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NEWS

U. S. SENATOR FOR KANSAS

FROM:

SENATE REPUBLICAN LEADER

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STATEMENT OF SENATOR DOLE AT SENATE RULES COMMITTEE HEARING ON 1992 OREGON SENATE ELECTION

WE ARE CALLED HERE TODAY NOT TO ENGAGE IN A HIGH-WIRE DRAMA OR SUSPENSE THRILLER, BUT RATHER TO ANSWER THE PURELY LEGAL QUESTION OF WHETHER WE CAN PROPERLY EXCLUDE SENATOR PACKWOOD FROM THE SENATE.

AS I UNDERSTAND IT, THE PETITIONERS ALLEGE--AND I EMPHASIZE THE WORD "ALLEGE"--THAT SENATOR PACKWOOD LIED TO THE WASHINGTON POST AND OTHER MEMBERS OF THE PRESS ABOUT OTHER ALLEGATIONS--ALLEGATIONS THAT HE HAD COMMITTED ACTS OF SEXUAL HARASSMENT OVER A PERIOD OF MORE THAN TWENTY YEARS. PETITIONERS ARGUE THAT SENATOR PACKWOOD'S FAILURE TO BE FORTHCOMING WITH THE PRESS SOMEHOW MISLED THE VOTERS OF OREGON.

NOW, I HAVE REVIEWED THE BRIEFS BY PETITIONER'S COUNSEL AND BY COUNSEL FOR SENATOR PACKWOOD. I HAVE LISTENED TO THE ARGUMENTS MADE HERE TODAY. AND, IN THE FINAL ANALYSIS, I AM LEFT WITH MORE QUESTIONS THAN ANSWERS.

OPENING UP A CAN OF WORMS

IS EVERY ELECTION IN WHICH THE WINNING CANDIDATE MADE A FALSE OR MISLEADING STATEMENT UP FOR GRABS?

ARE WE TO UNSEAT A SENATOR, IF HE OR SHE VOTES FOR A MIDDLE-CLASS TAX INCREASE, AFTER CAMPAIGNING ON A PLATFORM OF A MIDDLE-CLASS TAX CUT?

ARE WE TO REFUSE SENATE MEMBERSHIP TO A WINNING CANDIDATE, IF WE LATER FIND OUT THE CANDIDATE WAS LESS THAN FORTHCOMING WITH THE PRESS ABOUT INTENSELY PERSONAL MATTERS--LIKE MARITAL FIDELITY, HEALTH, AND THE BACKGROUNDS OF INDIVIDUAL FAMILY MEMBERS?

IF, DURING A CAMPAIGN, A REPORTER ASKS US A PERSONAL QUESTION AND WE RESPOND "NO COMMENT," DOES THAT CONSTITUTE AN ACT OF DECEPTION, JEOPARDIZING A VICTORY ON ELECTION DAY?

SHOULD THE SENATE UNSEAT A MEMBER WHO, IN A "WEAK" MOMENT DURING A CAMPAIGN WHEN POLITICAL INSTINCTS GAVE WAY TO PARENTAL INSTINCTS, FIBBED TO A REPORTER ABOUT A CHILD'S DRUG PROBLEM OR ARREST RECORD? OR SHOULD WE FIRST CONDUCT A POLL TO DETERMINE WHETHER PUBLIC KNOWLEDGE OF THE LIE WOULD HAVE AFFECTED THE ELECTION'S OUTCOME?

THE PETITIONERS ALLEGE THAT SENATOR PACKWOOD WOULD NOT HAVE BEEN ELECTED FOR A FIFTH TIME IF THE VOTERS OF OREGON HAD KNOWN ABOUT THE ALLEGATIONS OF SEXUAL HARASSMENT. TO BACK UP THIS CLAIM, THEY CITE A POLL SHOWING THAT ONLY 35 PERCENT OF THE OREGON ELECTORATE WOULD HAVE VOTED FOR SENATOR PACKWOOD HAD THE

(MORE)

ELECTION OCCURRED IN DECEMBER, AFTER THE ALLEGATIONS HAD BECOME KNOWN. THEY ALSO CITE A SECOND POLL--THIS ONE CONDUCTED ON A NATIONAL BASIS--SUGGESTING THAT 50 PERCENT OF THE AMERICAN PEOPLE BELIEVED SENATOR PACKWOOD SHOULD RESIGN, WHILE ONLY 36 PERCENT BELIEVED HE SHOULD REMAIN IN OFFICE.

