warned us about the best laid plans of mice and men. On Friday, December 4, Secretary of Interior Bruce Babbitt came to Colorado to unveil, with much hurrah, a special ''4(d)'' rule under the Endangered Species Act (ESA) designed to protect the Preble's Meadow Jumping Mouse.

Under the rule, ongoing agricultural and landscaping activities can go forward, but certain activities like maintaining irrigation ditches will need federal review. Special areas, deemed Mouse Protection Areas (MPAs) and Potential Mouse Protection Areas (PMPAs), will be determined and mapped like a federal shadow over the state of Colorado.

The special rule, in theory, would allow most existing land use practices until more permanent measures, in the form of Habitat Conservation Plans (HCPs), are worked out with Washington. Secretary Babbitt has touted HCPs as collaborative efforts toward recovering endangered species. Presumably, ranchers may go on ranching, farmers may continue to feed us, and homeowners won't have to get rid of their cats. Wonderful news for everyone!

''Not so fast'' say the litigious radical wing of the environmental movement. Their disdain for farmers, ranchers, cats and people will become the basis for suing whatever collaborative plans are secured by stakeholders and interested parties. A few recent legal examples foretell of what we can anticipate in Colorado.

In Massachusetts, environmentalists sued the state for merely licensing fishermen who used certain kinds of lobster traps because the traps actually worked. In Florida, one radical environmental group sued in the name of Loggerhead Turtles because they believed aggressive local actions to curb beach-front lighting were not aggressive enough. It didn't matter that the county did everything in its power to protect sea turtles. Environmentalists sued, and won, but the turtles are no better off now than they were before.

Despite Babbitts' prose about species ''wriggling off the list'', and a happy working partnership of ranchers, environmentalists and bureaucrats, the ESA will—as it has always done—enrich lawyers rather then protect mice.

How well the ESA has worked depends upon who you ask. On May 6, 1998 Secretary Babbitt released a statement about several success stories under the Act. Boasting his intention to delist or downlist some two dozen species, he claimed the species had recovered thanks to this over-bearing federal law. To convince us that the Act works, Babbitt said species would be ''flying, splashing and leaping off the list.''

However, an independent review by the National Wilderness Institute proved otherwise. Data error, not recovery under the ESA, was responsible for the change in status of at least eight of the species. The species' status never actually improved.

Threats to other species were overestimated by government biologists. Four species turned out to be imaginary—that is they were not unique or separate species as once thought by the agency. Five species, listed as ''proof'' the ESA works, have actually gone extinct!

Twenty-nine of my Congressional colleagues joined me in demanding a retraction of this gross misjudgment. Jamie Rappaport Clark, the Director of the Fish and Wildlife Service, responded she was ''personally embarrassed by this unfortunate error'' and promised to recant the statements.

There are over 1,138 species listed under the Endangered Species Act. None have conclusively recovered due to it's passage.

To reestablish the ESA as the vanguard against extinction, we must reform it by ensuring all decisions are based on sound science, and recovery efforts include land owners, state leaders and businesses. Absent these simple precepts, even Secretary Babbitt's best laid plans for the Preble's mouse are certain to go awry.

THE STARR TRAP

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. DEUTSCH. Mr. Speaker, as we consider the gravity of the constitutional matters before the nation today, I commend my colleague's attention to an important column by Anthony Lewis which appeared in the Washington Post on December 1, 1998. I insert the full text of that column in the RECORD.

THE STARR TRAP

(By Anthony Lewis)

Boston—At 1 P.M. on Friday, Jan. 16, Monica Lewinsky arrived at the Ritz Carlton Hotel in Pentagon City to meet Linda Tripp. What happened then is well known. But its significance—its crucial significance—is not generally understood.

Ms. Lewinsky was confronted by F.B.I. agents and Kenneth Starr's assistant prosecutors. She immediately told them, as she testified later, that ''I wasn't speaking to them without my attorney.''

Her attorney was Francis D. Carter. When she was subpoenaed by Paula Jones's lawyers, she told him that she had not had ''sexual relations'' with President Clinton; Mr. Carter prepared, and she signed, an affidavit to that effect.

