that sort under our Senate procedures, but the way we determine the will of the Senate is to have a sense-of-the-Senate resolution, which is what I have offered. It gives a lot of latitude as to when the hearings will be held.

So it is a little surprising to hear that the Senator from Utah is going to determine when to hold the hearings,

whatever the sense of the Senate may be, unless the Senate issues some kind of an order. I know of no such procedure for such an order.

Mr. President, I am very much concerned about the officers, the Federal officials, who were murdered in Oklahoma City. I think every American is. I know the area very well.

I went to the University of Oklahoma, which is in Norman, 20 miles away, and have a lot of friends in Oklahoma City. It is a catastrophe of the first order. I think that we can best serve the public interest and best pay our respect to the victims in Oklahoma City and best pay our respect to victims of terrorism everywhere if we act and if we do what we can to clear the air on any notion which may be current in the country that there has been a coverup by the Federal Government, or a failure to act or a failure to look into what happened in Waco and Ruby Ridge.

I think this resolution is a very reasonable approach to the issue, deferring from the date of May 18, which the subcommittee has set, and deferring to the full committee. It is not a matter of who conducts the hearings. Let the full committee do it. But let us do it with reasonable promptness.

I think it is important that we not talk about personal Senatorial prerogatives or about being ordered to do something, not talk about conduct them "if necessary," after the House holds its hearings, or not talk about the vagaries of the near future. We need to set a time when at least we will let all Americans know we are going to move ahead, we are not stonewalling, and although we are not having the hearing on May 18, we will at least set a date that will give public assurance—that we will give the public assurance that we will let the chips fall where they may and there will be accountability in America regardless of how high the officials may be.

Mr. CRAIG. Mr. President, I strongly support the call for hearings into the Federal Government's handling of standoffs in Naples, ID and Waco, TX.

Some of my colleagues may remember I have been pushing for many months to get the Government to tell what it knows about the incident in my home State—often referred to as Ruby Ridge. I asked for an investigation of the incident, which was done; I pressed for release of the reports of that investigation, which is presently awaiting the consent of the local Idaho prosecutor; and in January, I asked for hearings in the Senate.

Government agents have already been disciplined for acts and failures to act at Ruby Ridge. Just a few weeks ago, the Deputy Attorney General released a list of problems that she thinks occurred there and asked the heads of three agencies to report how they are addressing these problems.

Yet there still has not been any public accounting as to what happened,

nor answers to the questions that continue to multiply.

Mr. President, the public has a right to know. The Senate should hold hearings into this matter and into the handling of the Waco standoff, as well.

There are some who have suggested that now is not the time for these hearings. They say we should wait until Oklahoma City recovers, or until the polls show a more favorable political climate in the country, or some other goal is met.

At the same time, we have been hearing a lot in the press and even in this Chamber about the public's so-called "paranoia"—fear and mistrust of the Federal Government that is being labeled as irrational.

I should not need to remind my colleagues: fear breeds in ignorance. Mistrust is fueled by rumor. The worst thing this Congress could do to improve the situation would be to put these issues on the shelf or try to drive public discussion underground.

That is not the way a responsive, and responsible, representative body should operate. We depend upon our State and Federal authorities to maintain order and keep the peace, and we trust they will do so in a way that is consistent with the law and in keeping with the trust we have placed in them. Sometimes a line is crossed that runs the risk of breaking the trust and confidence Americans have place in our Federal law enforcement community.

Many across America fear such a line was crossed at Waco and at Ruby Ridge. That fear has only increased, not decreased, as the days and months have passed without an adequate Congressional response.

Surely everyone in this Congress would agree that it would be helpful to have answers to these questions before we respond to Federal law enforcement requests for greater powers and resources. Hearings in this area may well point out areas where additional help is needed; conversely, they may point out areas where additional powers may contribute to the potential for abuse. And if Congress deserves to know the answers to these questions before making such an important policy determination, surely the public also deserves it.

Mr. President, it serves neither the law enforcement community nor the interests of civil liberties or delay addressing these incidents. We should hold hearings and seek answers to the legitimate questions that have been raised—and we should do it now, rather than allow the cancer of suspicion and mistrust to grow.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator's amendment is currently not pending for those purposes. It takes unanimous consent to order the yeas and nays on your amendment, Senator.

Mr. SPECTER. Mr. President, I ask unanimous consent that my amendment be considered as a freestanding

resolution which, as I understand from the Parliamentarian, is permissible.

The PRESIDING OFFICER. It does take unanimous consent.

Mr. SPECTER. I ask unanimous consent it be considered as a freestanding resolution.

The PRESIDING OFFICER. In my capacity as a Senator from Minnesota, and acting as Chair, I do object.

Objection is heard.

Mr. SPECTER. I ask unanimous consent that the yeas and nays be ordered.

The PRESIDING OFFICER. Is there objection that it be in order to order the yeas and nays at this time?

Is there a sufficient second?

There is clearly not a sufficient second.

Mr. SPECTER. All Senators on the floor are voting in favor of the yeas and nays.

Come on now, Mr. President, I have seen the yeas and nays ordered with one Senator on the floor asking for the yeas and nays constituting a sufficient second.

The PRESIDING OFFICER. According to the Parliamentarian, a minimum of 11 Senators need to be on the floor for a sufficient second.

Mr. SPECTER. Parliamentary inquiry, Mr. President. Will the Parliamentarian represent that the yeas and nays have not been ordered in any case he has seen where fewer than 11 Members of the Senate have asked for the yeas and nays?

The PRESIDING OFFICER. Senator, there is not a record kept of that, according to the Parliamentarian. So the information would not be available.

Mr. SPECTER. I ask for his best recollection but not necessarily a record, Mr. President.

Mr. President, I ask unanimous consent that the yeas and nays be ordered.

The PRESIDING OFFICER. Is there objection? Without objection, so ordered.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. SPECTER. Mr. President, I send a motion to invoke cloture on the pending matter to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby