

nomination and vote on it. I have inquired about a time agreement but gotten no response. Now that an opponent has finally come forward to identify himself, I look forward to a prompt debate and a vote on this nomination in accordance with the apparent commitment of the majority leader. I look forward to that debate. I ask again, as I have done repeatedly over the last several months, why not now, why not today, why not this week?

I again urge the majority leader to call up the nomination of Margaret Morrow for a vote. She has suffered enough. The people of the Central District of California have been denied this outstanding jurist for long enough. The chairman of the Judiciary Committee said last month that he had the assurance of the majority leader that she will be called up for a vote but neither has said when that will be. I hope that the majority leader will proceed to the consideration of this nomination and that he will support Margaret Morrow to be a district court judge for the Central District of California.

STATEMENT ON THE NOMINATION OF PAUL R. CAREY TO BE A COMMISSIONER OF THE SECURITIES AND EXCHANGE COMMISSION

Mr. MOYNIHAN. Mr. President, I rise in emphatic support of the nomination of Paul R. Carey of New York to be a commissioner of the Securities and Exchange Commission. Mr. Carey, who has served since 1993 as special assistant to President Clinton, is an inspired public servant who is exceptionally well qualified for this position.

I have known Paul Carey, boy and man. He was born in Brooklyn, the borough of churches. And indeed it was in a sort of church that we first met. It was in the summer of 1977. I was a newly serving Senator and Paul's father was New York's Governor. It was through Hugh Carey's heroic efforts that New York City was saved from bankruptcy. As I have often said elsewhere, Hugh Carey was New York's greatest Governor since Al Smith. Paul's father and I had gathered, along with several hundred others at Siena College, to be present at the induction of Howard Hubbard to serve as the bishop of the Diocese of Albany. Paul accompanied his father that day. He was still in grade school but he was attentive throughout and his firm handshake alone identified him as his father's son. We became friends and I shared his family's pride as he progressed through high school, graduated from Colgate University, and entered the world of business and finance.

But I think he was always interested in public service. In 1991 he chanced upon my wife Liz in the Albany train station and said as much. He joined the Clinton administration at the first. And he has just shone. Paul has exemplified what Alexander Hamilton called Energy in the Executive. No bill has been too complex to yield to his explanation. Few Senators are able to withstand his persuasive powers. He has seen the President's program through.

Paul has proved his worth and his talents have not escaped the President's notice.

If I may say Mr. President, Paul's time in the White House will serve him well at the SEC. For despite being an independent agency, the Commission is withal a part of the national government. As such, it is useful to have a Commissioner who knows intimately the workings of the legislative and executive branches. Government has been called the art of the possible. Paul has over these last years learned what is possible and what is not. As the Commission confronts a world made more complex by technology and the globalization of finance, proposals will be made for regulations and laws of great sweep and broad scope. Having a Commissioner who knows what can be done as well as what should be done will allow the Commission to better serve us all.

Mr. President, I do not believe there is any representative of the administration who enjoys a higher degree of respect on Capitol Hill than Paul Carey, as was demonstrated by the unanimous vote in favor of Paul's nomination by the Senate Banking Committee, and by the enthusiastic support of its chairman, Senator D'AMATO.

Mr. President, I urge the Senate to follow suit and confirm the nomination of Paul Carey by a unanimous vote.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

AUTHORIZING TESTIMONY, PRODUCTION OF DOCUMENTS, AND SENATE LEGAL COUNSEL REPRESENTATION

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 137 submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

A resolution (S. Res. 137) to authorize testimony, production of documents and representation of employees of the Senate in the cases of *United States versus Tara LaJuan Edwards* and *United States versus Robbin Tiffani Stoney*.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, *United States versus Tara LaJuan Edwards* and *United States versus Robbin Tiffani Stoney* are two criminal cases set for trial in the Superior Court of the District of Columbia, charging the defendants, two former Senate employees, with financial misconduct during their former Senate employment.

Three employees of the Secretary of the Senate not implicated in the al-

leged wrongdoing have been subpoenaed by the Government to testify at these trials. This resolution would authorize these Senate employees to testify, and would also authorize representation of these Senate witnesses by the legal counsel. The resolution also would authorize the Secretary to release Senate records and documents relevant to these cases.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 137) and its preamble read as follows:

S. RES. 137

Whereas, in the case of *United States v. Tara LaJuan Edwards*, Case No. M12677-97, pending in the Superior Court of the District of Columbia, subpoenas have been issued for testimony by James E. LePire, Billy R. Smith, and Kristine D. Brown, employees of the Secretary of the Senate;

Whereas, in the case of *United States v. Robbin Tiffani Stoney*, Case No. M12598-97, pending in the Superior Court of the District of Columbia, subpoenas have been issued for testimony by James E. LePire and Billy R. Smith, employees of the Secretary of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That James E. LePire, Billy R. Smith, and Kristine D. Brown, and any other Senate employee from whom testimony may be required, are authorized to testify in the cases of *United States v. Tara LaJuan Edwards* and *United States v. Robbin Tiffani Stoney*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Secretary of the Senate is authorized to release Senate records and documents relevant to these cases.

SEC. 3. That the Senate Legal Counsel is authorized to represent James E. LePire, Billy R. Smith, and Kristine D. Brown, and any other Senate employee from whom testimony may be required, in connection with *United States v. Tara LaJuan Edwards* and *United States v. Robbin Tiffani Stoney*.

ORDERS FOR WEDNESDAY, OCTOBER 22, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate