

ought to carry great weight, as, of course, should those of FBI Director Freeh. But Miss Reno has already displayed her trademark obstinacy and has failed to act in the 11 days she has had the benefit of Mr. La Bella's latest recommendation.

The Justice Department frequently reminds us that Miss Reno has sought more independent counsels than any previous attorney general. But it's worth recalling that she steadfastly refused to name an independent counsel to investigate Whitewater until after President Clinton instructed her to do so. And Kenneth Starr was appointed by a special three-judge panel, which rejected Miss Reno's recommendation that a more pliable, less independent prosecutor be reappointed.

By seeking independent counsels to investigate matters far less important than the massive campaign corruption that subverted the democratic process, Miss Reno has conveniently built a defense against having to seek an appointment that actually threatens the president. It's a brilliant tactic, but she cannot be allowed to get away with it.

The PRESIDING OFFICER. The Chair informs the Senator that his time has expired.

Mr. NICKLES. I thank the Chair. I now believe I have inserted in the RECORD all the subsequent statements that I have, including Attorney General Reno's statement before the Judiciary Committee, or at least excerpts of that.

I thank my friend and colleague. I also thank my colleague from West Virginia for his patience and courtesy, that he always extends. I appreciate that.

To my colleague from Pennsylvania, my time has expired.

Mr. SPECTER. For a question—I know the distinguished Senator from West Virginia is waiting. I will be just a moment or two.

Mr. BYRD. I will be happy to wait.

Mr. SPECTER. I appreciate that very much.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. My question, I say to Senator NICKLES, relates to the consequences of a resignation. I commend you for the statement which you have just made. I have joined others in the call for an independent counsel. And, in fact, when questioning Attorney General Reno on July 15 of this year—2 weeks ago on Wednesday—I asked her about specific cases and had an extensive chart which showed the justification for an independent counsel.

Then, because of the limitation of time, I mentioned only two cases, one where a memorandum had come from the Democratic National Committee to the White House identifying five people who were identified as being good for \$100,000 each. The President initialed it. The Democratic National Committee called for a coffee. It was held in the Oval Office. Within a few days thereafter, four of the five contributed \$100,000—specific and credible evidence. And the Attorney General responded she would get back to me, which I said surprised me because it was a well-known matter.

The second matter that I called to her attention—of only two because of

the limitation of time—involved John Huang, where the photograph appeared and Carl Jackson, formerly of the NSC, National Security Staff, commented that Huang, in the presence of the President in the White House had said "Elections are expensive, and we expect people to contribute." I have pressed for a mandamus act which I will not discuss now. I have on prior occasions.

The question that I have for my distinguished colleague from Oklahoma—and I thank my colleague from West Virginia—is, What will be accomplished with a resignation? Is there any expectation that the President will appoint somebody who will be tougher on the campaign irregularities in which he is so deeply involved, at least by allegation? Wouldn't the better course be to move on the legal front, recognizing that it is a very tough case, candidly, an uphill fight—a long shot, in common parlance—contrasted with the resignation where we are going to have a lengthy delay before a nomination is made—confirmation hearings—familiarity would be a matter of months—before a substitute attorney general would be in a position to respond to this issue about appointment of an independent counsel?

Mr. NICKLES. I appreciate the question by my friend and colleague. As I stated in my statement, one, I hope—I prefaced, I said if she does not appoint, if she does not appoint an independent counsel, then I think she should resign. And it is my hope that she will follow the wisdom of Director Freeh and Mr. La Bella, follow their advice and appoint an independent counsel. I hope she will enforce the law.

As my colleague from Pennsylvania is aware, I think the law is very clear. The one you mentioned with the coffees, the statute says: It shall be unlawful for any person to solicit or receive any contribution in a Federal building. The statute is pretty clear. It just has not been enforced.

I appreciate your statement. I think if she resigned—whoever is acting—before any person would be confirmed by the Senate, we would try to have a very clear understanding that the law would be enforced.

I would also mention—you mentioned John Huang. John Huang was in the White House 164 times. That is a lot of visits for a person who was primarily a fundraiser. I think clearly the law was abused; campaign abuses were very flagrant. And the law should be enforced.

