supposed 'remedy' would enable Congress to unsurp authority.

The Religious Freedom Amendment took nearly three years to draft, building widespread support among people of many faiths, both Christian and non-Christian. It is the product of painstaking and prayerful work. Now it's being assailed by demagogues who prey upon those who aren't informed about what the courts have done, or about how the Religious Freedom Amendment can repair that damage.

One quick way to inform yourself, and your friends, is through the Religious Freedom Amendment website, at religious freedom.house.gov. There, you can find both simple and detailed information, and download handouts to share with others.

Armed with facts and with prayer, supporters of religious freedom can successfully uphold their principles, and build more support for the RFA. It's vital that each and every member of Congress be overwhelmed by citizen's calls and letters, and that newspapers, talk radio and other media be swamped as well.

The American people have never accepted the Supreme Court's extra burdens levied against voluntary school prayer and against religious freedom during the past 36 years. For the first time, an amendment to remedy this has passed a House subcommittee and committee to come to the floor (the 1971 vote occurred only because of a petition by a majority of members of the House).

We have the opportunity of a lifetime, and we must be informed and ready to protect our religious freedom, and to reverse the attacks that threaten it.

VIOLATIONS OF AMERICANS' RIGHTS DURING OUT-OF-CONTROL INVESTIGATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan (Mr. STUPAK) is recognized for 60 minutes as the designee of the minority leader.

Mr. STUPAK. Mr. Speaker, a couple of weeks ago I came to the floor and I was talking about these investigations going on, and it was quite interesting, hearing my colleague from Oklahoma tonight talking about the First Amendment and morality and prayer and things like that, and he made some very good points. But I hope we apply that same standard, first amendment freedoms and rights and morality, into the investigations, into what is going on here in Washington, D.C.

I could not help but notice last Sunday's ''60 Minutes'' program, Mr. Speaker, in which they had an individual on that program, Sara Hawkins, who was an employee of the Madison Savings & Loan, who was accused of illegally backdating appraisals by coworkers that had entered into a plea bargain with Mr. Starr's office. They came to Mrs. Hawkins, they wanted her to plead guilty to a felony, and she found that she did not do anything wrong, so she refused to do so. In fact, the independent counsel had threatened her.

My concern is that as we are doing these investigations, we are violating individual's first amendment rights, fifth amendment rights, eighth amendment rights, sixth amendment rights, trying to threaten them in doing investigations.

If we take a look at what went on and what has been taking place here in these investigations, they go, if you do not plead to the felony, we could bring charges, as they threatened Ms. Hawkins with, for all 80 counts, which would mean 400 years in jail. Ms. Hawkins said that they told her, you know, you have kids, you do not want them to have to go through a jury trial, you do not want them to go through this. They are making all of these threats.

At the time Ms. Hawkins was the sole supporter of her two daughters and her grandchildren. She had her own business. She earned approximately $100,000 a year.

Word got around. It was reported in the Wall Street Journal and in other publications that she was the target of an investigation in this whole savings and loan situation, but when word got around she was a consultant, that was her business, her business just dried right up. She lost everything, under the threat of an investigation.

In fact, she was working, she is now working part-time. Things were so tight, money was so tight she ended up having to go on food stamps, public assistance, if you will, to support herself. Her daughter that she was supporting, her daughter was going to college and had to drop out because her mother could no longer help her.

So after months and months of threats from the Special Prosecutor's office, they then write her a letter and tell her, we do not have enough evidence to charge you on anything, not the 80 counts, but on anything; and therefore, she thought, she was relieved that her nightmare would be over.

Well, a month later, a month later, they come back, and again, according to Mrs. Hawkins, they said that since she would not cooperate with them, they really wondered then what did she have to hide, and so they started to do some more digging, and they told her that we have come up with some new activity that we think that you may be involved in, criminal activity. We are not going to tell you what it is, but we are going to start the process all over again.

The whole idea of, now we are going to investigate you on something else since you will not cooperate with us, is probably government at its worst.

That is what I am concerned about here tonight and that is why I have taken the floor in the past, and I am here once again this evening. Where have we gone as a Nation that the government, the United States Government is beginning to do investigative tactics that are less than legal, less than moral, less than ethically correct?

In that same program, another one of the tactics used by the Special Prosecutor, Mr. Starr, was that FBI agents showed up at a high school to issue a subpoena to a 16-year-old, a 16-year-old, the son of an individual who was subject to an investigation. Another individual linked to Mr. Starr's office tried to pressure him into making false statements regarding the President. In fact, one individual, Professor Smith, who was a professor at the University of Arkansas and the former president of an Arkansas bank and a business partner of Jim McDougal over 20 years ago he was an aide to then-Governor Bill Clinton, levels an even more serious charge about the operation of the Special Prosecutor, Kenneth Starr. Mr. Smith said, ''They asked me to lie about other people, and they have lied about what they have done.''

In 1985, Mr. Smith pled guilty to a misdemeanor for misusing a loan. He took out a loan and he ended up using it for something other than what it said in there. Mr. Smith pled guilty to the incident and included an agreement to testify against others. That was part of the plea bargain. He was supposed to testify against others in the grand jury.

Well, Mr. Smith has pledged his cooperation with the investigation and the cooperation has begun. But did Starr make it very clear, Starr and his investigators make it clear what they wanted Mr. Smith to say? Instead, Mr. Smith said, again on the program the other night, ''60 Minutes'', he said that ''Oh, they made it very clear what they wanted me to say. They had typed up a script what was purportedly my testimony, and they wanted me to go in and read it to the grand jury,'' and that ''There were things that they were asking me to say that were untrue, things that I had repeatedly told them were not true, things that I told them I had no knowledge about, but yet they typed it up, and that was to be my testimony, and I was to enter it before the grand jury.'' Fortunately, he refused to do it.

But if we take a look at what is going on here, Mr. Speaker, if the government can do this, bring the weight and pressure of the Federal Government, go back and comb 20 years of one's history and find a misdemeanor charge where one might have said something a little wrong; and then one says, okay, I will plead guilty and cooperate, and then they put before someone testimony that they type up and they make up the facts, and the person has to then go before a grand jury and say it is true, not only about yourself, but also about other people, have we crossed that line?

If government, through these investigations, can do this to friends and associates of the President, then can they not do it to me? Can they not do it to the people sitting at home?

☐ 2130

Can they do it to any American citizen? My concern is that, as all Americans, we should be outraged by the actions of the so-called investigations going on here in Washington, D.C.

Unfortunately, these are not investigations, but violations of everything we hold dear as American citizens. Every basic, every fundamental belief and right on which this great country was founded is being trampled by a select few. But it is these few, those who think they are above the law, that are giving Congress and the government a very, very bad name.

This is more than just giving Congress or government a very bad name. This is about privacy, it is about our Constitution, it is about the laws of this Nation. It is about the oath of office. It is about our own word that we as elected officials take every year, every 2 years, when we are sworn in.

If we take the case of the chairman of the Committee on Government Reform and Oversight, the gentleman from Indiana (Mr. BURTON), who has released private, recorded conversations, and these conversations were covered by the Privacy Act, but yet they are released to the news media, the conversations of Mr. Hubbell, his wife, his attorney, and his family, when these tapes were subpoenaed by the Committee on Government Reform and Oversight from the Justice Department, who had access to them, the committee and the gentleman from Indiana (Mr. BURTON) were warned.

He was allowed access to them, but he was warned not to release them, because they had very sensitive information. But because of his position as a Member of Congress, as the chairman of the Committee on Government Reform and Oversight, and because Congress is not subject to the Privacy Act, he had the right to release these tapes?

The gentleman from Indiana (Mr. BURTON) was warned by the Justice Department that Mr. Hubbell had a right to privacy that was protected, and that the gentleman from Indiana and his committee should safeguard these tapes against any improper disclosure. Still, as a Member of Congress, they put themselves above the law. They have purposely released these tapes.

Now we have learned in the past week or so that to make them sound even more incriminating, a word or two may have been altered or changed to make them sound more incriminating.

Does not one's oath of office, does not the Constitution of the United States, does not the Bill of Rights, does not the Privacy Act, does not human decency mean anything anymore in this country? Since when is it okay for a Member of Congress to trample on the rights of an individual? I submit, Mr. Speaker, whether we agree or disagree with that individual, no one has the right to violate another individual's rights in such a purposeful manner.

Mr. Speaker, the rule of law applies to everyone. No one should be held above the law. No one should be held beneath or below the law. This government cannot pick and choose whether or when it will follow the law. The laws of this Nation mean that everyone must follow the law, everyone, but especially Members of Congress.

When those of us who are elected officials sit by and allow a chairman or any Member of this Congress to openly ignore the law, then we are not worthy of holding the high office to which we are elected. That is why I came down to the floor a couple of weeks ago, and I am here again tonight, and have been doing special orders and one-minutes; that we as Members, or the gentleman from Indiana (Mr. BURTON) as the chairman, cannot place ourselves above the law or beyond the rule of law.

I must ask, Mr. Speaker, who is the next target? Where is the morality of the law that the last group spoke of? Where is the law? Why do the American people tolerate such an invasion of their privacy? Mr. Speaker, in this case, and particularly with the Committee on Government Reform and Oversight, look at what happened. This is no different from Ms. Hawkins, from the 16-year-old who was subpoenaed.

On March 19, if we just go back and look in the last 2 months, on March l9th the Wall Street Journal wrote an article that excerpted pieces of tapes of the conversations between Mr. Hubbell that were rather private and sensitive. The chairman, the gentleman from Indiana (Mr. BURTON), was trying to force Webb Hubbell, once again trying to pressure people to testify before the committee. So to get him to testify, because he refused to, you start leaking information. He was trying to intimidate Mr. Hubbell into testifying; not whether it was the truth, not whether it is appropriate, but to testify.

Does it not really sound familiar, like the Hawkins case we saw on ''60 Minutes,'' or Professor Smith, who was threatened with a misdemeanor some 20 years ago?

Then they go further. That was March 19. Take the May edition of the American Spectator. We all know the owner of that magazine is not a real big fan of the President, who ran an article with the information from the tapes. Where does he get the information from the tapes if it is protected underneath the Privacy Act?

The gentleman from California (Mr. WAXMAN), the ranking member of that committee, he wrote to the gentleman from Indiana (Mr. BURTON) and asked him to stop leaking the tapes on March 20, 1998. The gentleman from Indiana (Mr. BURTON) writes back and says, I have not leaked any tapes; and plus, even if I did, I had unanimous consent to insert the tapes in the CONGRESSIONAL RECORD; therefore, they are public record.

The gentleman from California (Mr. WAXMAN) and his staff went back and checked, and there was no unanimous consent in the record. He wrote back on April 2. The gentleman from Indiana (Mr. BURTON) informs the gentleman from California (Mr. WAXMAN) of his decision that, okay, I got caught on that one, there is no unanimous consent; I am still going to release these tapes, and I am doing it.

April 14th. The gentleman from California (Mr. WAXMAN) requested that the gentleman from Indiana (Mr. BURTON) immediately convene a working group to determine whether the document should be released. The gentleman from Indiana (Mr. BURTON) answered he would not convene the working group, he was going to release the tapes anyway, and he did. Now we know that words have been substituted, things have been changed. We really have to ask, who is next?

Mr. Speaker, prior to coming to Congress I was a police officer for some 12 years, a city police officer and a Michigan State Police trooper. I was injured in the line of duty and medically retired. One of the last cases I worked on, finalized, and actually went to court on, was the criminal investigation of someone in the city and State legislature.

We did not leak information to do our case. We did not violate her rights. We did not invade her privacy. We did not threaten her unjustly, but only treated her with humaneness and respect. We did our job in a professional, courteous manner. We did not run to the Michigan legislature and ask one party or the other party to release the investigation. We convicted her, and the case went to the Michigan supreme court. The conviction was upheld.

I did my investigation. We did honor to the law. We did it without violating people's rights. We did our investigation within the bounds of the law, not outside the bounds of the law.

Today, we had three pieces of legislation to honor law enforcement officers, because this is Law Enforcement Officers Memorial Week. We honored those who gave their lives in the line of duty, upholding the law. After all, we are a Nation founded on law, right? This Nation requires us to have faith and confidence in the judicial system and a belief that justice will be served.

That is why I am really profoundly troubled and, quite honestly, angered by the way the chairman of the Committee on Government Reform and Oversight has handled this investigation of campaign finance reform. I am disturbed about released, doctored tapes. It has involved name-calling of the President of the United States, and a disregard for procedures, criminal procedures, civil procedures, legal procedures that bind every law enforcement agency and every law enforcement officer. And the Privacy Act binds the Attorney General, it binds Ken Starr, but apparently it does not apply to Members of the House of Representatives, and certainly not the chairman of that committee.

It is sad and unfortunate, Mr. Speaker, that we find ourselves in the way that we are disgracing not only our institution, but we are failing to maintain the high standards that we should be setting.

Mr. Speaker, the threat of the gentleman from Indiana (Mr. BURTON) of the Hubbells is wrong; threats to subpoena people, to drag them in, to make them subject to an investigation, to subpoena sons of people who are subject to investigation, that is way outside the law. It is outside common decency. It is contrary to what people, we who are in government, should stand for. I would hope, Mr. Speaker, that the Justice Department will intervene here and protect the rights to privacy afforded all citizens.

My fear is that with the majority party, with all these investigations in Washington, D.C., from the gentleman from Indiana (Mr. BURTON) to Special Prosecutor Ken Starr, each and every day Americans are having their rights violated under the guise of an investigation. The joke around here, quite honestly, Mr. Speaker, is, have you received your subpoena today? And since I have been speaking out, I may very well receive a subpoena about something I should have known or must have known.

But when we use a prosecutor, a grand jury, the subpoena power of the grand jury, as a substitute for professional law enforcement investigation, then we have gone overboard, Mr. Speaker.

There are over 70 FBI agents working with the Starr investigation. Yet, they do not have contact with witnesses; instead, they are subpoenaed. What is the cost? What is the humiliation? What is the reputation? As Ms. Hawkins said, I had a $100,000-a-year position, was supporting my two kids, my two grandchildren. I am on food stamps today. No one trusts me. They have taken my good name and my integrity. They have humiliated me.

When is a mother forced to testify under subpoena about her daughter, or about facts that are untrue, like Professor Smith? When someone leaves a message on a telephone answering machine and then the caller is subpoenaed for expressing an opinion, have we gone too far? Has Big Brother taken over? What are we doing here? Where is the privacy? Under what authority or what right does government have to do these things? Why are agents, special prosecutors, chairmen of committees, Members of Congress, why do they believe they do not have to follow the law?

Whether you are a Democrat or a Republican, a liberal, conservative, Independent, if you are an American you really have to be outraged at the abuses of the power recently displayed in the name of investigations.

I do not personally know the parties involved who may or may not have been subpoenaed, who may or may not have told the truth, who may or may not be guilty or innocent. That is for judges and juries. But I do know that I believe, as an American citizen, I have certain rights that not even Congress can take away, not even a Member of Congress can violate.

As a human being, there is a certain decency, a kindness, a dignity, a respect that people should afford one another. These are the so-called inalienable rights we all enjoy. That is what we should be honoring here during Law Enforcement Officers Memorial Week. We should be honoring those who uphold rights, not be here on the floor talking about big government affecting the rights of every individual.

Who is next, Mr. Speaker? Is it I? Is it my colleagues who may join me here tonight? Is it the folks listening at home? I hope all Americans look at this and not pass judgment, but look at it and say, where have we gone? Where have we led ourselves, in this crazy political world, to try to get the other side? We have trampled the privacy law, we have trampled the Constitution, we have trampled the Bill of Rights. When does all this stop? Who is next?

I think it is time for government to step back. If I can use the Speaker's words, the gentleman from Georgia (Mr. GINGRICH), when we first started this, he asked everybody to step back and let the facts come out. Maybe we ought to step back from this dangerous precipice we are on of violating peoples' rights in the name of investigations. We have gone too far.

As a law enforcement officer, I never would have lasted in the department if I conducted investigations like this. Why, because I am a Member of Congress, do I have some special rights that I can violate, knowingly, intentionally violate, peoples' rights?

Mr. Speaker, I see my colleague, the gentleman from Maine (Mr. ALLEN) is here, the first one here. I would be happy to yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding to me. I do not come here tonight with any enthusiasm. I am a member of the Committee on Government Reform and Oversight, and I have to say, it has been a discouraging year-and-a-half on that committee.

There are matters here that need to be investigated and fully investigated, but it is clear to me that the committee has failed to conduct a professional and competent investigation under Chairman BURTON's leadership.

I have heard the chair and other members of the majority party say that there are Democrats who are stonewalling, who are trying to prevent the committee from getting at the truth. They point to the fact that a couple of weeks ago all of us Democrats on the committee voted against granting immunity for several witnesses. I want to talk about that tonight, because there were good reasons for us to vote against immunity a couple of weeks ago, and there are very good reasons why I expect we will do the same tomorrow.

Last fall the same issue came before our committee. Every single Democrat voted for immunity for several witnesses that were coming before us. We voted for immunity in the past, and we certainly will again. But we had a problem last fall. Here is the problem. One of the witnesses came forward and testified to certain violations of immigration and tax laws, and we did not know that he was going to testify about that subject matter. We did not know that he had potential criminal liability in those particular areas. But because we had granted, the committee had granted, full immunity to that person, he can now go scot-free on charges that might have been brought.

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That is the problem. What happened? The Republican majority did not ask for a proffer of testimony. That is what every good prosecutor would do. Before we are going to grant immunity, we need a written statement of just what your testimony will be and then we will grant you immunity that will cover the subject matter of that testimony and not go beyond it.

Two weeks ago, Chairman BURTON asked for the committee to grant full immunity for additional witnesses. Well, as far as we are concerned, once burned, twice shy. Democrats asked him, have you secured a proffer of the testimony of those witnesses? And the chairman said, no, we do not have a proffer, no statement of expected testimony. As I said, every good prosecutor would get a proffer, but in this case there was none.

Now, we are not going down that road again. I believe the Democrats on this committee will grant immunity in the future as we have in the past, but first this committee has got to clean up its act. Once we have a fair proceeding, once we have a professional investigation, the chair will get full cooperation again.

I have to say that the comments from the newspapers around the country are uniform. We are seeing the same thing all around the country. This is a quotation from USA Today: ''Republican leaders will only compound the impression of partisanship if they fail to turn the fund-raising over to a committee with a less biased leader.''

It is unfortunate that that is the case. I think back to when we started this investigation and we said, we objected as Democrats to rules of procedure that gave this chairman more power than had ever been given to any chair of any committee in the House of Representatives in its history; that is, the chair of this committee has complete power to subpoena any documents he wants, to depose any witnesses he wants and to release any information he wants, all without a committee vote and without the consent of the minority. And since the Republicans have a majority on this committee, we know that if they are unified, they can vote to do all that. But at least they would air the issues before they go out.

Mr. STUPAK. Mr. Speaker, Chairman BURTON, is he not the first chairman in congressional history to have the power to unilaterally issue subpoenas and release confidential information?

Mr. ALLEN. That is my understanding. Never before, that in the past the rule has been that before you can subpoena that information or before you could release information which is gathered in the course of a committee investigation, you would need either the consent of the minority or you would have to bring the matter to committee for a committee vote. The majority, as I said, they have more members on the committee. Because they are the majority, they can carry the day. But what is missing when you bypass that procedure is you do not get a chance to air the issues. That is the healthy way to conduct an investigation. That is the way to make it have the flavor of a bipartisan investigation, which this one really does not.

Mr. STUPAK. It is my understanding that, I am not on that committee, it is my understanding that there have been 1,049 subpoenas issued in this case, and of those 1,049 subpoenas, 1,037 were unilaterally issued by Chairman BURTON without permission or consulting the committee. So that leaves only 12 subpoenas that have been issued by the committee in a bipartisan manner. The other 1,037 have been unilaterally thrown out there to see who can get in this big dragnet.

I was always taught, you investigate before you subpoena; you do not subpoena, then begin the investigation. One Member was telling me from California that one of these subpoenas landed on one of his friends. He has spent $100,000 trying to collect information, trying to consult with attorneys. And he is just distressed. He has spent $100,000 trying to comply with this all-encompassing subpoena, and they do not even know if they have good reason to be subject to this subpoena, but if you do not, you get dragged in in front of these hearings, government reform, or the Ken Starr investigation, and there you go. Your reputation, your business, your humility, everything is just stripped away from you, not to mention the financial impact.

I appreciate the gentleman coming down and sharing some input on this government reform.

Mrs. MALONEY of New York. Mr. Speaker, if the gentleman will continue to yield, Chairman BURTON not only has issued the 1,037 unilateral subpoenas, he has also issued unilateral subpoena power that is so incredibly one-sided. It only attacks Democrats. He issued 551 document subpoenas, and all but 9 have gone to Democratic affiliated persons or entities.

The Democratic National Committee alone has received 17 separate document subpoenas, many of which were designed to uncover the Democratic Party's campaign strategy and policy decisions. Along with other members of the committee, we have written the chairman to investigate allegations against some Republican donors. Let us be evenhanded. There has been wrongdoing on both sides of the aisle. But all of the attention has been so partisan, so one-sided that it has really destroyed all credibility. On the Senate side, there was an effort for a bipartisan investigation. It was a far more credible investigation.

Mr. STUPAK. Did not the Senate basically go over the same ground during their investigation?

Mrs. MALONEY of New York. It is very repetitive. Everything is repetitive.

Mr. STUPAK. So we are having a repeat of the same thing with a different twist with a chairman who has unilateral subpoena power who is just all over the place.

Mr. ALLEN. Mr. Speaker, if the gentleman will continue to yield, I was just noticing a quotation that was in the Wall Street Journal, April 10, 1997, a year ago, just over a year ago, a column by Al Hunt. Here is the quotation:

> Mr. BURTON has little regard for fairness. The biggest losers will be taxpayers. The Burton-led circus could cost between $6 million and $12 million.