I COMMEND PETITIONER'S COUNSEL FOR THEIR HARD WORK IN COMPILING THIS POLLING DATA.

BUT IS PETITIONER'S COUNSEL SUGGESTING THAT WE CONDUCT A POLL--SAY, EVERY SIX MONTHS--TO DETERMINE WHETHER OUR CONSTITUENTS WOULD HAVE VOTED FOR US IF THEY HAD KNOWN WHAT OUR SUBSEQUENT RECORD IN THE SENATE WOULD BE, OR IF THEY HAD KNOWN MORE ABOUT OUR PERSONAL LIVES ON ELECTION DAY? IF OUR VOTING RECORD IN THE SENATE DOES NOT MATCH SOME OF OUR CAMPAIGN RHETORIC, AND IF OUR APPROVAL RATINGS DROP BELOW 50 PERCENT, DOES THAT MEAN WE SHOULD PACK OUR BAGS AND HEAD HOME?

MR. CHAIRMAN, THESE QUESTIONS MAY SOUND SILLY, BECAUSE THEY ARE SILLY. BUT THESE ARE THE VERY QUESTIONS THE SENATE WOULD HAVE TO ANSWER IF WE ACCEPTED THE ARGUMENT OF THE PETITIONERS AND APPLIED IT TO FUTURE CASES.

QUITE SIMPLY, THIS IS ONE CAN OF WORMS THE RULES COMMITTEE SHOULD NOT OPEN.

SENATOR PACKWOOD HAS SATISFIED CONSTITUTIONAL REQUIREMENTS

THE BOTTOM LINE IS THAT SENATOR PACKWOOD HAS SATISFIED THE CONSTITUTIONAL REQUIREMENTS OF AGE, CITIZENSHIP, AND RESIDENCY. NO ONE HAS DENIED THESE FACTS.

HE HAS ALSO BEEN "DULY ELECTED," GARNERING 52% OF THE VOTE IN LAST YEAR'S ELECTION. THE OREGON SECRETARY OF STATE AND THE GOVERNOR OF OREGON HAVE CERTIFIED HIS VICTORY.

NO ONE HAS ALLEGED THAT SENATOR PACKWOOD STUFFED ANY BALLOT BOXES, REGISTERED ANY INELIGIBLE VOTERS, OR RIGGED ANY VOTING MACHINES. HE HAS NOT COMMITTED ELECTION FRAUD.

SO, MR. CHAIRMAN, WHY ARE WE HERE TODAY?

CHARGES SHOULD BE INVESTIGATED

NOW, DON'T GET ME WRONG: THE CHARGES AGAINST SENATOR PACKWOOD ARE SERIOUS ONES. THE SENATE HAS AN OBLIGATION TO INVESTIGATE CREDIBLE ALLEGATIONS OF SEXUAL HARASSMENT AGAINST ANY ONE OF ITS MEMBERS. THE AMERICAN PEOPLE EXPECT NO LESS, AND I KNOW THAT SENATOR PACKWOOD HIMSELF EXPECTS NO LESS. IN THE COMING MONTHS, HE LOOKS FORWARD TO HAVING THE OPPORTUNITY TO CLEAR HIS NAME BEFORE THE SENATE AND BEFORE THE AMERICAN PEOPLE.

BUT THESE CHARGES AGAINST SENATOR PACKWOOD SHOULD BE SORTED OUT BY THE ETHICS COMMITTEE, NOT BY THIS COMMITTEE.

I HOPE MY COLLEAGUES WILL DISPOSE OF THIS FRIVOLOUS MATTER QUICKLY, SO THE ETHICS COMMITTEE CAN PROCEED WITH ITS IMPORTANT WORK.

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