

Yet from that relatively small population of 1 million people have come a series of extraordinary Senators. I look back, Mr. President, just in the ones I have had the privilege of knowing—Margaret Chase Smith, for example, who stands out as a beacon, particularly in connection with the impeachment hearings and leading up to that of President Nixon. We remember clearly Ed Muskie, with whom I had the privilege of serving on the floor of the Senate. He was active, ran for Vice President, and gave one of the finest television speeches it has been my privilege to hear. And George Mitchell, whom we have just had the privilege of extolling, and rightfully so. And Bill Cohen, who is now our Secretary of Defense. And that great tradition of those outstanding Senators is carried on now by the two Senators from Maine, Senator OLYMPIA SNOWE and Senator SUSAN COLLINS.

It seems to me that the people of the State of Maine have great reason to be extremely proud not only of the Senators who have been before—and I listed some of them—but of their current Senators, Senators SNOWE and COLLINS. It is a tradition that they are carrying on. It is a remarkable one, Mr. President. As I thought about these remarks today and thought of the Senators I have known, I don't think you could name a State that is as small in population as the State of Maine and has produced such outstanding Senators as those I just listed.

Mr. President, in making this salute to George Mitchell, it seems to me we are saluting the people of the State of Maine, who have had such good judgment. These are not all Republicans, and they are not all Democrats. They are Republicans and they are Democrats, both. It has been a remarkable flow of outstanding servants, not just for the State of Maine but for the United States of America. I think all of us can be very proud of those who have gone before and those who are now serving in the U.S. Senate from the State of Maine.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DEWINE. I ask that I be allowed to proceed under the previous order for 60 minutes.

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

NATIONAL ORGAN DONOR WEEK

Mr. DEWINE. Mr. President, we are concluding National Organ Donor Week. I think as we conclude our week here in the U.S. Senate, it will be appropriate to pause for a moment and

discuss the importance of this week. This is one of the few times when the mere talking about an issue actually will, in fact, make a difference.

Why do we celebrate or why do we call attention to National Organ Donor Week? We do it because of a tragedy. The tragedy is that 7, 8, 9, in some weeks 10, of our fellow citizens die, die every week, because there aren't enough organs available. They don't die because medical science can't save them—medical science can save them. They die waiting on a list, waiting for an organ to become available, and seven, eight, or nine of them every week die.

What can be done about this? What we can do is talk about this issue. As we talk about it, we can encourage people and their families around the kitchen table to talk about it. Talking about it does make a difference. Too many families, when faced with life's most horrible tragedy, which is the unexpected, usually sudden, loss of a loved one—a daughter, son, mother, father, wife, husband—when they are asked by the medical personnel at the hospital, "Can we use your loved one's organs to help save someone else?" they don't know what to say. They are faced with horrible trauma, something they have not expected. Too many of our fellow citizens say no, not because they don't want to help people, but they say no because they never thought of it.

I am convinced if people talk about this issue, if they talk among the members of their family, that we will increase the number of people, when they are faced with that horrible tragedy, to in fact say yes, and we will save lives. That is why we set aside a week as National Organ Donor Week.

The ribbon I am wearing symbolizes that. One of our great pages who was out in the hallway a moment ago asked me, "Senator DEWINE, what does that stand for?" And I was able to tell her what this stands for. I think it is something that we want to share with all our fellow Americans.

The Postmaster General and his committee will issue a postage stamp next August to remind us all as we put postage on our letters, as we receive letters, of how important it is to encourage people to become organ donors. I appreciate, Mr. President and Members of the Senate, having an opportunity to talk about this issue this afternoon.

STARR INVESTIGATION

Mr. DEWINE. Mr. President, I have, with few exceptions, been very careful not to comment about the ongoing investigation, the Starr investigation, the independent investigation—however you want to characterize it. I have refrained from doing that for many reasons.

I want to speak this afternoon about a very limited aspect of that investigation. I speak as a former county prosecuting attorney. I bring, I guess, to

the Senate floor today that particular perspective. This past week, there have been news stories—and again I emphasize "news stories;" we don't know whether it is true or not true—news stories about the possible subpoena into the grand jury here in Washington of Secret Service agents. That has been the report.

