

of welfare recipients to work and care for their own families by earning their own money.

Mr. President, changing the work ethic of the welfare community is not a simple process, but the results so far are impressive. The state and local governments are proving that they can accomplish this goal when we give them the latitude to do so. I'm proud to have been a part of this historical policy change.

Mr. CRAIG. Mr. President, I thank my colleague from Colorado for the examples he brings and the issue about which he speaks. There is no question that we are finding here the ideas that percolate from local and State governments which are really the laboratories of change that we have been able to bring and incorporate into public policy at this level, and welfare reform is the prime example. I am pleased that Senator ALLARD would speak to that this morning.

I recognize his leadership in that area.

Mr. ALLARD. I thank the Senator from Idaho.

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

#### EXTENSION OF MORNING BUSINESS

Mr. BINGAMAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The time until 2 p.m. is to be under the control of the Senator from North Dakota, Mr. DORGAN, or his designee.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the 2 p.m. time be extended until 2:10.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I yield myself such time as I may require.

#### FAIRNESS OF STARR/HOUSE PROCESS

Mr. BINGAMAN. Mr. President, as I make this statement today, it is doubtful that many in the press or the public are paying attention to the proceedings of the Senate. While many are watching every nuance and listening to every syllable of the President's videotaped testimony before the still-sitting grand jury, I want to talk about what I believe is a more important issue—the basic fairness of the process of which the videotape is a part.

Since we Senators may be called on to consider various allegations in judging articles of impeachment, I will not speak here about the substance of what is alleged, or about whether the allegations constitute adequate grounds for impeachment.

But I believe each of us has an immediate obligation to concern ourselves with the process that is being followed. My purpose today is to call for fairness

in that process; fairness in the procedures Congress follows as it prepares to consider these allegations; fairness in the treatment afforded the President. Regardless of what disposition is finally made of the allegations leveled against the President by the Independent Counsel, it is in the interests of everyone—especially future Presidents—that basic fairness be maintained. And to my mind it is impossible to conclude that the process to date has been fair.

What "unfairness" am I talking about? Frankly, the lack of basic fairness in these proceedings has been so pervasive that it is hard to know where to begin. But here are three significant ways in which the process has lacked basic fairness.

The first is that the accused has been denied the secrecy of grand jury testimony. Second, the Independent Counsel's report was issued as a sensational narrative, not as a legal document. And third is the rush by both the Independent Counsel and the House to publish and publicize all the material unfavorable to the President before the House has reviewed it and before any determination that impeachment proceedings are warranted.

First, the actions of the independent counsel have had the effect, and possibly the purpose, of denying this accused, the President, the basic right to secrecy concerning testimony given to a grand jury.

While the grand jury was considering the matter, the pattern of leaking information about testimony was clear for all to see. Once the testimony was concluded, the Independent Counsel sought and gained authority to deliver to the House of Representatives his report and all materials he chose, regardless of their relevance to particular charges. I firmly believe the Independent Counsel did this with the expectation that the Republican leadership of the Congress would quickly make public any and all material in its possession that portrayed the President unfavorably.

Rule 6(e) of the Federal Rules of Criminal Procedure requires prosecutors to keep secret the testimony given before grand juries. And with this grand jury, the Independent Counsel assured the President and all witnesses that the testimony they gave was subject to the secrecy requirements under the rule.

The secrecy requirement recognizes the fact that grand jury proceedings are anything but fair and balanced legal proceedings. Witnesses before a grand jury are not entitled to legal counsel who can object when the rights of the witness are being violated. There is no opportunity for a person who is the target of a grand jury proceeding to cross-examine witnesses against him or to present testimony he considers favorable to his position.

In the case of this prosecutor and this grand jury, there was no secrecy, at least as to evidence damaging to the President. The substance of every

witness's testimony was eagerly made known to the press and, in turn, eagerly reported.

As if to ensure that the full impact of the accumulated damaging testimony would be felt by the American public before any chance for rebuttal testimony could arise, the Independent Counsel then rushed to obtain court approval and to deliver to the House of Representatives the report and the accompanying documentation which he alone chose to include. The speedy delivery to the House of the report and materials the Independent Counsel selected, freed the grand jury testimony from the limitations of Rule 6(e), and gave the public the full brunt of the prosecution's case without any opportunity for the accused to question the testimony on which it was based.

#### BASIS FOR CLAIMING UNFAIRNESS

Second, the Independent Counsel presented his report, not as a legal document which should have set out the asserted grounds for impeachment and then summarized the evidence supporting each ground as well as the evidence arguing against it. Instead, he chose to present his report in the format of a narrative where facts are presented in a manner designed to arouse the greatest public revulsion. The narrative is one-sided in that it summarizes the evidence damaging to the President and omits all other. It contains damaging and salacious testimony concerning the President and others even when that testimony is not relevant to any asserted ground for impeachment.

The third basis for claimed unfairness is that the House, as of today, has made public the Independent Counsel's report, the President's videotaped testimony, and 2,800 pages of other grand jury testimony. This comes before the House has even made a determination to begin an impeachment inquiry. The effect of this action, and possibly its purpose, is to undermine any fair and objective assessment of the evidence and the allegations. The result is to try and convict the President in the court of public opinion long before there is any opportunity for the President's counsel to counter the accumulated weight of this evidence.

The rush by the House to disclose all, has pressured the media, us politicians, and the public to come to judgment before the defense can present its case.

Our system of justice requires that an accused person, first will be charged, second will be tried, and then if convicted, will be sentenced for the crime.

In this case, this procedure—this due process—is being trampled upon. The Independent Counsel has charged the President and every effort is being made to have the public convict and pronounce sentence on him before any trial occurs.

One final plea: we must constantly remember that the procedures followed in this case are not just procedures which will affect this President and this impeachment inquiry. What actions we take here will set a precedent