That was over one year ago. Mr. Hunt's words have stood the test of time. As I understand the word now, we are now past the $6 million, headed toward $12 million and the gentlewoman from New York is right. One of the problems with this investigation is that it is so duplicative. We have done this in the Senate side. The Senate, for a mere, a mere $3 million of the taxpayers' money, has gone ahead and held 33 days of hearings and produced an 1100 page report. I quarrel with that report because it did not deal with campaign finance reform at all, but still they completed the investigation within one year. Here we are pushing $6 million, and we have had 13 days of hearings. And we have got no report to show for it, and the whole investigation is discredited.

Mr. STUPAK. Many times in my town hall meetings and in correspondence from constituents, we talk about these investigations. I have always felt and one of my answers is, when you start having, those of us who are elected officials, politicians, if you will, investigating other politicians, what do you get? More politics. That is exactly what USA Today is saying, Republican leaders will only compound the impression of partisanship if they fail to turn the fund-raising over to a committee with a less biased leader. That is May 6, 1998. New York Times, right over here, Friday, May 8, 1998, the Dan Burton Problem, by now even Representative DAN BURTON ought to recognize that he has become an impediment to a serious investigation of the 1996 campaign finance scandals. Or take the editorial page by the the gentleman from Wisconsin (Mr. BARRETT), Our Opinion, BURTON unfit to lead Clinton probe. It is no wonder that even some Republicans want BURTON replaced.

You start these things and they are driven by politics. Then you have the heavy-handedness of government. Where do we stop this? I think we have to step back. Government has just gone too far here. I am not here defending the guilt or innocence of anyone. This has just gone crazy when we subpoena people before we even know what the investigation is about. I was always taught you are supposed to think before you speak. I wish we would not investigate before we subpoena.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I appreciate the opportunity to be here with my friend from Maine and and my friend from New York and my friend from Michigan. There are a lot of places I would rather be tonight than right here. This is not exactly my idea of a good time. I think for all of us we ran for and were elected to Congress because we want to deal with the problems that concern our constituents: education, child care, health care, fighting drugs. But the gentleman from Maine (Mr. ALLEN), the gentlewoman from New York (Mrs. MALONEY) and I all serve on the Committee on Government Reform and Oversight so we have sat through these hearings for the last year and a half, and we know what is going on. It has not been a happy year and half for us, but we recognize that we are in the minority. We recognize that it is the Republicans that control the agenda here.

So I think for probably a year our cries of foul have fallen on deaf ears because it is not unusual for minority members to complain about treatment by the Republicans or by the majority party. But I think that the events in the last several weeks have now revealed to the American people exactly what is going on. And what I would like to do is take a couple minutes and go through a few of the editorials that have come from newspapers around the country, and the reason I think it is important to do that is because if I were someone sitting at home tonight and I were watching four Democrats, I would say, those are just Democrats complaining. But what we saw, going back, as Mr. ALLEN indicated, to last October, when every Democrat on the Committee on Government Reform and Oversight did vote for immunity for three separate individuals, unanimously we voted for immunity, what did we find out, we found out that the majority staff had not done its homework, and we had given legal immunity to a person who probably did not deserve it.

I think people have to understand what a vote for immunity is. We have many, many votes here in the House of Representatives. Some votes are important; some votes are not very important. A vote for immunity is a very important vote. That was the first time in my career that I had ever voted to give someone legal immunity. What that meant was that any crimes that

that person may have committed that basically were coming before our committee, that they would be excused of. That is a pretty heavy excuse or a pretty heavy price to pay to give someone the opportunity to testify before a committee. So it was not with a lot of enthusiasm that we take that step. It is actually, I think, a vote that probably makes most people nervous, if you are voting to give someone immunity, because it can blow up in your face. But we did that. We did that to act in good faith with the majority. But then we find out that that was something that should not have been done.

But it was really the events in the last month which were the straws that broke this camel's back in terms of convincing me that this was no longer even an attempt to try to have a fair investigation. The comments that Mr. BURTON made to his home newspaper, comments that I will not even repeat in public, that I would be embarrassed to say. In fact, I think Mrs. MALONEY indicated that if her children had used those comments, she would have washed their mouth out with soap, and that probably would be the same thing that would have happened to me as a child if I had used the phrase that he used.

Then he went on to say that he was out to get the President. Now, when you have a chairman of a committee say that he is out to get the President and slurs the President, that does not increase your confidence that this is an attempt to be a fair committee.

But then we saw the release of the Hubbell tapes and we saw the editing of those tapes. Again, I think what that did was that showed anybody who was looking at this that this was a circus, this was not an attempt to be fair at all, and that if we were going to try to be fair, we would have to take a step back and have someone new run this investigation. I want to go through some of these editorials, but before I do that, Mrs. Maloney has a statement she wants to make.

Mrs. MALONEY of New York. Mr. Speaker, I thank my colleague for continuing to yield to me. I would like to speak to the Speaker and my colleagues and really say that I really have not seen an investigation meltdown like this one since I watched Inspector Clousseau look for the Pink Panther. Of course, what all of us are talking about is the House Committee on Government Reform and Oversight's alleged investigation.

Three of us serve on this committee, and they are looking into the alleged fund-raising abuses in the 1996 campaigns. Many of us are beginning to believe that the investigation which would yield more results would be one that would focus on the people or the person in charge. The antics of the chairman have reduced this probe to a series of bulbles and blotches and embarrassments.

Six hundred subpoenas have been issued without the consent of the full committee. This is the first time this has happened since the McCarthy era. The committee has spent $6 million to hold just 6 hearings so far. The Senate investigation ran for days on just over half that cost. Then just in case those numbers were not incriminating enough, the name calling began that my colleague, the gentleman from Wisconsin (Mr. BARRETT) just referred to.

