

record presents multiple instances of a deeply ingrained and pervasive bias against prosecutors and law enforcement officers—and, by extension, an insensitivity to victims of crime. Moreover, the nominee's judicial demeanor and courtroom conduct, in my judgment, undermines respect for the rule of law and, instead, tends to bring the law into disrepute.

This nominee's judicial service is replete with instances of demonstrated leniency towards criminals, an adversarial attitude towards police, and disrespect and a hostile attitude towards prosecutors unmatched by any other present or former jurist with whom I am familiar.

I must, however, make this point perfectly clear: I believe firmly that the next member of the Eastern District judiciary should be an African-American woman. The underrepresentation of minorities on our federal bench has been permitted to exist for far too long. Fortunately, the Philadelphia area is blessed with many eminently well-qualified African-American women lawyers, in academia, public service, private practice, and on the bench. Had any one of these been selected, she would already be presiding on our Federal District Court bench.

I trust that this letter satisfies your inquiry.

Sincerely,

LYNNE ABRAHAM,
District Attorney.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Parliamentary inquiry. Is there time set aside for morning business now?

The PRESIDING OFFICER. There is not. However, the Senator may, by unanimous consent, request permission to proceed.

Mr. DOMENICI. Madam President, I ask unanimous consent for 15 minutes to speak as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

NUCLEAR ISSUES

Mr. DOMENICI. Madam President, over the last few months, I have been speaking out regularly on a wide range of nuclear issues that confront our country and the world, issues that have not been carefully addressed to optimize the positive impacts of these technologies and to minimize their associated risks.

As I began this statement, I noted that nuclear issues are not exactly the ones that most of us focus on to hear cheers of public support. Nuclear issues typically have been relegated to back burners or only to attacks that wildly inflate their risks.

Based on strong encouragement that I have received from people like Senator Nunn, John Deutch, Allan Bromley, Edward Teller and others, I

intend to continue to speak and to seek national dialog on a wide range of nuclear issues. In fact, I will invite each of my Senate colleagues to participate in a nuclear issues caucus focused on issues ranging from nuclear power and waste to nuclear stockpiles.

My goal is that out of this dialog and out of a rebirth of critical thinking on the roles of nuclear technology, we can craft policies that better meet the needs of the Nation and better utilize the power of nuclear technologies. Let me give you the flavor of some of these issues that I assert need careful reexamination.

First, in 1997, the United States decided to halt research into reprocessing mixed oxides, or commonly called MOX fuel, in the hope that it would curtail other countries' pursuit of these technologies. Other countries proceeded to follow their own best interests and technical judgments.

Today, many other countries are reprocessing and using MOX fuel, mixed oxide fuel. Now the United States is unable to use these technologies to meet nonproliferation needs and has largely been left out of the international nuclear fuels cycle.

I contend we made a mistake then. The reason we made the decision is false. We said it is so that no others will do this and create some risks. Others have assessed that there are no risks, or few, and they have proceeded.

Let me move on to another example.

Today, we regulate radiation to extremely low levels based on what we have chosen to call in this country the "linear-no-threshold" model of radiation effects. That model, basically, asserts that the least bit of radiation exposure increases the risk of cancer, but scientific evidence does not support that assumption. As a result, the United States spends billions of dollars each year cleaning up sites to levels within 5 percent of natural background radiation, even though natural background radiation varies by large amounts; in fact, by over three times just in the United States and much larger amounts if we look outside the Nation.

On another issue, today, nuclear energy provides 20 percent of the electricity of our Nation. In 1996, nuclear energy reduced U.S. greenhouse gas emissions from electric utilities by 25 percent. Does that sound interesting to anyone? Nuclear electrically generated power reduced U.S. greenhouse gas emissions 25 percent. That means that we produce that electricity clean in terms of global warming emissions, and we did this without imposing taxes or other costly limitations on the use of carbon-based energy forms, some of the suggestions that are being made now about taxing those energy sources that do create greenhouse gases to minimize their impact by using less.

