

power," Mr. Seymour said. "How the responsibility is carried out is another question."

Similarly another former independent counsel, Alexia Morrison, said that the law did not need any major changes and that "there's been a very successful campaign to lay faults at the foot of the statute when in fact it is conduct that got us here." Asked whether she meant conduct by President Clinton, Mr. Starr or both, Ms. Morrison simply repeated her assertion.

It was Ms. Morrison's investigation into whether Theodore Olson, an Assistant Attorney General in the Reagan Administration, misled Congress in a dispute over toxic waste cleanup that led to the 1988 Supreme Court ruling unholding the independent counsel law. And though she ultimately brought no charges after a 30-month, \$1.5 million investigation, she, like some of her colleagues, said that very result underscored one of the most important features of the law: enhancing the public's confidence that nothing has been covered up.

"There are a heck of a lot of very troublesome investigations that have been resolved without bringing any criminal charges," Ms. Morrison said, "and there was not a situation in which anyone came back and said, 'That's outrageous.'"

Mr. Fiske, too, said that in the absence of an independent counsel law, there would seldom be significant public controversy if high officials were charged and brought to trial, whatever the outcome, but that "the problem is when the case isn't brought" because a prosecutor decides there is not enough evidence or likelihood of success. "In many respects," he said, "that is where you need the independent counsel most of all."

But for alleged misdeeds that may have occurred before a senior official took office, Mr. Walsh said, the independent counsel law should not apply. Rather, the solution should be to extend the statute of limitations for any such crimes and investigate after the official leaves office—a suggestion that Ms. Morrison seconded while acknowledging that this could pose its own problems, in terms of stale evidence or lost witnesses.

#### ONE COMMON THEME: DISDAIN FOR PARTISANSHIP

In one way or another, all the former counsels who were interviewed deplored the partisanship now surrounding an office that grew out of bipartisan concern over President Richard M. Nixon's "Saturday night massacre" of the first Watergate special prosecutor, Archibald Cox, and the two highest officials of the Justice Department.

"It's become so politicized now," Mr. McKay said, "that the ins hate it and the outs love it just for the purpose of bringing the ins down. That's the part that will turn the public sour."

Mr. Seymour agreed, saying: "It plainly has gotten a bad name. And that comes from the public perception of recent events, and I think that's unfortunate."

Mr. DiGenova contended that the aftermath of Mr. Cox's dismissal demonstrated that the independent counsel law was not needed, since the Watergate inquiry continued under a new special prosecutor, Leon Jaworski, until Mr. Nixon's downfall four years before the law was enacted.

"There's no way that a sitting President can possibly prevent his own investigation by firing anybody," Mr. DiGenova said, "because the political process will not permit it."

Ms. Morrison said it remained unclear whether the public would continue to support the law.

"I think most of the previous independent counsels have been able to achieve a result with a general sense of public confidence

that the way they got there was appropriate," she said. "But hold your breath. It may be that Starr can spin out a report that tells an incredibly interesting tale that puts the lie to most of the procedural and substantive assaults on him. On the other hand, if it looks like he hasn't produced so much, and has used an elephant gun on a flea, then maybe that won't be so well regarded."

"A Rarefied Roster", independent counsels, the years of their appointments and the results of their investigations.

1979, Arthur H. Christy, investigated accusations of cocaine use by Hamilton Jordan, chief of staff to President Jimmy Carter. No indictments.

1980, Gerald Gallinghouse, investigated accusations of cocaine use by Tim Kraft, President Carter's campaign manager. No indictments.

1981, Leon Silverman, investigated alleged mob ties of Raymond J. Donovan, Labor Secretary to President Ronald Reagan. No indictments.

1984, Jacob A. Stein, investigated alleged financial improprieties of Attorney General Edwin Meese 3d. No indictments.

1986, Whitney North Seymour Jr., won perjury conviction of Michael K. Deaver, former White House deputy chief of staff under President Reagan.