Before I go any further, let me say I don't know what the facts are. I don't know whether that is true or not true; nor do I know what the facts are underlying this investigation; nor do I know what Mr. Starr and his prosecutors have uncovered so far; nor, obviously, do I know what has occurred inside the grand jury. So my comments have to be qualified, and that fact has to be taken into consideration. My comments must be understood in that light, and they are given in that light.

Former President Bush was quoted in the Washington Post in what was described as a private letter—it was in the Washington Post of Thursday, April 23, yesterday. This was a letter that apparently was privately sent to, directly to, the Secret Service Director, Lewis C. Merletti. And the Washington Post quotes the letter from former President Bush as saying, in part, the following: "I can tell you, sir, that I am deeply troubled by the allegations swirling around there in Washington and what all this might do to the office I was so proud to hold," Bush wrote Merletti.

Continuing the quote: "Regardless of all that, I feel very strongly that the United States Secret Service agent should not be made to appear in court to discuss that which they might or might not have seen or heard."

Mr. President, I hope that this issue about the potential subpoenaing of Secret Service agents into a grand jury, if it's true, to testify about things they observed involving the President of the United States would be resolved not in the courts and not by legislation. As a former prosecutor, I hope that this matter will be resolved by the sound, good judgment of the special prosecutor in this case. It should be resolved by the proper use, the measured use, the reasoned use of what we refer to as "prosecutorial discretion."

Mr. President, the prosecutor in our system has a unique role. I don't know of any other country where the prosecutor has quite this distinctive a role. The prosecutor, really, in many respects, is the most important player in the criminal justice system. It is because of prosecutorial discretion the prosecutor must decide whether the evidence that has been gathered is sufficient to even summon a grand jury, to even present a case to a grand jury. A prosecutor carries a very, very heavy burden. It is a burden that is not carried by the defense attorney, whose job it is to present the defense. It is a burden that is really not even carried by the judge, who is not the principal acting force because, under our system, nothing really happens until a prosecutor says it happens. Nothing goes into

play, so to speak. The game doesn't start until the prosecutor makes that decision. So the burden on the prosecutor of summoning people to a grand jury, of asking a grand jury to indict someone is an awesome, awesome responsibility.

Let me talk for a moment—and again, I am talking in the abstract without all of the information. At least from this Senator's perspective, I can express my point of view as to how I hope and expect that prosecutorial discretion to be exercised in a very unique situation when we are dealing with the Secret Service that is sworn to protect the lives of the President of the United States and his family and when we are dealing with the President of the United States. Frankly, I am not concerned about an individual President; I am concerned about the office, and I am concerned about what precedent we may or may not be in the process of setting.

It seems to me that some reasonable standards would be as follows:

If the prosecutor has reasonable belief and reasonable evidence to indicate that a Secret Service agent has seen a direct violation of criminal law, then I think it is clearly correct that that Secret Service agent should be questioned, and it's clearly correct that that Secret Service agent should be brought into the grand jury. If a Secret Service agent, it is alleged, is credible enough that the prosecutor believes that person should be called in and that he or she, as an agent, has seen in the course of duties, or outside of the course of duties, a direct violation of criminal law, I would find it very difficult to make any kind of case that that person should not be brought in and questioned and should not be compelled to testify in front of a grand jury.

However, short of that set of facts, I believe there must be a compelling reason to subpoena a Secret Service agent into a grand jury on facts less than that. I think the reason for this, Mr. President, and the reason for my statement and the reason for this rationale is very obvious. Again, we are not so concerned, really, about one President. What we ought to be concerned about, however, is the precedent. We should not worry about what is in the best interest of a particular President, but we should be very much concerned about what is in the best interest of our country. We look to the Secret Service to protect the President of the United States. It is not just in the President's interest that the President be protected; it is obviously in our national interest that the best security precautions be taken to protect our President and his family.