On another issue, today, we focus on the creation of bilateral accords with Russia to size our nuclear stockpile, and we expend much energy debating

the pros and cons of START II versus START III. Instead, I believe that the United States should move away from sizing its nuclear stockpile in accordance with bilateral accords with Russia. Instead, within the limitations of existing treaties, the United States should move to a "threat-based stockpile," driven by the minimal stockpile size that meets credible threat evaluations.

That is just another issue in the nuclear field that we ought to be addressing and debating and thinking about and listening to some experts on.

Today, many of the weapons in our stockpile and in the stockpile of Russia are on hair-trigger alert. I believe that both nations should consider de-alerting their nuclear stockpiles and even consider eliminating the ground-based leg of the nuclear triad. And I know this may not be doable, and the discussion may reveal that it is not prudent. But it should be talked about.

Today, both the United States and Russia are dismantling weapons, but both nations are storing the classified components, the so-called pits from the weapons, that would enable either nation to quickly rebuild its arsenals. We are in serious need of a fast-paced program to convert classified weapon components into unclassified shapes that are quickly placed under international verification. Then that material should be transformed into MOX—which I discussed earlier—MOX fuel for use in civilian reactors, again with due haste.

There are some who have prejudged this and will instantly say, no, I am suggesting the time is now to have a thorough discussion of these kinds of issues, because we made some mistakes 15, 20 and 25 years ago when we made some of the decisions that now guide our course in this very, very difficult area that I just spoke of with reference to nuclear arsenal components.

Today, high-level nuclear waste is stored in 41 States. Much of that is spent civilian reactor fuel that is saturating the storage capacity at many sites. The United States should move to interim storage of spent nuclear fuel while continuing to actively pursue permanent repository. In the years before that repository is sealed, there will be time to study alternatives to permanently burying the spent fuel with its large remaining energy potential. One of those alternatives for study should be a serious review of accelerator transmutation of waste technology.

Today, another issue, irradiation of food products is rarely used. Nevertheless, there is convincing evidence of its benefits in curtailing foodborne illnesses. I commend the recent acceptance of irradiation for beef products by the Food and Drug Administration. It was a long time in coming, but it is finally here.

Today, few low-level nuclear waste disposal facilities are operating in this country, jeopardizing many operations that rely on routine use of low-level radioactive materials. For example, the

Federal Government continues its efforts to block the efforts of the State of California to build a low-level nuclear waste disposal facility at Ward Valley, CA.

Today, joint programs with Russia are underway to protect Russian fissile materials and shift the activities of former Soviet weapons and their scientists into commercial projects. These programs should be expanded, not reduced. The President suggests that some should be reduced. I believe they should be expanded.

These and other issues will all benefit from a careful reexamination of past policies relating to nuclear technologies. While some may continue to lament that the nuclear genie is out of the proverbial bottle, I am ready to focus on harnessing that genie as effectively and as fully as possible so that our citizens may gain the largest possible benefit from nuclear technologies.

I have a more detailed statement that analyzes these issues and others. I ask unanimous consent that it be printed in the RECORD, not as if read, but merely as an adjunct to the speech which I have just given.

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

STATEMENT

(By Senator Pete V. Domenici)

Over the last few months, I have been speaking out regularly on a wide range of nuclear issues that confront our nation—issues that have not been carefully addressed to optimize the positive impacts of these technologies and to minimize their associated risks.

As I began these statements, I noted that nuclear issues are not exactly the ones that most of us focus on to hear cheers of public support. Nuclear issues typically have been relegated to back burners, or only to attacks that wildly inflate their risks.

Based on the strong encouragement I've received from people like Senator Nunn, John Deutch, Allan Bromley, and Edward Teller, I intend to continue to seek national dialogue on a wide range of nuclear issues. In fact, I will invite each of my Senate Colleagues to participate in a Nuclear Issues Caucus, focused on issues ranging from nuclear power and waste to nuclear stockpile. My goal is that out of this Caucus, and out of a rebirth of critical thinking on the roles of nuclear technology, we can craft policies that better meet the needs of the nation and better utilize the power of nuclear technologies.

Strategic national issues are always hard to discuss. In no area has this been more evident during these last few decades than in development of public policy involving energy, growth, and the role of nuclear technologies.

But as we leave the 20th Century, arguably the American Century, and head for a new millennium, we truly need to confront these strategic issues with careful logic and sound science.

We live in the dominant economic, military, and cultural entity in the world. Our principles of government and economics are increasingly becoming the principles of the world.

There are no secrets to our success, and there is no guarantee that, in the coming century, we will be the principal beneficiary of the seeds we have sown. There is competition in the world and serious strategic issues

facing the United States cannot be overlooked.

The United States—like the rest of the industrialized world—is aging rapidly as our birth rates decline. Between 1995 and the year 2030, the number of people in the United States over age 65 will double from 34 million to 68 million. Just to maintain our standard of living, we need dramatic increases in productivity as a larger fraction of our population drops out of the workforce.

By 2030, 30 percent of the population of the industrialized nations will be over 60. The rest of the world—the countries that today are “under-industrialized”—will have only 16 percent of their population over age 60 and will be ready to boom.

As those nations build economies modeled after ours, there will be intense competition for the resources that underpin modern economies.

When it comes to energy, we have a serious, strategic problem. The United States currently consumes 25 percent of the world's energy production. However, developing countries are on track to increase their energy consumption by 48 percent between 1992 and 2010.

The United States currently produces and imports raw energy resources worth over \$150 billion per year. Approximately \$50 billion of that is imported oil or natural gas. We then process that material into energy feedstocks such as gasoline. Those feedstocks—the energy we consume in our cars, factories, and electric plants—are worth \$505 billion per year.

We debate defense policy every year, as we should. But we don't debate energy policy, even though it costs twice as much as our defense, other countries' consumption is growing dramatically, and energy shortages are likely to be a prime driver of future military challenges.

Even when we've discussed energy independence in my quarter century of Senate service, we've largely ignored public debate on nuclear policies.

At the same time, the anti-nuclear movement has conducted their campaign in a way that has been tremendously appealing to mass media. Scientists, used to the peer-reviewed ways of scientific discourse, were unprepared to counter. They lost the debate.

Serious discussion about the role of nuclear energy in world stability, energy independence, and national security retreated into academia or classified sessions.

Today, it is extraordinarily difficult to conduct a debate on nuclear issues. Usually, the only thing produced is nasty political fallout.

My goal today is to share with you my perspective on several aspects of our nuclear policy. I am counting on you to join with me to encourage a careful, scientifically based, re-examination of nuclear issues in the United States.

I am going to tell you that we made some bad decisions in the past that we have to change. Then I will tell you about some decisions we need to make now.

First, we need to recognize that the premises underpinning some of our nuclear policy decisions are wrong. In 1977, President Carter halted all U.S. efforts to reprocess spent nuclear fuel and develop mixed-oxide fuel (MOX) for our civilian reactors on the grounds that the plutonium was separated during reprocessing. He feared that the separated plutonium could be diverted and eventually transformed into bombs. He argued that the United States should halt its reprocessing program as an example to other countries in the hope that they would follow suit.

The premise of the decision was wrong. Other countries do not follow the example of

the United States if we make a decision that other countries view as economically or technically unsound. France, Great Britain, Japan, and Russia all now have MOX fuel programs.

This failure to address an incorrect premise has harmed our efforts to deal with spent nuclear fuel and the disposition of excess weapons material, as well as our ability to influence international reactor issues.

I'll cite another example of a bad decision. We regulate exposure to low levels of radiation using a so-called “linear no-threshold” model, the premise of which is that there is no “safe” level of exposure.

Our model forces us to regulate radiation to levels approaching a few percent of natural background despite the fact that natural background can vary by a factor of three just within the United States.

On the other hand, many scientists think that living cells, after millions of years of exposure to naturally occurring radiation, have adapted such that low levels of radiation cause very little if any harm. In fact, there are some studies that suggest exactly the opposite is true—that low doses of radiation may even improve health.

The truth is important. We spend over \$5 billion each year to clean contaminated DOE sites to levels below 5 percent of background.

In this year's Energy and Water Appropriations Act, we initiated a ten year program to understand how radiation affects genomes and cells so that we can really understand how radiation affects living organisms. For the first time, we will develop radiation protection standards that are based on actual risk.

Let me cite another bad decision. You may recall that earlier this year, Hudson Foods recalled 25 million pounds of beef, some of which was contaminated by E. Coli. The Administration proposed tougher penalties and mandatory recalls that cost millions.

But, E. Coli bacteria can be killed by irradiation and that irradiation has virtually no effect on most foods. Nevertheless, irradiation isn't used much in this country, largely because of opposition from some consumer groups that question its safety.

But there is no scientific evidence of danger. In fact, when the decision is left up to scientists, they opt for irradiation—the food that goes into space with our astronauts is irradiated. And if you're interested in this subject, a recent issue of the MIT Technology Review details the advantages of irradiated food.

I've talked about bad past decisions that haunt us today. Now I want to talk about decisions we need to make today.

The President has outlined a program to stabilize the U.S. production of carbon dioxide and other greenhouse gases at 1990 levels by some time between 2008 and 2012. Unfortunately, the President's goals are not achievable without seriously impacting our economy.

Our national laboratories have studied the issue. Their report indicates that to get to the President's goals we would have to impose a \$50/ton carbon tax. That would result in an increase of 12.5 cents/gallon for gas and 1.5 cents/kilowatt-hour for electricity—almost a doubling of the current cost of coal or natural gas-generated electricity.

What the President should have said is that we need nuclear energy to meet his goal. After all, in 1996, nuclear power plants prevented the emission of 147 million metric tons of carbon, 2.5 million tons of nitrogen oxides, and 5 million tons of sulfur dioxide. Our electric utilities' emissions of those greenhouse gases were 25 percent lower than they would have been if fossil fuels had been used instead of nuclear energy.

Ironically, the technology we are relying on to achieve the benefits of nuclear energy

is over twenty years old. No new reactors have been ordered in this country for almost a quarter of a century, due at least in part to extensive regulation and endless construction delays—plus our national failure to address high level waste.

We have created an environment for nuclear energy in the United States wherein it isn't viewed as a sound investment. We need absolute safety, that's a given. But could we have that safety through approaches that don't drive nuclear energy out of consideration for new plants?

The United States has developed the next generation of nuclear power plants—which have been certified by the NRC and are now being sold overseas. They are even safer than our current models. Better yet, we have technologies under development like passively safe reactors, lead-bismuth reactors, and advanced liquid metal reactors that generate less waste and are proliferation resistant.

A recent report by Dr. John Holdren, done at the President's request, calls for a sharply enhanced national effort. It urges a "properly focused R&D effort to see if the problems plaguing fission energy can be overcome—economics, safety, waste, and proliferation." I have long urged the conclusion of this report—that we dramatically increase spending in these areas for reasons ranging from reactor safety to non-proliferation.

I have not overlooked that nuclear waste issues loom as a roadblock to increased nuclear utilization. I will return to that subject.

For now, let me turn from nuclear power to nuclear weapons issues.

Our current stockpile is set by bilateral agreements with Russia. Bilateral agreements make sense if we are certain who our future nuclear adversaries will be and they are useful to force a transparent build-down by Russia. But our next nuclear adversary may not be Russia—we do not want to find ourselves limited by a treaty with Russia in a conflict with another entity.

We need to decide what stockpile levels we really need for our own best interests to deal with any future adversary.

For that reason, I suggest that, within the limits imposed by START II, the United States move away from further treaty imposed limitations to what I call a "threat-based stockpile."

Based upon the threat I perceive right now, I think our stockpile could be reduced. We need to challenge our military planners to identify the minimum necessary stockpile size.

At the same time, as our stockpile is reduced and we are precluded from testing, we have to increase our confidence in the integrity of the remaining stockpile and our ability to reconstitute if the threat changes. Programs like science-based stockpile stewardship must be nurtured and supported carefully.