1986, Alexia Morrison, investigated accusations that former Assistant Attorney General Theodore Olson was deceptive about documents withheld from Congress. No indictments.

1986, Lawrence E. Walsh, investigated the sale of weapons to Iran and the diversion of some profits to Nicaraguan rebels. Obtained many convictions, some overturned on appeal, others leading to pardons by President George Bush.

1987, James C. McKay, won conviction of Lyn Nofziger for violating ethics law on lobbying. Conviction was overturned on appeal, and Mr. McKay decided not to retry case. Investigated Mr. Meese on accusations related to the collapse of Wedtech, a military contractor. No indictments.

1987, Carl Rauh, James Harper, investigated the finances of W. Lawrence Wallace, a former Assistant Attorney General. No indictment.

1989, Name of independent counsel and target sealed by court order. No indictment.

1990, Arlin M. Adams, Larry D. Thompson, investigated variety of scandals involving the sale of favors in the Department of Housing and Urban Development. Several indictments and convictions.

1991, Name of independent counsel and target sealed by court order. No indictment.

1992, Joseph DiGenova, investigated possible abuse of passport files by Bush Administration officials. No indictments.

1994, Robert B. Fiske Jr.,\* Kenneth W. Starr, conducted inquiry into Whitewater real estate deal, since expanded to include several other investigations, some still ongoing.

1994, Donald C. Smaltz, won indictment of former Agriculture Secretary Mike Espy on charges of receiving, and covering up, favors from companies doing business with the Government. Trial pending. Mr. Espy's former chief of staff was convicted of lying to investigators.

1995, David M. Barrett, investigated accusations that Henry G. Cisneros, the Secretary of Housing and Urban Development, lied to the F.B.I. about payments he made to a former mistress. Won indictment of Mr. Cisneros on 18 felony counts. Trial pending.

1995, Daniel S. Pearson, investigated Commerce Secretary Ronald H. Brown's personal

\*Appointed by Attorney General Janet Reno during a period when the independent counsel law had lapsed.

finances. Stopped after Mr. Brown was killed in a plane crash in Croatia.

1996, Curtis Emery von Kann, investigated Eli J. Segal for conflict-of-interest accusations involving fund-raising for a private group while he was head of the Americorps national service program. Investigation ended in 1997 without any action.

1998, Carol Elder Bruce, appointed to investigate whether Interior Secretary Bruce Babbitt broke the law in connection with his testimony to Congress about an Indian casino license.

1998, Ralph I. Lancaster Jr., appointed to investigate accusations that Labor Secretary Alexis Herman engaged in influence-peddling solicitation of \$250,000 in illegal campaign contributions.

#### MESSAGES FROM THE HOUSE

At 12:12 p.m., a message from the House of Representatives, delivered by one of its reading clerks announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 81. An act to designate the United States courthouse located at South Michigan Street in South Bend, Indiana, as the "Robert K. Rodibaugh United States Courthouse."

H.R. 1481. An act to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study.

H.R. 1659. An act to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens Volcanic Monument mandated by 1982 Act that established the Monument, and for other purposes.

H.R. 2000. An act to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

H.R. 2314. An act to restore Federal Indian services to members of the Kickapoo Tribe of Oklahoma residing in Maverick County, Texas, to provide trust land for the benefit of the Tribe, and for other purposes.

H.R. 3381. An act to direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co. and other entities.

H.R. 4068. An act to make certain technical corrections in laws relating to Native Americans, and for other purposes.

H.R. 4558. An act to make technical amendments to clarify the provision of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplementary security income benefits.

The message also announced the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 315. Concurrent Resolution expressing the sense of the Congress condemning the atrocities by Serbian police and military forces against Albanians in Kosova and urging that blocked assets of the Federal Republic of Yugoslavia (Serbia and Montenegro) under control of the United States and other governments be used to compensate the Albanians in Kosova for losses suffered through Serbian police and military.