Hopefully, the Attorney General will take heed of the advice that the Senate Judiciary Committee, the House Judiciary Committee, the Governmental Affairs Committee, the investigative committee in the House, and as well as the FBI Director and her chief prosecutor, Mr. La Bella, have given, and follow that advice with the appointment of an independent counsel. I think it would help relieve her of a lot of criticism. And I think it would be the right thing to do. I think it would be enforcing the laws as the law is written.

Mr. President, I again thank my colleague from West Virginia for his courtesy and also for his patience.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for 25 minutes.

Mr. BYRD. Mr. President, I thank the Chair.

MILITARY RELATIONSHIPS: NEW MARCHING ORDERS FROM THE PENTAGON

Mr. BYRD. Mr. President, last week, I took the Senate floor to call attention to reports that the Secretary of Defense was prepared to offer a proposal that would ease the penalties for adultery in the military. The report set off alarm bells in my own mind because moral responsibility in the military cannot be compromised without undermining the core values of the services—values such as honor, integrity, and loyalty.

As a result of my remarks, Secretary Cohen called me at home on Sunday—I believe it was Sunday—to assure me that he had no intention of watering down the Defense Department's policies concerning adultery and fraternization. In fact, he said, the new rules he was considering would strengthen those policies.

I appreciate the seriousness with which Secretary Cohen views this matter, and I applaud his efforts to come to grips with policies that have precipitated uneven treatment of military personnel and have resulted in morale-damaging charges of double standards.

The proposed new Pentagon policies were announced earlier this week, and I commend Secretary Cohen for upholding the military code of justice and resisting pressure to reduce the penalties for adultery. I wish I could have confidence that the new policies are sufficient and will fulfill Secretary Cohen's intent of ensuring even-handed treatment of adultery in the military. Unfortunately, I fear that the new policies fall short of the mark in that respect. Moreover, I fear that these new guidelines send conflicting signals to commanders in the field: Yes, on the one hand, adultery is still a crime in the military; but no, on the other hand, it will not be criminally prosecuted unless it is so flagrant that it disrupts or discredits the military.

I fear that some could read into these guidelines a message to the troops that lying and cheating are okay as long as you don't get caught. I do not for a moment believe that that is the message the Defense Department intends to communicate.

The stated intent of the new policies is to standardize good order and discipline policies among the Services, and to clarify guidance on the offense of adultery under the Uniform Code of Military Justice. In the case of fraternization, the new guidelines seem clear cut—they will impose a military-wide

ban on fraternization, bringing the Army into line with the fraternization policies currently enforced by the Navy, Air Force, and yes, the good old Marine Corps.

The impact of the guidelines as they apply to the handling of adultery cases in the military is where the message gets muddled. The new guidelines, according to the Pentagon, do not change the Uniform Military Code of Justice. They do not lower the standards of conduct demanded of America's military forces. They do not preclude a court martial or dishonorable discharge for adultery. That's what the guidelines don't do. What they do accomplish, in my opinion, is much harder to quantify.

Under these guidelines, adultery would remain a crime in the military, but it would only be criminally prosecuted if it brought discredit to the military or disrupted the good order and discipline of the armed services. That caveat, while currently an element of proof of the offense of adultery under the Uniform Military Code of Justice, is given added weight and emphasis under the new guidelines.

Now, I have been accused, from time to time, of being old-fashioned, straitlaced, and of wearing 19th century clothes and a stickler for the rules and a stickler for propriety. I plead guilty on all counts, other than the 19th century business with respect to my clothing, but I do not believe that one has to be old-fashioned to recognize that adultery is a dishonorable act that intrinsically brings discredit to the offending party and, in the case of the military, to the uniform that he or she wears. I do not believe that honor and integrity anywhere, especially in the military, have ever gone out of fashion. And I do not believe that one has to be straitlaced to recognize that lying, cheating, and deceiving—all elements of adultery—intrinsically subvert good order and discipline.

Yet it seems to me that these guidelines shift the emphasis of adultery in the military from the crime to the consequences. Rather than clarifying the offense of adultery, it seems to me that these guidelines confuse the issue. What constitutes "discredit to the armed forces" if not a crime—and adultery is a crime in the military? What constitutes the disruption of "good order and discipline" if not lying, cheating, and deceiving in the commission of a crime?

Honor, integrity, and decency are universal values and principles. They are absolute. They do not fade with the passing of time or cease to matter behind closed doors. When a person takes an oath before God and country, as the military do, that oath is taken without qualification or reservation. It is not limited by time or place or who knows about it.