As we seriously review stockpile size, we should also consider stepping back from the nuclear cliff by de-alerting and carefully re-examining the necessity of the ground-based leg of the nuclear triad.

Costs certainly aren't the primary driver for our stockpile size, but if some of the actions I've discussed were taken, I'd bet that as a bonus we'd see some savings in the \$30 billion we spend each year on the nuclear triad.

Earlier I discussed the need to revisit some incorrect premises that caused us to make bad decisions in the past. I said that one of them, regarding reprocessing and MOX fuel, may hamstring our efforts to permanently dismantle nuclear weapons.

The dismantlement of tens of thousands of nuclear weapons in Russia and the United

States has left both countries with large inventories of perfectly machined classified components that could allow each country to rapidly rebuild nuclear arsenals.

Both countries should set a goal of converting those excess inventories into non-weapon shapes as quickly as possible. The more permanent those transformations and the more verification that can accompany the conversion of that material, the better.

Language in this year's Energy and Water Development Appropriations Legislation that I developed clearly sets out the importance of converting those shapes as part of an integrated plutonium disposition program.

Technical solutions exist. Pits can be transformed into non-weapons shapes and weapon material can be burned in reactors as MOX fuel—which, by the way, is what the National Academy of Sciences has recommended. However, the proposal to dispose of weapons plutonium as MOX runs into that old premise that MOX is bad despite its widespread use by our allies.

I believe that MOX is the best technical solution. The economics of the MOX solution, however, need further study. Ideally, incentives can be developed to speed Russian materials conversion while reducing the cost of the U.S. effort. We need an appropriate approach for MOX to address its economic challenges—perhaps something paralleling the U.S.-Russian agreement on Highly Enriched Uranium.

I said earlier that I would not advocate increased use of nuclear energy and ignore the nuclear waste problem. The path we've been following on Yucca Mountain sure isn't leading anywhere very fast. I'm about ready to reexamine the whole premise for Yucca Mountain.

We're on a course to bury all our spent nuclear fuel, despite the fact that a spent nuclear fuel rod still has 60–75% of its energy content—and despite the fact that Nevadans need to be convinced that the material will not create a hazard for over 100,000 years.

Reprocessing, even limited reprocessing, could help mitigate the potential hazards in a repository, and could help us recover the energy content of the spent fuel. Current economics may argue against reprocessing based on present-day fuel prices, but now we seem to be stuck with that old decision to never reprocess, quite independent of any economic arguments.

For Yucca Mountain, I propose we use interim storage now, while we continue to actively advance toward the permanent repository. In addition to collecting the nation's spent nuclear fuel in one well secured facility, far from population centers, interim storage also allows us to keep our options open.

Those options might lead to attractive alternatives to the current ideas for a permanent repository in the years before we seal the repository. Incidentally, 65 Senators and 307 Representatives agreed with the importance of interim storage, but the Administration has only threatened to veto any such progress and has shown no willingness to discuss alternatives.

Let me highlight one attractive option. A group from several of our largest companies, using technologies developed at three of our national laboratories and from Russian institutes and their nuclear navy, discussed with me an approach to use spent nuclear fuel for electrical generation. They use an accelerator, not a reactor, so there is never any critical assembly.

There is minimal processing, but carefully done so that weapons-grade materials are never separated or available for potential diversion. Further, this isn't reprocessing in the sense of repeatedly recirculating fissile

materials back into new reactor fuel—this is a system that integrates some processing with the final disposition.

When they get done, only a little material goes into a repository—but now the half lives are changed so that it's a hazard for perhaps 300 years—a far cry from 100,000 years. The industrial group believes that the sale of electricity can go a long way toward offsetting the cost of the system, so this process might not add large costs to our present repository solution. Furthermore, it would dramatically reduce any real or perceived risks with our present path. This approach, Accelerator Transmutation of Waste, is an area I want to see investigated aggressively.

I still haven't touched on all the issues embedded in maximizing our nation's benefit from nuclear technologies, and I can't do that without a much longer speech.

