

Bob Dole



NEWS

U. S. SENATOR FOR KANSAS

FROM:

SENATE REPUBLICAN LEADER

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WHITEWATER HEARINGS

D'AMATO RESOLUTION TRIES TO JUMP-START HEARING NEGOTIATIONS

I want to take a few moments to express my support for the resolution introduced by my distinguished colleague from New York, Senator D'Amato.

Last March, by a vote of 98 to 0, the Senate directed the two leaders to determine the scope, timetable, and forum for hearings into the so-called Whitewater affair. During the past two months, the Majority Leader and I have held meetings, we have exchanged correspondence, but we have been unable to reach agreement on the key issues that must be resolved before hearings can begin.

Throughout this process, the Majority Leader has acted in good faith. And even today, we are continuing our efforts at trying to settle this issue. It's my understanding that the Majority Leader will submit another proposal to me shortly after tomorrow's House leadership meeting with Robert Fiske. So, the negotiations will continue.

But that doesn't mean we shouldn't try to jump-start the negotiating process...and that's where Senator D'Amato's resolution comes in.

Resolution Reflects Latest GOP Hearing Plan

The resolution, which reflects my latest proposal to the Majority Leader, would create a 16-member special subcommittee of the Banking Committee. The subcommittee would be charged with conducting all aspects of the Whitewater hearings. Throughout our negotiations, Senator Mitchell has insisted that hearings be held within the Banking Committee, despite the clear jurisdictional interest of other committees--Judiciary, Small Business, Finance, Agriculture, the Subcommittee on Parks, Public Lands and Forests, and the permanent Subcommittee on Investigations. This resolution accommodates Senator Mitchell's desire, but it also gives senators from other committees the opportunity to participate in the hearings as well.

The resolution does not set a specific timetable for hearings. Instead, it establishes the forum for hearings, the scope of the hearings, and then directs the Chairman and ranking member of the special subcommittee to consult with Robert Fiske about scheduling. A hearing on one aspect of Whitewater could begin next month. A hearing on another subject could begin next year. The Senate doesn't have to play "scheduling secretary" with the hearings, but we do need to get the ball rolling.

Although I would still prefer a select committee--my original proposal--I believe the special-subcommittee approach is fair and straightforward.

Laws Assign Oversight to Congress

During the past few months, we've heard a lot about Robert Fiske. Mr. Fiske is no doubt an able lawyer. But more impressive, I think, are his skills as a bureaucrat. Somehow, for some reason, he has the entire Congress fawning with deference, tip-toeing around his investigation as if we can't do anything without checking with him first. So much for our own constitutional obligations. And so much for the Legislative Reorganization Act of 1946, the Intergovernmental Cooperation Act of 1968, the Legislative Reorganization Act of 1970, the Federal Advisory Committee Act of 1972, and the Congressional Budget and Impoundment Act of 1974--five key laws that assign oversight duties to congressional committees.

Special Counsel's Responsibility

Now, I can understand the unique demands of Mr. Fiske's job, but Mr. Fiske--and those of us in the Senate--should also understand that Congress has its own job to do as well.

(more)

Mr. Fiske's responsibility is criminal and civil prosecution. Congress's job is full public disclosure. Mr. Fiske was appointed by the Attorney General. We were elected by the citizens of the United States. Mr. Fiske gets his mandate from a Department of Justice regulation. Our mandate--the Senate's mandate--comes from the Constitution itself.

"Taking the Fiske"

Yes, we should try not to interfere with Mr. Fiske's investigation. Yes, we should be sensitive to the unique needs of his investigation. That's why we have given Mr. Fiske a four-month head-start. And that's why the Senate has also agreed not to grant immunity to any hearing witness over Mr. Fiske's objection.

But, it's one thing to be deferential. And it's something quite different when deference is used as an excuse to shirk our own constitutionally-mandated oversight obligations. If we continue to drag our feet on hearings, a new term will, no doubt, enter America's political vocabulary...the phrase "taking the Fiske" will soon replace "passing the buck."

Precedent for Hearings

As my colleagues know, during the Reagan and Bush administrations, Congress was not so shy in examining the peccadilloes of those in the executive branch. More than 20 congressional investigations were initiated to examine such "high crimes and misdemeanors" as the so-called "irregularities" in Ed Meese's 1985 financial report and the alleged misuse of a gift fund by President Reagan's Ambassador to Switzerland. And, of course, who can forget the mother of all conspiracies--the "October Surprise."

There's also plenty of precedent for holding congressional oversight hearings while criminal and civil investigations are pending. Michael Deaver, B.N.L. and B.C.C.I. all come to mind.

Hearings in Best Interest of Clintons

Finally, let's not forget that hearings are in the best interests of the President and Mrs. Clinton: if there has been no wrongdoing, there should be nothing to hide. Rather than causing more political heart-burn, a full, public airing of the Whitewater matter should put an end to the drip-drip-drip of allegations that have done so much to diminish public trust in the White House these past several months. And, to their credit, President and Mrs. Clinton have both pledged to cooperate fully with any congressional investigation.

So, I want to thank my distinguished colleague from New York for introducing this resolution. I know some people would like Whitewater to just wash away...but that's not going to happen. Sooner or later, we're going to have hearings, and the American people will get the full accounting of Whitewater that they deserve.

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* Remarks delivered on the Senate floor, approximately 3:00 PM.