Now tapes are being doctored. The lead investigator has been forced to step down. We have all been labeled squealing pigs, and we are all on the Sunday morning talk shows. What is next? Oprah, Jerry Springer? When they start throwing chairs in the committee, I think we are going to all try to get off that committee.

But in all seriousness, the only chair that should move is that chair which is controlling the so-called probe, the one that is occupied by Mr. DAN BURTON.

The committee is no longer credible. It can no longer move forward under the leadership of the current chair. This is no longer a partisan request. Even the Speaker of this House has indicated that some of Mr. BURTON's actions have been an embarrassment to him.

□ 2200

When I looked outside the Beltway and into the pages of my hometown newspaper, The New York Times, it wrote, after the release of the edited tapes of personal conversations between Webb Hubbell and his wife, and I quote, and there is a part of it right here from my hometown newspaper,

> By now, even Representative Dan Burton ought to recognize that he has become an impediment to a serious investigation of the 1996 campaign finance scandals. If the House inquiry is to be responsible, someone else on Mr. Burton's committee should run it. Coming on the heels of an impolitic remark of Mr. Burton about the President 2 weeks ago, the tapes fiasco is forcing House Republicans to confront two blunders. The first was to entrust the investigation of campaign finance abuses to Mr. Burton; the second was to give him unilateral power to release confidential information.

In the past 16 days more than 50 editorials and columns have been written in papers printed everywhere from Washington, D.C., to Omaha, Nebraska, to Tacoma, Washington, questioning whether Mr. BURTON should continue in this position and taking him to task for his tasks in this supposed probe.

This is not a Beltway sentiment, this is not a partisan sentiment, it is a sentiment that is shared across this country and across party lines.

I truly believe that there are skeletons in the closets of both sides of the aisle and that the real solution is reform. And many of us on both sides of the aisle are working toward that. In the meantime, we need to move forward with a fair, bipartisan investigation.

It is appropriate that the lead investigator step down. It is now appropriate that this should be terminated or sent back to the Senate, which was able to have a more reasoned, sensible hand in the investigation. It just cannot continue the way it has. It has really been an embarrassment not only to Mr. BURTON and the Republicans, but I believe to this entire body.

Mr. ALLEN. I have one closing comment for myself and that is this: The power, the investigatory power of this House, is so broad, so powerful, so important that it has got to be handled carefully. It has got to be handled in a way that does not deteriorate into partisan bickering.

As those of my colleagues who are on the Committee on Government Reform and Oversight with me understand, we continue to slide down. And I think that the only way to pull this investigation back, to get it on track and bring it to a sensible conclusion is to make a change in leadership; and I say that with regret. But it seems to me that it is very important for the health of our democracy and for our ability to function in this House.

This investigation is out of control. On the one hand, it seems no longer to respect people's rights of privacy; on the other, it seems to be wasting taxpayers' money. I think that the fundamental flaw, the thing that went wrong from the beginning, was the sense that it could be run by one party against the other.

Whatever the numbers are, whether we look at the numbers of documents subpoenaed, the number of witnesses deposed or the targets of the document requests that have been issued by subpoena, they are 98 percent to 99 percent to Democratic targets.

We know that both sides have violated the campaign laws. Both sides should be investigated in an efficient, responsible way. And at the end of the day, what we should draw from this is the determination that we are going to change this system; that we are going to contain the influence of money and politics and we are going to step forward and get back to the people's business that the gentleman from Wisconsin (Mr. BARRETT) was referring to, the education, the health care, the Social Security, all of those issues that really brought us to this House in the first place.

So it is with some sadness that I say that it seems to me we need to get this investigation back on track, and that means a change in leadership, a change in direction, and get back to the business of this House of Representatives.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for coming out and joining us tonight, and the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Wisconsin (Mr. BARRETT), and we will continue this, but the point the gentleman is making, whether it is this democracy, this House of Representatives, this government, we cannot pick and choose when we are going to follow the law.

The laws are there. The laws of this Nation mean everyone must follow this law. ''Everyone'' includes especially us.

We are sworn to uphold the law when we take the oath of office, especially Members of Congress.

So when those of us who are elected officials, if we just sit by and allow the chairman of this committee, or any other member, to openly ignore the law and we do not speak out, then we certainly are not doing our job as elected representatives in trying to uphold the principles of this democracy.

As the gentleman from Maine said, there are problems on both sides, but it does not give one side the right to violate the rights of individuals. Whether we like that individual, agree with that individual, or not, no one has that right. And I am pleased that my colleagues here tonight have spoken out with me.

I yield to the gentleman from Wisconsin (Mr. BARRETT), who has been patiently waiting.

Mr. BARRETT of Wisconsin. I thank the gentleman, Mr. Speaker, and a point I want to make here that might be sort of unusual for a politician to make, as a partisan, as a Democrat, frankly, probably the best thing in the world would be to have DAN BURTON remain as chair of this committee, if the only thing we were interested in was to make the Republicans look bad.

Because I think, as this editorial from my hometown newspaper points out, this is from the Milwaukee Journal Sentinel, Saturday May 9th, ''Our opinion: Burton unfit to lead Clinton probe. It is no wonder that even some Republicans want Burton replaced.''

If we wanted to just center it on the difficulties that our colleagues on the Republican side were having, we would just say, keep him in that chair, let him continue that investigation, because there is no credibility. I have said that for months. This committee has no credibility.

But I think this is an issue where we have to go beyond our party identification and say, this is a waste of money to have this person run this investigation. We have spent literally millions of dollars on this investigation and it simply does not have any credibility.

I want us to have a fair investigation. I think that there have been problems. I think that there have been problems on both sides of the aisle, and I think there is a duty for us to investigate those.

