

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

Starr since he was one of my students at Duke Law School and I have always known him to be a fair-minded person."

An official with the American Civil Liberties Union said of Starr's appointment, "I'd rather have him investigate me than almost anyone I could think of."

Alan Morrison, the cofounder of Public Citizen Litigation Group told Time magazine last week that the idea of Kenneth Starr as a right-wing avenger is "not the Ken Starr I know."

When Democrats criticized Judge Starr's appointment as politically inspired, five former presidents of the American Bar Association refused to call for his resignation, citing their "Utmost confidence in his integrity and his objectivity."

Just last week, Robert Bork, one of the sternest critics of the independent counsel law, wrote that the Office of the Independent Counsel "requires but does not always get an independent counsel of moral strength and judicial temperament. Kenneth Starr is just such a prosecutor * * * He has conducted himself professionally and without a credible hint of partisanship."

The worlds of Kenneth Starr and the Clinton White House are completely different. The independent counsel has a reputation for integrity and fairness. He is temperate by nature and has been criticized by his own staff as being deliberative to a fault. Kenneth Starr regards justice not as a matter of winning or losing but as a search for the truth.

Madam President, if there is ever a time when we need an impartial independent search for the truth, this is that time. A great deal does hang in the balance. We have important decisions to make relative to foreign policy of this Nation and the domestic policy of this Nation. It is important that we be able to rest credibility and trust in the Office of the Presidency. It is important that we elicit the facts and the truth relative to the allegations swirling around the President and the White House at this particular time.

I can think of no fairer minded nor nonpartisan, capable individual than the current independent prosecutor, Kenneth Starr, and I think it would be appropriate if all of us let him do his job.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ATTACKS ON KENNETH STARR

Mr. NICKLES. Madam President, I rise today to make a couple of observations. One is that it is very apparent

that there is a concerted attack on Kenneth Starr, the court-appointed independent counsel investigating several serious allegations against the Clinton administration. Some of those attacks were made today on the floor of the Senate. I believe a previous attack was made earlier in the week in the Senate. And I think Mrs. Clinton joined in the attack on Judge Starr. So, there appears to be a concerted attempt by the President, his staff, his wife, and others to attack Kenneth Starr as the independent counsel. I just think that is inappropriate.

Just for the information of my colleagues, I have known Ken Starr. I understand that he clerked for the Supreme Court for Chief Justice Warren Burger when he got out of law school. I got to know him when he was assistant and chief of staff to Attorney General William French Smith during the Reagan administration. That is the first time I got to know him. And I remember him when he served as Solicitor General of the United States and argued cases on behalf of the United States before the Supreme Court. I happened to sit in on one or two. In one case that I remember in particular, he did a very fine job. He represented the United States very well. I don't remember anybody ever making any allegations that he was a right-wing conspirator at that time.

He served as a judge on the D.C. Circuit Court of Appeals with Justices Scalia and Ginsburg, and he served with distinction. I don't remember hearing one scintilla of negative comments of his service there.

He was chosen—and this is interesting—by the Senate to review Senator Packwood's diaries that dealt with a sex scandal in the Senate. That was a very sensitive issue and not an easy one. And probably not a job that he had any interest in doing either. But it shows that, yes, he handled that, and he handled it very professionally. I think everyone in the Senate would have to acknowledge that.

Judge Starr has taught constitutional law at New York University Law School, a very prestigious law school. He was chosen by the three-judge court to take over as independent counsel and replace Robert Fiske in his investigation of Whitewater and related matters. He was chosen for this job by the court. I don't believe he campaigned for it. He was selected by a three-judge panel.

So he worked for the Senate, he worked in the Attorney General's office, in the Solicitor General's office, he served as a judge, and he taught—all of which he did with distinction.

So I really regret that many people in the administration, and now some of our colleagues, are attacking Ken Starr—impugning his motives, raising charges of conflict of interest, and so on. I think that is really unfortunate.

I happen to also think it is intended as a diversion. I think it is a pattern that we have seen followed by this ad-

ministration time and time again when they are feeling pressure from an investigation or emerging scandal.

It is unfortunate, but this administration has been plagued by scandals since prior to President Clinton's election in 1992. It seems like there is a repetitive pattern of attacking whoever that scandal happens to be involved with—whether it was Gennifer Flowers, when she was attacked; Paula Jones, when she was attacked; the FBI, when investigating the FBI files matter. A couple FBI people lost their jobs over that unfortunate incident. The travel office employees were attacked, when Billy Dale was investigated. The Justice Department was called in to investigate Billy Dale. So time and time again, it seems like there is a pattern that if there is a complaint, we all of a sudden start hearing negative stories.

When it became well known that FBI Director Louis Freeh's recommendation was that an independent counsel should be appointed to investigate possible campaign abuses by the Clinton administration, all of a sudden we start hearing negative stories about Director Freeh and the White House's lack of confidence in his work. There was even some speculation that he would be fired. Well, he could not be fired, he had a 10-year term. I think it is very unfortunate.

Mrs. Clinton was on television talking about a "right-wing conspiracy," and about all these groups spreading stories. I don't think Ken Starr has anything to do with any alleged right-wing conspiracy, nothing whatsoever. I don't think he has ever had that strong of a political philosophy or involvement with partisan issues. He has been a judge, he has been working at the Justice Department and teaching law school. I just don't think that's the case. I certainly don't think that the President's own personal secretary was part of a right-wing conspiracy. So I am just bothered by that.

I think that we see a concerted effort by the administration to have a diversion. Certainly this latest scandal is serious. There were allegations that were brought to Ken Starr's attention, and he took them to the Attorney General for authority to investigate. She gave a recommendation to the three-judge court to expand his authority to investigate. Janet Reno recommended to the three-judge panel that these latest allegations concerning the sex scandal be investigated. That is what Ken Starr is doing.

So I hope that my colleagues will tone down their rhetoric. I hope this administration will tone down the rhetoric and quit attacking Ken Starr and maybe cooperate with the investigation and let the facts be known.

I hope that nothing happened. I hope that there is nothing to this scandal. But I think the President should tell the truth. I think that the American people are entitled to the truth and, hopefully, it will come out very shortly. Then we can go on and do the Nation's business—as the President has