If the President has to be concerned about the Secret Service being called in to a grand jury for less than compelling reasons, I think the consequences are not good. I think you could make a very legitimate argument that that would, in fact, intrude on the very spe-

cial relationship that we expect the Secret Service agents to have with the President of the United States. Again, I do not know the facts of this case, but I think it is important, and I felt compelled, frankly, to outline on the floor today at least what this Member of the Senate, as a former prosecutor, thinks the proper use of prosecutorial discretion would indicate. It is a very high standard. It is a very awesome responsibility. It is a sacred trust. Whether it be in Greene County, OH, where I prosecuted cases, or whether he be the independent counsel appointed to look into allegations about the President of the United States, we expect the same standard, we expect the same discretion, and we expect the same responsibility.

In summary, in my opinion, if there has been evidence, substantial allegations, credible allegations that the Secret Service has seen something criminal, I have no problem; in fact, they should be brought into a grand jury to help in the investigation. Short of that, there should be a compelling reason for that person to be subpoenaed by the prosecutor. It is difficult to write legislation to deal with this. It is difficult for the courts to make decisions in regard to this. Frankly, the best person to make that decision is the independent counsel. We should expect a great deal of discretion, a great deal of good, common sense and judgment to be exercised by the independent counsel before he or she exercises the awesome responsibility of subpoenaing someone into the grand jury, particularly when we might be dealing with a Secret Service agent who would be testifying about what he or she overheard in connection with the President of the United States.

THE NATIONAL DUI STANDARD

Mr. DEWINE. Mr. President, I will turn to another issue I have spoken about on the floor a number of times. It is a question, in my opinion, of life or death. It is legislation that was approved by this body with an overwhelming—virtually a 2-to-1—vote. It is a matter presently subject to the conference committee between the Senate and the House. That issue, of course, is the issue of the .08 national DUI standard.

Members of the conference committee are working on this, or preparing to work on this matter, so I think my comments are timely and I think it is important to emphasize what this whole question is all about. I believe that one of the most important provisions of the Senate version of this service transportation bill was a provision that we approved by an overwhelming majority of 62 in favor and 32 opposed. That provision, if this Senate approved it, would move our country forward to a national .08 blood alcohol standard.

As my colleagues know, the House Rules Committee voted, I think very unfortunately, to stop the House from

even considering this matter on the House floor.

Mr. President, the facts are that if this does not become law, there will be lives that will be lost that would have been saved if we would have enacted this very reasonable national standard. The need for this legislation will not go away, it will only increase.

How did such a clearly valuable measure, a life-saving measure, end up being blocked in the House and remain in such legislative peril today? I think one major reason is an effort outside this Congress, a well financed campaign of what I believe are half-truths.

There was a full-page ad that appeared in the Washington Times before the Rules Committee voted. It said that reducing the blood alcohol limit to .08 would transform the average American into a lawbreaker. Here is what it said. I quote.

Reducing the limit to .08 would increase the number of law violators by about 60 percent.

Mr. President, that is simply not true. That is wrong. It is not true. That is not what our bill does. Our amendment's purpose is not to get more people arrested for driving under the influence of alcohol but, rather, to get more people to change their behavior so that fewer of them drive under the influence. One might be asked: How do we know that would happen if our legislation passed? How do we know the results will be fewer people actually arrested? The answer comes from our largest State, the State of California.

In 1989, the last year California had a .10 blood alcohol content limit, the highway patrol in California made 138,000 DUI arrests. In the first year after the law was changed, the first year of the new .08 limit, that number did jump almost 14 percent, to 158,000—138,000, 158,000. But every year since then, Mr. President, that number has declined, all the way down to the last available figures, which were 1997, and that figure was 91,014. Every year, it went down. That is the lowest level of DUI arrests in California since 1971. The efforts from our largest State could not be more clear.

A .08 standard does not turn Americans into lawbreakers. It does not turn the average American into lawbreakers. That is simply not true. It takes impaired drivers off our streets.

Because precious lives depend on keeping impaired drivers off the road, I promise that we will fight to keep this legislation in the final transportation bill. We will work to pass the legislation, because the facts are on our side. The facts tell a very disturbing story.

During the recent break, when Members of the House and the Senate had a chance to be in their home States, on April 13 the Washington Post had an important, I think, revealing article laying out the facts.

Fact: According to a Boston University study, passing this legislation would save, at a minimum, 500 lives a