Again, I am very cognizant of the fact that many people say, well, they are just a bunch of Democrats complaining. But I want to read from a couple of editorials. These are all editorials from the last week, and they are from all different parts of the country.

The Pittsburgh Post Gazette, ''Tale of the Tapes. Representative Dan Burton brings a serious inquiry into disrepute,'' from May 8, 1998. This refers to the apology that Mr. BURTON made to his fellow Republicans and that the Speaker made to the Republicans as well. ''In apologizing to House Republicans for his mistakes, Representative Burton should have also apologized to the American people. It is they who lose the most by having an important inquiry turned into a circus.''

From Roll Call, which is a very respected newspaper right here on Capitol Hill, the title of the editorial, ''Out of Control,'' May 7th, 1998. ''So at long last, House Speaker Newt Gingrich realizes that Dan Burton is an embarrassment to House Republicans.'' The editorial goes on to state. ''Removing Burton as chairman might ease GOP embarrassment, but Gingrich also needs to watch his own rhetoric lest he too become an embarrassment.''

From the San Antonio Express News, May 6, 1998. ''Burton bumbles in bad faith. Burton's antics as chairman of the House Government Reform and Oversight Committee have stripped credibility from the panel's probe.'' The editorial goes on to state: ''Burton's release of the doctored transcripts was a partisan cheap shot, not full disclosure in the name of justice. Clearly, Americans cannot rely on a Burton-led probe to produce the whole truth. Republican House leaders should replace him immediately.''

There are several more, if I could continue here. From the USA Today, May 6, 1998, ''GOP Stumbles, White House Stonewalls. The distorted record gave proof that the GOP committee leader was engaged in a partisan vendetta. Burton was rightly chastised for his indecent tape-editing. Republican leaders will only compound the impression of partisanship if they fail to turn the fund-raising over to a committee with a less biased leader.''

That editorial was also critical of the Democrats, I should add.

The fifth one, from the Allentown Morning Call, May 5, 1998, ''Congressman Plays Dirty with Tapes. The current clumsiness of the likes of Representative Dan Burton,'' the editorial then goes on to say, ''isn't very persuasive that a dispassionate search for the truth is all anybody really wants.''

The Omaha World Herald, May 5, 1998, ''Republican ineptitude in the United States House of Representatives makes it harder to be confident that the public will ever know the truth about the White House scandals. Serious allegations ought to be treated with more professionalism than Burton has shown. The harm done by Burton's earlier appearance of vindictiveness may become difficult to undo.''

And finally, from the Tacoma Washington News Tribune, ''Transcript Release Unfair, Partisan,'' May 5, 1998. ''Burton says he condensed the transcripts to make these easily understandable and to protect Hubbell's privacy, but these claims do not pass the straight-face test. Somehow he has further undermined public confidence in Congress' ability to conduct credible investigations.''

There are problems, and I think that we have acknowledged that, and there are concerns with Democratic fund-raising, but there are also concerns with Republican fund-raising. I am embarrassed by the amount of money that is in politics, but to argue that somehow the Democrats have raised their money from assorted sources while the Republicans have raised all their money from widows and orphans just defies logic. And I do not think there is an American listening to this who believes that.

The difficulty is that we have to have a fair investigation. That is what the American people want. They want a fair investigation, and we are not getting a fair investigation under Chairman BURTON.

So we can continue. We can continue down the road we have gone for the last year-and-a-half and we will continue to have problems.

I am not interested in granting immunity if I think that all we are doing is continuing a partisan witch-hunt. I will vote for immunity if I think that there is going to be a fair investigation. But that is not what I see happening, and I do not see any signs under Chairman BURTON's leadership that that is going to change, and that does not make me happy.

As I said earlier, there are many things I would rather be doing. I would rather be working on the issues that the people in my district sent me here for.

I have three small kids at home. I would much rather be home with them than standing here late at night in Washington, D.C.

But this is an important issue and it is important for us to let the American people know what the complaints are that we have with the process.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for coming down. I know a week or two ago when we did this, he also came down, and I appreciate his insight on the Committee on Government Reform and Oversight.

I find it ironic that some of these laws we have spoken of tonight, especially the Privacy Act, that Mr. BURTON and others were warned that there was sensitive information and that it should not be released. Under that Privacy Act, if that same information, those tapes, were released by the Attorney General or Ken Starr, they could have been prosecuted under the Privacy Act. But because Mr. BURTON is a Member of Congress, and we are exempt from that law, he goes ahead and releases them and, under the debate clause of the rules and the Constitution, he is protected from any kind of criminal prosecution.

I find it ironic that we, the government, pass laws, but that we, the government, choose not to live by them and we apply these standards differently as we proceed through these investigations. The laws of the land must apply to everyone, especially Members of Congress.

Mr. BURTON had an opportunity here, and it is sad to say it has not panned out well, and it brings disrespect to all of us in this House. So I really do hope

that the Speaker considers removing him or putting someone else in charge.

As the gentleman said, let us have a fair investigation. Let us look at both sides. There are problems on both sides. I think we would all acknowledge that. But when we start subpoenaing people before we even know what we are investigating, I just think we have it backwards.

As I said earlier, I have always been taught to try to think before I speak. When I was in law enforcement, we always investigated before we issued subpoenas. Unfortunately, here we are issuing subpoenaes, unfortunately 1,047 of them, and we do not even know what we are searching for or what we are going after.

And all we are doing is pressuring people and stripping them of their integrity, their reputation and their pride, and spending a lot of money to fight subpoenas when they have nothing to do with these investigations. The Senate has already investigated all this and submitted their report, but yet we keep going on and on and on.