Mr. Starr's agents did everything they could, short of physical force, to keep Ms. Lewinsky from calling Frank Carter. They told her that he was a civil rather than a criminal lawyer ''so he really couldn't help me.'' (That was a lie; Mr. Carter is a highly regarded criminal lawyer who for six years headed Washington's public defender service.) They gave her the number of another lawyer and suggested she call him.

They told her she had signed a false affidavit and could go to prison for 27 years. They offered to give her immunity if she would ''cooperate'' but said there would be no deal if Mr. Carter were called in. (A Federal regulation forbids immunity negotiations in the absence of a suspect's lawyer.)

Why were Mr. Starr's deputies so anxious that Ms. Lewinsky not telephone Mr. Carter?

On that Friday afternoon Mr. Carter had not yet filed Ms. Lewinsky's affidavit. Until it was filed, it could be changed—without legal consequences. Federal law makes it a crime only to file a false affidavit in a civil case. You can swear one, keep it, then change it or tear it up without violating the law.

Mr. Starr knew about the affidavit from Linda Tripp's last taped conversation with Ms. Lewinsky, and knew from Paula Jones's lawyers that it might not yet have been filed. That is why his deputies worked so hard to keep Ms. Lewinsky from calling Frank Carter. If he knew what was happening, they realized, he would not file it. And they wanted a crime. They wanted perjury to be committed: by Ms. Lewinsky so they would have leverage over her, and by the President when he was deposed in the Jones case the next day.

If Ms. Lewinsky had called that afternoon, Mr. Carter told me the affidavit ''would not have been sent.'' But there was no call. At the end of the business day it was sent to the court in Little Rock by Federal Express. Under the rules, that was a filing.

Mr. Carter had shown the affidavit to the Jones lawyers and to Robert Bennett, President Clinton's lawyer. If he had not filed it, he said, ''I would have told them.'' So Mr. Bennett would have known of Mr. Starr's interest in Monica Lewinsky. The President's deposition on Saturday would have taken another course or been canceled. And the history of the last 10 months would have been very different.

(Did the President or Ms. Lewinsky in fact commit perjury when they swore they had not had ''sexual relations''? Perjury, a complicated legal concept, requires among other things proof of deliberate falsehood. In a conversation with Linda Tripp unrelated to any threat of prosecution, Ms. Lewinsky had said emphatically that ''having sex'' meant ''having intercourse''—not oral sex.)

The right to a lawyer is fundamental in our constitutional system. A person accused of crime, the Supreme Court said in the Scottsboro Case in 1932, ''requires the guiding hand of counsel at every step.'' Without it, the innocent person may be overborne by what she does not understand.

Police officers occasionally break the rules. It is another matter when prosecutors, who are officers of the court, overbear a young woman to keep her from calling her lawyer. The Starr deputies who were there on Jan. 16—Michael Emmick, Jackie Bennett Jr. and Bruce Udolf—should surely face questions by the appropriate legal authorities on their fitness to practice law. And Mr. Starr condoned what they did.

None of this excuses President Clinton's moral folly. But it makes powerfully clear that Kenneth Starr is a far more serious menace to our constitutional order than Bill Clinton is.

PUBLIC FIGURES CAN PAY A HIGH PRICE FOR CANDOR

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to introduce for the RECORD, an article published by Kent Holsinger of my staff. ''Public Figures can pay a high price for candor'' appeared in the December 10, 1998 Denver Post. Mr. Holsinger's analysis of how public speaking, delivered through the media, affects public sentiment towards government is particularly relevant as we consider tomorrow whether to impeach the President of the United States. I urge my colleagues to keep the following in mind as we deliver our messages to the country.

Public cynicism towards government may stem from the difficulty politicians and public figures have giving forthright answers to difficult questions. Behind the cynicism is a complex, and dynamic saga of American politics and culture. In the midst of this saga, the media serves as a conduit between public figures and the public. As the nature of reporting has changed dramatically with the information age, so too has the nature of public speaking.