Mr. President, I believe that Secretary Cohen is dedicated to maintaining the high standards of the United States military. I know that he has put

a great deal of time, thought, and effort into restoring consistency to the application of the military code of conduct. I commend him for his efforts, and I urge him to continue working on this extremely important and sensitive aspect of military service.

The men and women who serve in the United States military are remarkable individuals. They willingly endure the hardships that military life imposes on them and their families. They willingly sacrifice personal freedoms for the good of the nation. They willingly take an oath to preserve, protect, and defend this great nation, with their lives if necessary.

For the life of me, I cannot square that level of total commitment with official guidelines whose recommended remedies for the crime of adultery include "counseling" or "an adverse fitness report."

I cannot square the core values of the United States military with a guidance regarding adultery that appears to encourage commanding officers to overlook the crime of adultery if it is "remote in time."

Mr. President, how remote is remote? What kind of clarity does that guidance impart? Is last month remote enough in time to avoid a criminal prosecution for adultery? How about last week—is that enough?

Last month? Last year? Would this "clarification" have salvaged Air Force General Joseph Ralston's nomination to be Chairman of the Joint Chiefs of Staff? Would this guideline let Army Major General David Hale off the hook for abruptly retiring while he was under investigation for alleged sexual misconduct?

Is discretion what we are really talking about here? Do these guidelines send a signal to our troops that the crime of adultery is not really that bad as long as you are discrete and don't disrupt your unit? Are we giving a whole new meaning to the sentiment, "The better part of valor is discretion"?

I do not for a moment believe that this is Secretary Cohen's intent. I do not for a moment believe that our Nation's military leadership wishes to erode the standards of conduct for the military. But I do express a warning that these guidelines, well-intentioned though they may be, will not solve any problems. These guidelines will not erase the perception that the military applies a double standard to senior officers and enlisted personnel. And most important, these guidelines will not strengthen the necessary trust and cohesiveness that help to make America's military forces the finest in the world—we think.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HEALTH CARE DELIVERY IN ALASKA

Mr. MURKOWSKI. Mr. President, this is a picture of a gentleman, Walter Samuelson. Walter Samuelson was 60 years old when he died February 1, 1992, as a consequence of a heart attack from complications he suffered in February of that year. Because of the weather in King Cove, AK, Samuelson waited 3 days after his heart attack before he could be removed out of King Cove to a hospital in Anchorage. By that time, his heart had been so severely damaged he eventually had to have a heart transplant. The Samuelson family believes that had Walter been able to get out of the village of King Cove a little earlier, he would not have had the major complications that led to his heart transplant.

Mr. Samuelson was born and raised in King Cove, AK. He served in the military in the Korean war. He was a fisherman all his life, fishing with his father and brothers while growing up. And after serving in the military, he moved to Sitka and married. He and his wife, Freda, had four boys. During the summer, he would fly his plane 1,000 miles back to King Cove where his boat was and where he could continue his livelihood, fishing for salmon. He later moved back to King Cove to live and later remarried. He and his second wife, Tanna, had two more children.

Mr. Samuelson was a dedicated patron of the school in King Cove and devoted much of his time and effort there, so much so that he was honored in the dedication of the school's yearbook to him as "a great friend of King Cove schools," an honor which he certainly cherished.

He is survived by his wife Tanna and children: Carl, Walter, Jr., Charles, John, Axel, and Tanna. His surviving brothers and sisters are: Anna Poe, Marion Walker, Thelma Hutton, Christine Christiansen, and Alex, Eugene, John, Frank, and Eric Samuelson.

Mr. Samuelson required a heart transplant and died because there is no road between King Cove and Cold Bay.

We wonder how many more people have to die before we do something about it. Eleven residents have perished in aircraft accidents being medevaced out of King Cove a short distance to Cold Bay, where there is a year-round crosswind runway, as opposed to the gravel strip in the village of King Cove, where sometimes the windsock is blowing at opposite ends of the runway in opposite directions because of the severe turbulence in what is classified as one of the three worst weather areas identified in the world.

The point is the people of King Cove have an alternative, and that is a short, 7-mile road connection which would necessitate a gravel road of 7 miles on the edge of a wilderness area. The people of King Cove are willing to