Again, that is why I guess I have always said that when there are politicians investigating politicians that just gets us into more politics. We have, unfortunately, lost sight here of the integrity of the investigation, the faith in our laws as a Nation, that all citizens should have faith and confidence in our judicial system and a belief that justice will be served.

Unfortunately, I cannot say that about this campaign investigation that is going on in the House of Representatives.

□ 2215

I know at times I hope folks back home are not saying we are just a bunch of Democrats up here trying to protect this person or that person. That is not the issue here. The issue is have we gone too far in giving one Member of Congress such an awesome power to subpoena people. Have we given Congress or a chairman or individual Members an exception to the Privacy Act where they can disclose private conversations of people, and then we find that certain words were doctored or altered to make it sound even more incriminating and where are we going? And if we can do this, if this committee and subpoenas can be friends of the President or Democratic fund-raisers, what is then not to say we will do all blond-haired people tomorrow and do the same kind of treatment to them underneath the guise of an investigation?

I just think we have gone too far. And having been in law enforcement all those years as I was, I just find it quite repulsive that we would do this. And without more people speaking up, I am glad to see some of those newspaper articles and editorials are paying attention, I hope Members of Congress are, and somehow we do something, not just with these investigations that we have here in the House that have gone so one-sided and lopsided, but also with the special prosecutor statute.

This has been going on now for, what, 6 years and $45 to $50 million and we are still in the investigative stage where, as I mentioned the other night, a 16-year-old son of an individual was subpoenaed by FBI agents at his school. I mean, how does his son go back to school the next day?

We have gone overboard in this whole thing. And if we are worried about Big Brother and big government watching us before, with the abuses we have seen in these investigations from Ken Starr to the gentleman from Indiana (Mr. BURTON), where is government going to show up tomorrow?

It is not a good day, not a good day at all. I thank the gentleman from Wisconsin (Mr. BARRETT) for joining us here tonight and I appreciate his input. And I know I am going to continue to speak out on these abuses. I think, as I said before this evening, if we do not, those of us who are elected to uphold the law, then I think we fail in our duties as elected representatives in the democracy.

Mr. BARRETT of Wisconsin. In the spirit of fair play, my friend, the gentleman from Georgia (Mr. KINGSTON) is here and he indicated he wanted to put in his word on the other side. So I am more than happy to yield to the gentleman.

Mr. KINGSTON. Mr. Speaker, let me ask my friends; They all have been kind of bashing the style, not the person, but the style of our friend the gentleman from Indiana (Mr. BURTON) who we all know to be a man of integrity and of honor. But they mentioned the rules about putting Congress under the same laws as the private sector.

Did my colleagues vote for that rule, which was, as my colleagues know, a Republican rule and generally passed on a partisan vote? Did they leave their side of the aisle and vote with the Republicans to make that a reality on the first day of Congress in 1995?

Mr. BARRETT of Wisconsin. Yes, I did. In fact, I was a cosponsor of that bill to have the laws that apply to the private sector also apply to Congress.

Mr. STUPAK. And the same for me.

Mr. KINGSTON. I am glad to see that.

Would my colleagues urge their Democrat colleagues, the 19 who will not vote for immunity for the key witnesses, in order to get around this partisanship, in order to get on with the investigation, would my colleagues urge their Democrat colleagues to vote for immunity, the ones that the Democrat Department of Justice have given and granted immunity to?

Mr. BARRETT of Wisconsin. I am one of those 19 that did not vote for it. And I will not vote for immunity tomorrow because I do not believe this is an attempt to find truth. I do not think this is a fair investigation.

Mr. KINGSTON. If the gentleman would further yield, one of those witnesses is a guy named Kent La, who, as my colleagues probably know, is an associate of Ted Sioeng, who is a business operative with the Red Pagoda Mountain Tobacco Company, which, as my colleagues know, is the third largest selling cigarette in the entire world and it is Communist-owned, and it gave $400,000 to the Democrat National Committee.

Do my colleagues not think that it is important to hear from Kent La on why would a Communist-owned cigarette company give $400,000 to the Democrat Committee?

Mr. BARRETT of Wisconsin. Reclaiming my time, I do not know what the gentleman would be testifying to; and that is part of the problem we have had in the committee. We have given immunity to an individual earlier. He came in. There was no proffer of his testimony. He gave testimony that was different than what the committee expected.

So, again my point is, under the leadership of the gentleman from Indiana (Mr. BURTON), this committee does not have credibility.

Mr. STUPAK. Mr. Speaker, reclaiming my original time, let me answer that quickly if I may.

My problem with this is, the way my colleague phrased his question is, because this person was an associate and there was a business operative and there is a Communist cigarette, he just made three assumptions there.

My answer would be, send the FBI agents out. Check with this individual. If there is a need to bring him before a committee and need to subpoena him, then do their investigation before they subpoena.

CAMPAIGN FINANCE INVESTIGATIONS

The SPEAKER pro tempore (Mr. BURR of North Carolina). Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia (Mr. KINGSTON) is recognized for one-half of the remaining time tonight.

Mr. KINGSTON. Mr. Speaker, let me get back to the point and invite the gentleman from Michigan (Mr. STUPAK) to hang around if he wants to, who I happen to think a lot of, incidentally.

But Kent La, the man who would be the witness to the Burton committee, which we will vote on tomorrow, and I certainly urge my friend from Wisconsin to reconsider his position, which I would have a hard time believing that it does not have just a little hint of partisanship in it. But I know the gentleman well and I would think more of him than that.

So let me just say about Kent La, because apparently my colleagues have not heard of this guy. But he is an associate of Ted Sioeng and he is the United States distributor of Red Pagoda Mountain Cigarettes. He has a major stake in these cigarettes, the best-selling brand of cigarettes in China and the third largest selling cigarette in the world. The company is