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1355. An act to designate the United States courthouse located in New Haven,

Connecticut, as the "Richard C. Lee United States Courthouse."

At 12:44 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4112) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes.

At 3:00 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3616) to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

#### ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on today on September 24, 1998, by the President pro tempore (Mr. THURMOND).

S. 1695. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of the National Park System, and for other purposes.

H.R. 1856. An act to amend the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefits of national wildlife refuges, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 81. An act to designate the United States courthouse located at South Michigan Street in South Bend, Indiana, as the "Robert K. Rodibaugh United States Bankruptcy Courthouse"; to the Committee on Environment and Public Works.

H.R. 2314. An act to restore Federal Indian services to members of the Kickapoo Tribe of Oklahoma residing in Maverick County, Texas, to provide trust land for the benefit of the Tribe, and for other purposes, to the Committee on Indian Affairs.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 315. Concurrent resolution expressing the sense of the Congress condemning the atrocities by Serbian police and military forces against Albanians in Kosova and urging that blocked assets of the Federal Republic of Yugoslavia (Serbia and Montenegro) under control of the United States and other governments be used to compensate the Albanians in Kosova for losses suffered through Serbian police and military; to the Committee on Foreign Relations.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times, and placed on the calendar:

H.R. 1481. An act to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study.

H.R. 1659. An act to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens Volcanic Monument mandated by 1982 act that established the Monument, and for other purposes.

H.R. 2000. An act to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

H.R. 3381. An act to direct the Secretary of the Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co. and other entities.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 24, 1998 he had presented to the President of the United States, the following enrolled bill:

S. 1695. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of the National Park System, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7101. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated September 18, 1998; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Finance, and to the Committee on Foreign Relations.

EC-7102. A communication from the Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, transmitting, pursuant to law, notice of drug-free workplace plan certifications for certain agencies; to the Committee on Appropriations.

EC-7103. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's report on agency drug-free workplace plans; to the Committee on Appropriations.

EC-7104. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, a notice of additions to the Committee's Procurement List dated September 15, 1998; to the Committee on Governmental Affairs.

EC-7105. A communication from the Secretary of Labor, transmitting, pursuant to

law, the Department's report on the labor market for veterans; to the Committee on Veterans' Affairs.

EC-7106. A communication from the Secretary of Defense, transmitting, notice of routine military retirements; to the Committee on Armed Services.

EC-7107. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Agency Disapproval of Directors and Senior Executive Officers of Savings Associations and Savings and Loan Holding Companies" (RIN1550-AB10) received on September 22, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-7108. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of two rules regarding the Section 8 Management Assessment Program and the Hispanic-Serving Institutions Work Study Program (RIN2577-AB60, RIN2528-AA06) received on September 23, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-7109. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Guaranteed Production Plan of Fresh Market Tomato Crop Insurance Provisions" received on September 22, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7110. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nursery Crop Insurance Regulations; and Common Crop Insurance Regulations; Nursery Crop Insurance Provisions" (RIN0563-AB65) received on September 22, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7111. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the Commission's report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-7112. A communication from the Chairman of the United States Sentencing Commission, transmitting, the Commission's Annual Report and Sourcebook of Federal Sentencing Statistics for fiscal year 1997; to the Committee on the Judiciary.

EC-7113. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, notice of an amendment to the sentencing guidelines regarding telemarketing fraud; to the Committee on the Judiciary.

EC-7114. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's "Consolidated Report on the Community Services Block Grant Program Implementation Assessments" for fiscal years 1992 through 1997; to the Committee on Labor and Human Resources.

EC-7115. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's reports on the National Information System for the Community Services Block Grant Program for fiscal years 1991 through 1995; to the Committee on Labor and Human Resources.

EC-7116. A communication from the Assistant Secretary for Employment Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments of Rules Relating to Labor-Management Standards of Conduct for Federal Sector Labor Organizations; Correction" (RIN1215-AB22) received on September 22, 1998; to the Committee on Labor and Human Resources.