I thank the Senate for its swift passage of this resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc and the motion to reconsider be laid upon the table without intervening action.

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

The resolution (S. Res. 23) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 23

Whereas Michael Jeffrey Jordan has announced his retirement from basketball after 13 seasons with the Chicago Bulls;

Whereas Michael Jordan helped make the long, hard winters bearable for millions of Chicagoans by leading the Chicago Bulls to 6 National Basketball Association Championships during the past 8 years, earning 5 NBA Most Valuable Player awards, and winning 10 NBA scoring titles;

Whereas Michael Jordan and his Olympic teammates thrilled basketball fans around the world by winning gold medals at the 1984 and 1992 Olympic Games;

Whereas Michael Jordan has demonstrated an unsurpassed level of professionalism during his athletic career and has served as a role model to millions of American children by demonstrating the qualities that mark a true champion: hard work, grace, determination, and commitment to excellence;

Whereas Michael Jordan taught us to have the courage to follow our dreams by striving to play baseball for the Chicago White Sox;

Whereas Michael Jordan demonstrated the importance of pursuing an education by earning a bachelor of arts degree from the University of North Carolina at Chapel Hill;

Whereas Michael Jordan continues to contribute to our communities through his support for the James R. Jordan Boys & Girls Club and Family Life Center in Chicago, the Jordan Institute for Families at his alma mater, and the Ronald McDonald Houses of Greenville, Chapel Hill, Durham, and Winston-Salem, North Carolina, for families of seriously ill children who are being treated at nearby hospitals; and

Whereas Michael Jordan will take on new challenges in his life with the same passion and determination that made him the greatest basketball player ever to have lived: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Michael Jordan on his retirement from the Chicago Bulls and professional basketball; and

(2) expresses its wishes that Michael Jordan enjoy his life after basketball with his wife, Juanita, and their 3 children, Jeffrey, Marcus, and Jasmine.

THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. DURBIN. Mr. President, let me speak briefly, because I see the Senators from Iowa and Minnesota are here. Let me say, about the President's State of the Union Address last night, we are very proud of the fact that the Democratic leadership in the House and the Senate offered a battery of legislation supporting the President's goals. I was heartened by the fact that the President lifted our eyes from the drudgery of our Senate trial and spoke again to the many issues which really have brought us to Congress in an effort to try to improve the lives of Americans and American families.

The President has taken a fiscally responsible approach by suggesting, for example, that as we stabilize Social Security we do not run up greater deficits. He is pledging a percentage of the future surpluses to stabilize and protect Social Security. That is a responsible approach and one which future generations will certainly applaud. He has made a similar commitment to the Medicare system, saying that some 15 or 16 percent of the surplus will be dedicated to make certain that it is solvent through the year 2020.

I was heartened by two other things that the President suggested. At the turn of this century, as we embarked upon the 20th century, America distinguished itself and the world as a nation dedicated to public education. We became a nation of high school students, and during a span of some 20 years on average a new high school was built once every day in America. We democratized education, we created opportunity, and we created the American century.

Will we do it again for the 21st century? President Clinton challenged us last night as a Congress to come together, Republicans and Democrats, dedicated to public education. I think we could and should do that. I am happy that he has shown leadership again in this important field.

And finally, and this is on a personal note, for more than 10 years in Congress I have joined with many of my colleagues, including the Senator from Iowa, Senator HARKIN, and Senator WELLSTONE from Minnesota, Senator LAUTENBERG from New Jersey, and so many others in our battle against the tobacco industry. We believe it is nothing short of disgraceful that we continue to have more and more of our adolescents in America addicted to this deadly product. The Senate dropped the ball last year. We had a chance to pass meaningful legislation to protect our kids, but a partisan minority stopped the debate. The tobacco lobby won.

Now I hope that we can reverse that on the floor of the Senate and the floor of the House of Representatives. But if we cannot, President Clinton said last night we will join, as some 42 other States have, in court, suing the tobacco companies as a Federal Government for the costs that American taxpayers have incurred because of their deadly product.

I salute the President for doing that. I applaud him for his leadership, again, in this field of issues that is fraught with political danger. I believe that his speech last night gave us some hope that we can move forward, even if Congress fails to do the right thing and protect our children.

We stand at an important crossroads. There is no inherent reason why the change in calendar from 1999 to 2000 should matter. Some say it is just another year. But we humans find significance in that event, and the question is whether the 106th Congress, which will bridge the centuries, will be a Congress that will be remembered as a productive Congress that came together on a bipartisan basis to help Americans, not only today, but in generations to come.

We have to continue to ask ourselves why we are here, how we can make America a better place, and the President's State of the Union Address gave us the direction.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

OPEN SENATE DELIBERATIONS

Mr. HARKIN. Mr. President, I take the floor today with my colleague and friend from Minnesota, Senator WELLSTONE, to speak about an issue that is going to be coming up here in the next several days that is going to have an importance to all of the American people and, indeed, to future generations. That is the issue of whether or not the Senate, in its deliberations on the impeachment of President Clinton, will do it in secret or will do it in public; will do it behind closed doors, behind a curtain of secrecy, or do it openly so that the American people know what we are doing. I want to take just a few minutes to lay out the case for why I believe it should be open.

Last week, Mr. President, I raised an objection during the trial to the continued use of the word ''jurors,'' as it pertains to Senators sitting in a Court of Impeachment. I did that for a number of reasons, because we are not jurors. We are more than that. We are not just simply triers of fact. We are not just simply finders of law. But sitting as a Court of Impeachment, we have a broad mandate, an expansive role to play. We have to take everything into account, everything from facts—yes, we have to take facts into account—we have to take law into account, but we also have to take into account a broad variety of things: how the case got here; what it is about; how important it is; how important is this piece of evidence weighed against that; what is the public will; how do the people feel about this; what will happen to the public good if one course of action is taken over another. These are all things we have to weigh, and that is why I felt strongly that Senators, in our own minds and in the public minds, should not be put in the box of simply being a juror.

One other aspect of that is if, in fact, we are jurors, the argument went, then juries deliberate in secret and, therefore, if we are a jury, we should deliberate in secret. Now that we know we are not jurors, I believe that argument has gone away. I believe that we are, in fact, mandated by the Constitution to be more than that.

I quote from an article that appeared in the Chicago Tribune by Professor

Steven Lubet—he is a professor of law at Northwestern University—in which he pointed out that the Constitution does not allow us the luxury of being simply jurors. We have to decide; we have to judge.

Mr. President, I ask unanimous consent that Mr. Lubet's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Jan. 13, 1999]

STOP CALLING THEM JURORS

(By Steven Lubet)

Some day soon, the actual impeachment trial of William Jefferson Clinton will begin, with 100 United States senators sitting in judgment. The senators, in anticipation of the event, keep referring to themselves as a jury. On a recent edition of ''Larry King Live,'' for example, no fewer than six of them (three Republicans and three Democrats) virtually chanted the mantra that it was their duty to act as ''impartial jurors.'' It is tempting to agree.

After all, they have been sworn to do justice, they are going to consider evidence and the resulting verdict must be either conviction or acquittal.

But in fact, the senators are not jurors, and the repeated use of that term is dangerously misleading.

In an ordinarily trial, the decision-making responsibility is divided between judge and jury. The judge makes rulings of law, while the jury's function is severely limited to determination of facts. In other words, the jury only decides ''what happened'' while the judge decides almost everything else. That is not the case with impeachment. Article I of the Constitution confers on the Senate the ''sole power to try all impeachments.'' That power is comprehensive—including law, facts and procedure—and it is to be exercised in its entirety by the Senate itself.

(It is true that the chief justice is called upon to ''preside'' over presidential impeachments, but only because the vice president—who is ordinarily the Senate's presiding officer—is disqualified by an obvious conflict of interest. The chief justice does not sit as a judge in any ordinary sense, but more as a moderator or chair. He holds no binding legal or decisional power.)

And if there were any doubt, Article III of the Constitution actually makes this explicit, providing that ''the trial of all crimes, except in cases of impeachment, shall be by jury.'' So, what are the senators, if not jurors? In fact, they are all judges, or if you prefer, members of the court of impeachment, each one delegated full power to decide every issue involved in the case.

This distinction is crucial. President Clinton's most fervent detractors have argued that the House of Representatives, in exercise of its own constitutional power, has conclusively determined the ''impeachability'' of the alleged offenses, leaving the senatorial jury the limited task of deciding whether the charges are true. But that is wrong. The Senate's role is not at all confined to the ascertainment of facts. Under the Constitution, the senators need not—they may not—defer to the House of Representatives on the critical question of ''impeachability.''

Thus, the Senators must decide not only whether Clinton lied to the grand jury, but also whether so-called ''perjury about sex'' constitutes a high crime or misdemeanor of sufficient gravity to justify removing this president from office.

It is easy to understand why a senator would want to be a juror. The persona is so engaging: modest, contemplative, nearly anonymous—the humble citizen called to civic duty. But the constant references to senators-as-jurors can only serve to diminish their role and distract them from the expansive nature of their duty. It is not their job, as it would be a jury's, simply to decide some facts and then move on. The Constitution does not allow them that luxury.

The senators are not determining just one case; their concern must be far greater than the fate of a single man. Rather, they are setting a legal and political precedent that may well guide our Republic for the next 130 years. Future generations will look back upon this Senate for direction whenever potential impeachments arise. Our descendants will not want to know only what happened, but also what principles govern the removal of the president. And so, the senators cannot merely decide—they have to judge.

Mr. HARKIN. Mr. President, a couple of other things regarding openness. The hallmark of our Republic and of our system of government is openness and transparency. The history of this Senate has been one of opening the doors. The first three sessions of the U.S. Senate were held in secret behind closed doors, the whole sessions. Up until 1929, all nominations and treaties were debated behind closed doors. In 1972, 40 percent of all the committee meetings were done behind closed doors. In fact, up until 1975, many conference committees, and still committee meetings, were held behind closed doors.

We have washed all that away. We have found through the years that the best political disinfectant is sunshine. I believe we are a better Senate, a better Congress and a better country for opening the doors and letting people see what we do and how we reach the decisions we reach.

Mr. President, there has been a spate of editorials recently regarding opening up the trial. I quote from one from the Washington Post dated January 14. It says:

> It seems only right . . . that the Senate should be expected to debate in public any charge for which it is demanding of the president a public accounting.
>
> This is not to prevent senators from caucusing in private or even meeting unofficially, as senators did last week in crafting the procedural compromise that will govern the trial. Confidential contacts of this sort can certainly be constructive. But when the Senate meets as the Senate and considers arguments in its official trial proceedings, it should not do so behind closed doors. Absent the most unusual of circumstances, it should conduct its deliberations openly, thereby ensuring that the final adjudication of Mr. Clinton's case is as transparently accountable as possible.

The New York Times basically said the same thing. The Los Angeles Times, the Des Moines Register and Roll Call. I think Roll Call basically said it best, Mr. President, when they said:

> . . . this is not a court trial . . . It is inherently a political proceeding . . . Their constituents [our constituents], the citizens of America, have a right to see how they perform and to fully understand why they decided to retain or remove their elected President.

Mr. President, I ask unanimous consent that all of these editorials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Washington Post, January 14, 1999]

AN OPEN TRIAL

Sens. Tom Harkin (D–Iowa) and Paul Wellstone (D–Minn.) have announced that they will move to suspend certain portions of the Senate's impeachment rules to permit the full Senate trial of President Clinton to be conducted in the public's view. As the more than 100-year-old rules stand now, testimony can be taken with the cameras on and the doors open unless a majority votes to close the session, but any time the senators debate a motion and, for that matter, when they consider the final articles, they will do so in secret. This is exactly the wrong way to conduct a trial whose purpose is to pass public judgment on the conduct of the president. The Harkin-Wellstone proposal to do the whole trial in public offers a far better approach.

The desire to avoid public argument is understandable, particularly in a case as filled with salacious material as the Clinton trial must necessarily be. But it is not the job of the Senate to protect citizens from the rationale for the Senate's actions, nor are senators entitled to be shielded from the embarrassment of discussing out loud the tawdry evidence at issue in this case.

The often drawn analogy between senators and jurors, whose deliberations are kept secret, also fails to offer a persuasive reason to conduct secret debates. Jurors, after all, did not seek public office and are not permitted, as their trials are progressing, to go on talk shows to discuss their own consideration of the evidence. The senators are, in this proceeding, acting as far more than simple jurors, and it makes little sense for this most solemn obligation of the Senate to face less sunshine than does a routine legislative matter. It seems only right, rather, that the Senate should be expected to debate in public any charge for which it is demanding of the president a public accounting.

This is not to prevent senators from caucusing in private or even from meeting unofficially, as senators did last week in crafting the procedural compromise that will govern the trial. Confidential contacts of this sort can certainly be constructive. But when the Senate meets as the Senate and considers arguments in its official trial proceedings, it should not do so behind closed doors. Absent the most unusual of circumstances, it should conduct its deliberations openly, thereby ensuring that the final adjudication of Mr. Clinton's case is as transparently accountable as possible.

[From the New York Times, January 13, 1999]

OPEN THE SENATE

Since the trial of President Andrew Johnson in 1868, the Senate has conducted its debates on procedures and even the final verdict of impeachments in closed session. The time has come for that tradition to be altered, at least for the trial of President Clinton. Two Democratic Senators, Tom Harkin and Paul Wellstone, have announced that they will seek to change the rule on closed debates after the opening presentations begin tomorrow. Whatever would be gained by allowing senators to deliberate privately, the overriding requirements is for the American public to see and judge firsthand whether justice is being done.

Some senators argue that the closed session last Friday, at which Democrats and Republicans worked out a compromise on trial procedures, showed that privacy can serve a constructive purpose. But the Harkin-Wellstone proposal would not preclude

the Senate's adjourning and meeting outside the chamber at caucuses like the one last week. The principle that should prevail is simply that proceedings that could lead to the removal of a President should be conducted in open session, especially since many Americans have questions about the fairness of the House impeachment proceedings. Closing the Senate's deliberations on so grave a matter would undermine public confidence and be an affront to citizens' rights to observe the operations of government.

Senators love their customs and ceremonies, but their institution's commanding trend has been toward openness. At the time of the nation's founding, all Senate sessions were closed. Until 1929, the Senate debated nominations and treaties in closed sessions. Until the reforms of the 1970's, many Congressional hearings and meetings were in closed session. No one would seriously argue that these old practices should have been preserved. As for impeachment trials, it is worth noting that they were open most of the 19th century. Privacy was adopted only for the trial of President Johnson.

Some senators seem to believe that they should be regarded as jurors in a trial, and therefore allowed a measure of confidentiality. But the senators have privileges not available to regular juries. They may ask questions, speak publicly about the process and make motions. It is within their power to change the rules on closing the session, which would take a two-thirds majority to be adopted. If openness drives senators toward partisanship or prolixity, as some fear, let public scrutiny serve as the governor on their excesses.

[From the Los Angeles Times, Jan. 13, 1999]

KEEP TRIAL FULLY OPEN

Unless the Senate changes one of its rules for conducting President Clinton's impeachment trial, the public will not be allowed to witness crucial parts, including a possible climactic debate on whether to convict Clinton on charges of perjury and obstruction of justice. The Senate should change this archaic rule; the trial's inestimable national importance demands that the proceedings be completely open.

For guidance in the trial, which opens Thursday, the Senate is relying on rules adopted in 1868, when Andrew Johnson became the first and until now the only president to be tried for alleged high crimes and misdemeanors. One of those rules compels ''the doors to be closed'' whenever senators debate among themselves, something they are allowed to do only when deciding procedural issues—such as whether witnesses should be called—or when they reach a verdict. Otherwise, by the rules of 1868, the senators must sit in silence as House prosecutors present the case against Clinton and White House lawyers defend him. Any questions the senators have must be submitted in writing to the chief justice, who may or may not choose to ask them.

The precedents embedded in the Johnson trial rules should not be put aside lightly. Without them the Senate could find itself mired in prolonged and divisive arguments over how to proceed. But no precedent is sacred. Times change and rules must change with them. Congress has many times discarded procedures and traditions that came to be seen as inimical to the need for free discussion in an open society. for example, as Sens. TOM HARKIN (D–Iowa) and PAUL WELLSTONE (D–Minn.) note, in the earliest days of the republic all of Congress' proceedings were secret. Until 1929 nomination hearings were conducted behind closed doors. Until 1975 many committee sessions similarly took place outside public scrutiny.

The Senate of Andrew Johnson's day was a far different place from the Senate of today. Its members were not chosen by the electorate—that did not come until 1913—but rather were appointed by state legislatures and so were not directly answerable to the popular will. And much of the Senate's business was routinely conducted in secret.

Today, except when matters of national security are being discussed, Congress' sessions are open—in the sunshine, as they say in the Capital. If ever there was an occasion when the sun should be allowed fully to shine in, it is in the Clinton impeachment trial.

A two-thirds vote is needed to change Senate rules. HARKIN and WELLSTONE, the major proponents of full openness, know the difficulty of getting 65 colleagues to agree with them. But they are leading a fair and just cause. Put simply, Americans have a right to witness this process in all its facets. The people's representatives in the Senate now have the responsibility to assure that right.

[From the Roll Call, January 14, 1999]

NO SECRET TRIAL

Imagine the spectacle. On, say, March 5, cameras are turned on in the Senate and the roll is called on the articles of impeachment against President Clinton. The votes are taken, the decision is made—and then there is a mad rush for Senators to explain why they voted as they did. But their actual deliberations prior to the voting remain secret.

There is not even an official record kept, so reconstructing one of the most portentous debates in American history depends on the memories and notes of Senators and staffers.

This secrecy scenario is exactly what's in store unless the Senate changes its rules, as proposed by Sens. Tom Harkin (D-Iowa) and Paul Wellstone (D-Minn.), to open the impeachment trial to the media and the public.

In fact, it will take strong action from Senate leaders to open the trial, since changing Senate rules requires a two-thirds vote. We urge Democratic and Republican leaders to exercise their influence to prevent their institution from being accused of conducting a ''secret trial.''

The allegation could turn out to be true. Senate rules call not only for final deliberations on impeachment to be conducted in secret, but any deliberations. This means that motions to dismiss the case and consideration of whether to call witnesses might be done in secret and with no subsequent printing of the proceedings in the Congressional Record. All but arguments by House managers and the President's lawyers, witness testimony, if any, and the actual vote could take place behind a shroud.

Some Senators say they would not have been able to reach their bipartisan agreement on procedure last Friday if the session had been open. If statesmanship requires secrecy—which we doubt—then arrangements can be made for informal closed discussions. But all substantive discussions should be open. We have some sympathy for the view that some subject matter conceivably could be so sexually explicit that Senators will be ashamed to be seen discussing it in public. But it's not worth closing off almost the entire Clinton trial over this possibility.

Conceivably—if this is what it takes to sway skittish Senators—the rules could be altered to permit some discussion to be held in closed session with a record kept. But the House debate on impeachment could have been rated PG–13, and let's face it: The Clinton case record is already so raunchy that there's little that schoolchildren haven't already heard. So the proceedings ought to be open.

It will be argued: In court trials, jury deliberations are conducted in secret. But this is not a court trial. It is inherently a political proceeding. The ''jurors'' are not ordinary citizens unused to the glare of publicity. They will be up for reelection and judged partly on the basis of how they handle this case. Their constituents, the citizens of America, have a right to see how they perform and to fully understand why they decided to retain or remove their elected President.

Mr. HARKIN. Mr. President, let me take off a little bit on one aspect of this. Some people say, ''Well, there is a benefit to Senators meeting quietly, privately to discuss these.'' I believe that, and I would not, in any way, want to close, for example, some of the caucuses that we have—the occupant of the Chair remembers we had the closed caucus between the two parties to reach an agreement under which we are operating. I think there is a benefit to that, as the Washington Post article pointed out. That is fine, as we meet unofficially off the floor amongst ourselves to discuss things. But when the Senate meets as the Senate, as soon as that opening prayer is given by the Chaplain, this place should be open, and the trial should be open.

Next, I believe that unless we open this trial up, we are going to sow the seeds of confusion, misinformation, suspicion and unnecessary conflict. Here is why I say that. As some wag once said, there is nothing secret about any secret meeting held here in Washington.

Think, if you will, of a closed session of the Senate. The galleries are cleared, the cameras are shut off, reporters are gone, and we engage in debate on whatever issue we are going to debate. The debate is over. We open the galleries again, and 100 Senators rush out of here and they see all the reporters standing out here.

What happens? ''Well, what happened, Senator?''

''Well, don't quote me, not for attribution, but guess what this Senator said; guess what that Senator said?''

And so you get 100 different versions of what happened here on the Senate floor.

I believe that will sow a lot of confusion, misinformation and unnecessary conflict. If the doors are open and if we debate in the open, there is no filter, it is unfiltered, and the public can see how and why we reached the decisions we reached.

The press, quite frankly, obviously, as perhaps is their nature, is quick to pick up on conflict and rumor. I believe if we follow the rules to close the doors of this trial it will turn it more into a circus than anything else. If we open the debate, I don't believe we will have any problems.

I was interested in an op-ed piece that was in the New York Times by former Senator Dale Bumpers. I read it, and there is a part in there I think really hits home. Former Senator Bumpers said:

> In a visit with Harry Truman in his home in Missouri in 1971, he admonished me to always put my trust in the people. ''They can handle it,'' he said.

''They can handle it.'' I believe the American people can handle it, too. I believe they can handle any debate, any discussion, any deliberation that we have on the Senate floor. Not only can they handle it, I believe they have a right to it.

So Senator WELLSTONE and I will, at the first opportunity, when the first motion is made to dismiss the case, if that motion is made—obviously the debate about that under the rules would be held in secret—we intend at that point to offer a preferential motion that the debate, the discussion in the Senate on the motion to dismiss be held openly, to suspend the rules.

Obviously, that is a hurdle. To suspend the rules requires a two-thirds vote. It means that two-thirds of the Senate would have to vote to suspend the rules. As a further kind of anomaly, Mr. President, the motion to open up the Senate, to open up our debate and deliberation, the debate on that has to be held in private under the rules, strange as it may seem. And so we will at that point ask unanimous consent that the debate and discussion on whether we will open up the debate on the motion to dismiss be held openly. Of course, one Senator can object, and then we would have to go into a secret debate on our motion to open up the deliberation and the debate. And so that will happen sometime soon.

Another issue has been raised, Mr. President—I would just like to cover it and then I am going to yield the floor to Senator WELLSTONE. The point has been raised, well, you know, if Senators start debating this and it gets in the open, then they get in front of the cameras, and, why, then this thing can go on and on and on because Senators—you know, we Senators like to talk, we can talk forever. Under the rules of the Senate, when we go into debate and deliberation on any motion, each Senator can be recognized only for 10 minutes—only for 10 minutes. And I think a lot of people are forgetting about that.

Lastly, Mr. President, I remember in January of 1991 when I sat at the desk on that side over there and Senators had just been sworn in; housekeeping motions were being made. One motion was being made by the majority leader at that time that the Senate recess or adjourn—I forget—adjourn to a date certain—I think it was for the State of the Union—but during that period of time, that we would not have been in session, and the time would have run out on whether or not we would use force to get the Iraqis out of Kuwait, the gulf war.

I stood at that time and raised an objection to the Senate recessing or adjourning over to that point. And I raised an objection that enabled us to have an open and public debate on whether or not we would authorize the President of the United States to conduct military operations in the gulf. We had that debate. And I think it was one of the Senate's finest hours. Even those with whom I disagreed I thought were eloquent and forceful in their arguments. We had the debate, we had the vote, and then we moved on. And I think the American people were better for that debate because it was held in the open.

Mr. President, if we in the Senate can debate whether or not to send our sons and daughters off to distant lands to fight and die in a war—something that touches every single American citizen—if we can debate that in open and in public, then in the name of all that is right about our Republic and our country and our openness and our system of government, why can we not debate and deliberate in the open something else that touches every American citizen? And that is, why or if the President of the United States should or should not be removed from office. If we can debate it openly, the issue of war, then certainly we can debate an issue in the open, the issue of whether or not the President would be removed from office.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, let me, first of all, thank my colleague, Senator HARKIN. We have been working very hard on this. There are other Senators who support this motion—Senator LEAHY, Senator FEINGOLD, Senator BOXER, and Senator LIEBERMAN. And I know Senator HUTCHISON has indicated interest in this question. This will be a very important vote coming up next week.

First, let me just, if I could, Mr. President, say that I feel very honored to be speaking from Dale Bumpers' desk. I don't think there is anybody who could match his oratory, but I am sure lucky to have this desk and this long cord. And Dale Bumpers, wherever you are, I will do my very best to try to carry on in your tradition, or at least give it everything that I have.

Mr. President, next week before the Senate goes into its own deliberations on this question of whether to dismiss charges, we will take this one step at a time. We most definitely will try to move forward with a motion to suspend the rules so that the Senate deliberations will not be in closed session. We also would like to make sure that the very debate as to whether our deliberations are in closed session or secret session be open to the public. And we will, on the floor of the Senate, make every effort possible to keep that debate in the open.

I am going to be very brief and just make the following arguments because there are some very, very good people who do a lot of work when it comes to interpretation of the rules. I will say, since the Parliamentarian is here, that Bob Dove has been eminently fair. He has treated all of us from both political parties with the utmost respect.

My own feeling about this is that this trial has been momentous. I personally wish that it had not come over from the House. I have always made my point that I believe the House overreached on the impeachment charges. But, Mr. President, they are here in the Senate.

I think here are the following questions: If in fact we as a Senate are going to go into deliberations over whether to dismiss the charges against the President, or later on whether we will have witnesses, or later on whether the President shall be removed, I cannot imagine that the U.S. Senate would go into closed session. I cannot imagine that our deliberations and our debate and the arguments we make would not be open to the public.

The public isn't going to believe in this political process if we go into secret or closed session. The public is not going to have trust in what we are doing if they don't get a chance to evaluate our debate and what we are saying and why we reached the conclusions we reached.

Mr. President, I really do believe that if there is to be healing in our country—and I certainly pray that there will be—it would be a terrible mistake for the U.S. Senators, Democrats or Republicans, to cut the public out. The part of the public that is looking at the proceedings right now, that is evaluating the arguments that are being made—and there are people who have made very good arguments on both sides of the question—to then say to them, ''Listen, when it comes to now the Senate, the U.S. Senate, going into our own deliberations and making our own decisions, you, the public, you're cut out of it,'' this goes against the very essence of accountability. It goes against the very essence of what a representative democracy is about.

Mr. President, some of these rules go back to 1868. That was a time when the U.S. Senators were not even directly elected. They were elected by State legislatures. The 17th amendment changed all that in 1913 as part of the Progressive movement and the progressive change in the country. The idea was that the U.S. Senators would be a part of representative democracy, directly elected by the people, accountable to the people.

This is a huge decision we are going to be making in the U.S. Senate. And I think it will be a terrible mistake for the U.S. Senate to go into closed session, to cut the public out, to not let people have the opportunity to hear what we are saying in the debate.

Mr. President, it is really quite amazing, if you think about it. People will know what our votes are—dismissal of charges, witnesses, whether the President should be removed from office—and somewhere there will be a transcript of the proceedings, but I don't think they will even be published. There will not even be a public record of what U.S. Senators—the Senator from Arkansas or the Senator from Minnesota or the Senator from Iowa—had to say in this debate.

I just say to all of my colleagues, I hope that, No. 1, you will agree to a unanimous-consent agreement that in our discussion or our debate whether or not we go into closed session, that it be open to the public. What an irony it would be if, in the very debate about whether or not our deliberations will be open or closed, our deliberations were closed. It seems to me that debate ought to be open to the public.

Second, I certainly hope that we will have the two-thirds vote that it will take to suspend the current rule that says we must be in closed session.

Mr. President, I think it is important for the public right now to be engaged in this process. I hope people will be calling their Senators, because I really do believe that part of our deliberations, part of our modus operandi as Senators, whatever States we represent, should be to stay in touch with people. Of course, we reach our own independent judgment. We reach our own independent judgment about the facts, about the charges.

Then there is another question, the threshold question, about whether or not these charges rise to the level of removing a President from office.

I think part of what we are about as Senators is to try to stay in close touch with the public, with people in our States, whatever decision we make. It can be a matter of individual conscience, but I think it is terribly important that we operate as a representative body, as the U.S. Senate, as a part of representative democracy of the United States of America. We can't on this question, we can't on these questions, if we go into closed session.

THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. WELLSTONE. Mr. President, regarding the President's speech last night, I will start out with his style. I thought it was rather amazing that, given all that has happened—like our trial here—that the President came before the Congress and delivered a very good speech. He certainly had confidence and he outlined some important proposals.

I think his proposal dealing with Social Security was extremely important. I think it is a solid proposal. And it does not go in the direction of some of the privatization schemes which I think would have taken the ''security'' out of Social Security. But it also recognizes we need to make some changes and we need to make sure that we support or save the Social Security system. But we keep it as a social insurance program. It is a contract. It is for all the people in the country.