For example, I haven't discussed the increasingly desperate need in the country for low level waste facilities like Ward Valley in California. In California, important medical and research procedures are at risk because the Administration continues to block the State government from fulfilling their responsibilities to care for low level waste.

And I haven't touched on the tremendous window of opportunity that we now have in the former Soviet Union to expand programs that protect nuclear material from moving onto the black market or to shift the activities of former Soviet weapons scientists onto commercial projects. Along with Senators Nunn and Lugar, I've led the charge for these programs. Those are programs directly in our national interest. I know that some national leaders still think of these programs as foreign aid, I believe they are sadly mistaken.

We are realizing some of the benefits of nuclear technologies today, but only a fraction of what we could realize:

Nuclear weapons, for all their horror, brought to an end 50 years of world-wide wars in which 60 million people died.

Nuclear power is providing about 20% of our electricity needs now and many of our citizens enjoy healthier longer lives through improved medical procedures that depend on nuclear processes.

But we aren't tapping the full potential of the nucleus for additional benefits. In the process, we are short-changing our citizens.

I hope in these remarks that I have demonstrated my concern for careful reevaluation of many ill-conceived fears, policies and decisions that have seriously constrained our use of nuclear technologies.

My intention is to lead a new dialogue with serious discussion about the full range of nuclear technologies. I intend to provide national leadership to overcome barriers.

While some may continue to lament that the nuclear genie is out of his proverbial bottle, I'm ready to focus on harnessing that genie as effectively and fully as possible, for the largest set of benefits for our citizens.

Mr. DOMENICI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, first, I wish to thank my good friend from Indiana—I know he is about to speak—for allowing me to continue just for a very few minutes as though in morning

business. And I ask unanimous consent for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTHY KIDS ACT

Mr. LEAHY. Madam President, I am proud to join the Vice President, Vice President GORE, Senator CONRAD, and other colleagues, in support of comprehensive tobacco control legislation. I believe it is time for the Congress to join the President's call to curb teenage smoking.

But I believe that as a U.S. Senator, as a Vermonter, and as the ranking member of the Senate Judiciary Committee, that the HEALTHY Kids Act improves the proposed national tobacco settlement in two key areas—this is what I am looking at in tobacco settlements—that you have to have full document disclosure and that there can be no immunity for the tobacco industry.

The reason I say this, Madam President, is I have here a 1974 marketing plan by RJR Tobacco.

In 1974 they were saying how they have to target the 14-to-24 age group. In 1974 they were saying how they had to put their ads together so that people in the 14-to-24-year-old group could be targeted, could become cigarette smokers, could become addicted, and once addicted would remain their customers until they died. Of course, so many of them did die of lung cancer and other tobacco-related diseases.

These documents became public almost a quarter of a century later only because of the suits that are going on, only because of the forced disclosure. I say whatever we do in tobacco legislation, make sure all documents have to be disclosed and make sure that there is no immunity to the tobacco industry.

I want to thank Senator CONRAD for working with me to craft legislative language that calls for full disclosure of all tobacco industry documents relating to the health effects of tobacco products, the control of nicotine in tobacco products and the marketing of tobacco products. This disclosure to the FDA includes key documents that the industry may claim as privileged.

After internal review, the FDA has the authority to publish these documents to further the interests of public health. And these documents will be available on the Internet for every citizen to finally learn the full truth about the tobacco industry.

Contrary to its public relations ploys, the tobacco industry is still using stonewalling tactics to keep industry documents secret. Minnesota Attorney General Skip Humphrey has been prying loose documents that reveal much about the past practices of tobacco corporations. But the tobacco industry continues to abuse its attorney-client privilege by trying to block damaging documents from being publicly released. Again, yesterday, the

court in Minnesota found the tobacco industry improperly used the attorney-client privilege to hide thousands of industry documents.

This stonewalling will stop and the American people will know all the facts about the tobacco industry under our bill. Second, our bill scraps the sweetheart deal of immunity for the tobacco industry from punitive damages and class action lawsuits that was in the proposed national settlement.