The emphasis on the COPS Program, community policing, is right on the mark. The law enforcement community in Minnesota has done some great work with this community policing program, including dealing with all of the issues having to do with domestic violence. Every 13 seconds a woman is battered in the United States of America in her home—a home should be a safe place—and many children see this, as well. God knows what the effect is on the children.

Mr. President, I also want to just be very honest about my disappointment in this speech. Here we are, going into the next century, the next millennium. Here we have this great economy, booming along. We hear about it all the time. This is our opportunity now to take bold initiatives, to put forth bold proposals that really respond to children in America.

The President talked about low-income, elderly citizens, many of them women. I think it is terribly important to address that reality. Mr. President, what about the reality of close to 1 out of 4 children under the age of 3 growing up poor in our country? What about the reality of 1 out of every 2 children of color under the age of 3 growing up poor in our country?

We have heard from the experts. We have had the conferences. We have seen the studies. We know about the involvement of the brain. We know we have to get it right for these children by age 3 or many of them will never be able to do well in school and never be able to do well in life.

I see a real disconnect between some of the words uttered by our President and his proposals that don't meet the challenge. The commitment of resources to affordable child care for so many families in our country doesn't even come close to meeting the need. I thought we were going to make a commitment to affordable child care for everyone, not just for welfare mothers and their children. Not that we've done enough for those on welfare. That, in and of itself, is important, and we are not doing nearly as well as we should. But we need to help not just low income, but working income, moderate income, even middle-income families, for whom good child care is a huge expense, so that their children can get the best of nurturing and intellectual stimulation. But this is not in this budget. It is not in this budget. There's money, but the President's solutions are not in the same scope as the problems themselves.

The President has a proposal that focuses on afterschool care. I am all for that. But when I think about the poverty of children in our country, when I think about a set of social arrangements that allow children to be the most poverty-stricken group in our country, when I think about what a national disgrace that is, and when I think about all we should be doing to make sure that every child in our country has the same opportunity to reach his and her full potential, and when I think about what we are going to be asking our children to carry on their shoulders in the next century, I don't see in the President's State of the Union Address a bold agenda that would lead to the dramatic improvement of the lives of so many children in our country. Why the timidity? With this economy booming along, in the words of Rabbi Hillel, ''If not now, when?'' If we are not going to speak for our children now, when will we? If we are not going to move forward with bold proposals, start with affordable child care, when will we?

Finally, Mr. President, on the health care front, some important proposals:

Give credit where credit should be given. I meet with people in the disabilities community and this is a huge problem. You want to work and then when you get a job you lose your medical assistance and you are worse off. To be able to carry health care coverage for people in the disabilities community so more people can work—yes.

A tax credit proposal that says if you have a problem of catastrophic expenses—I know what this is about; I had two parents with Parkinson's disease—as a family, you can get up to a $1,000 tax credit per year. But this credit is not refundable. Why in the world do we have a tax credit that is not refundable, in which case families with incomes under $30,000 a year get no help whatever? Are we worried about providing assistance to low-income people, poor people, as if they have it made in America?

Second of all, catastrophic expenses go way beyond $1,000 a year.

And here is what I don't understand about the President's downsized agenda. Whatever happened to universal health care coverage? Now we have 44 million people with no health insurance, more than when we started the debate several years ago. Now we have another 44 million people who are underinsured. We have people falling between the cracks. They are not old enough for Medicare, prescription drug costs are not covered, they can't afford catastrophic expenses, they are not poor enough for medical assistance, they are getting dropped for coverage by their employers, and copay and deductibles are going up and are way too high a percentage of family income.

Several years ago, the health insurance industry took universal health care coverage off the table. We ought to put it back on the table. I don't understand the timidity of the President's State of the Union Address when it comes to making sure that we can provide good health care coverage for all of our citizens. Our economy is booming, we are going into the next century, this is the time for bold initiatives. This is not the time for timidity. This is a time to make a connection between the words we speak and the problems we identify and the challenges we say we have as a Nation and the investment.

Where is the investment in the health, skills, intellect and character of our children in America? Where is the investment to make sure that every citizen has health coverage that he and she can afford for themselves and their families? I didn't see it in the