Every day we learn more and more about documents that reveal industry schemes to market their deadly product to children and hide smoking-related health research.

Marketing cigarettes to 14 year-old children is outrageous. Is that the kind of conduct that we should reward with unprecedented legal protections? In the words of today's 14 year-olds, "Get real."

Under our bill, a state may resolve its attorney general suit or take on the tobacco industry in court, as Minnesota is doing. It is up to the people of that state, not a Washington knows best approach. I am confident that Vermont Attorney General William Sorrell knows the facts in his lawsuit against big tobacco and will weigh the best interests of Vermonters in making the decision whether to opt-in to the bill's settlement provisions.

I strongly believe that this comprehensive tobacco control legislation puts the interests of our children ahead of the interests of the tobacco lobby.

I look forward to working with President Clinton, Vice President GORE, Senator CONRAD and my other colleagues on both sides of the aisle to enact it into law.

I thank again my good friend from Indiana. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDEPENDENT COUNSEL

Mr. COATS. Madam President, over the past 3 weeks or so, Independent Counsel Ken Starr has been the subject of a sustained attack by individuals speaking on behalf of the President. Judging by some of these statements, it seems there is little that the President's surrogates are unwilling to say about Judge Starr. The objective of these comments seems clear—to undermine public confidence in the very legal processes designed to assure public integrity in the White House.

In an extraordinary televised interview, the First Lady accused the independent counsel of being "politically motivated" by an investigation of the Monica Lewinsky matter and part of a "vast right-wing conspiracy" to bring down the President. Other Presidential advisors have also taken to the airwaves, attacking Kenneth Starr as a "scumbag," and "merchant of sleaze."

One of these advisors went so far as to declare war on Judge Starr and the Office of the Independent Counsel.

Now these tactics bring to mind the old adage known to every trial lawyer in the country: When you have the facts, argue the facts; when you have the law, argue the law; and when you have neither the facts nor the law, go after the prosecutor, go after the witnesses, go after the accuser, attack their credibility.

Yesterday in the Wall Street Journal in an editorial entitled "Spinning Starr," the editors state:

Events of recent days suggest that an analysis by Mr. Clinton's legal team has concluded that their strongest strategy is not to meet on the battlefield of facts and law, but to conduct a political offensive against the independent counsel and his staff.

No matter what opposition they've encountered—Paula Jones, Linda Tripp, Kathleen Willey, Fred Thompson, Judge Royce Lamberth—the Clinton side has always chosen the same strategy of stonewalling, smash-mouth lawyering.

Madam President, for those of us who know Ken Starr and have watched and appreciated his distinguished career, the picture painted of this man by the President's people is virtually unrecognizable.

The President's people have asked us to forget Kenneth Starr's exemplary personal character, his service as the Nation's Solicitor General, and his tenure in the United States Court of Appeals for the District of Columbia.

The President's people have asked us to forget the reputation he has gained for fairness and balance and good judgment that he earned through working with the Justice Department.

The President's people have asked us to forget the unpopular chances he took in defending freedom of the press and freedom of religion during his tenure as a Federal judge.

And most of all, the President's people have asked us to forget that Kenneth Starr has brought to the independent counsel's office the cautious, deliberative mind of a judge and not the zeal of a prosecutor.

The President's attack machine has left us not with a caricature of Ken Starr but with a smudge: Kenneth Starr, right-wing conspirator, partisan prosecutor, Republican hack.

Madam President, there is too much hanging in the balance of this investigation to permit these attacks on Judge Starr's character and reputation to go unchallenged. The fact is that even some of Kenneth Starr's most committed ideological opponents have in earlier times painted a very different picture of the man who is now at the receiving end of so much of the Clinton fury.

Some of you may have heard of Walter Dellinger. He is a professor of law at Duke University, a liberal democrat and the former head of the Office of Legal Counsel under Attorney General Janet Reno. When Kenneth Starr was chosen as independent counsel, Professor Dellinger said, "I have known Ken