

## Congressional Closeup by Carl Osgood

### One contested election resolved, and one to go

On Oct. 1, the Senate Rules Committee voted unanimously to end its investigation of Mary Landrieu's (D) 5,788-vote victory over Woody Jenkins (R) in the 1996 election for the U.S. Senate seat from Louisiana. Committee Chairman John Warner (R-Va.) said in a statement to the committee that in a contested election, the "evidence must indicate that further investigation is likely to result" in a conclusion that the outcome was the result of fraud or irregularities, but the facts submitted by Jenkins "do not meet that level of proof."

Warner reported that the committee did find irregularities in the Louisiana election process, but said that "there is insufficient evidence in the aggregate to indicate further investigation would result in the degree of evidence necessary to overcome [Jenkins's] burden."

Meanwhile, the battle in the House over California's 46th district has become more acrimonious. On Sept. 30, the House voted 219-203 along straight party lines to approve a resolution demanding that the U.S. Attorney for the Central District of California seek criminal charges against an Orange County Hispanic organization for failing to comply with subpoenas issued by former Rep. Bob Dornan (R-Calif.), who is contesting his 1996 defeat by Loretta Sanchez (D-Calif.).

Democrats, especially those in the Hispanic Caucus, have been denouncing the GOP for running a witch-hunt against Hispanic voters in general, and against Sanchez in particular. Bob Menendez (D-N.J.) condemned the granting of subpoena power to Dornan, accusing him of abusing it, and attacked the notion that Congress should tell U.S. Attorneys what cases they should prosecute.

Vern Ehlers (R-Mich.), a member of the task force conducting the investigation, ridiculed the idea that Sanchez was being singled out. He pointed out that any loser in an election can contest the results. "The House has no control over which elections are contested," he said, adding that in this particular case, "the person who filed the contest is not someone who would take advice from the House, the [House Oversight] committee, or anyone else."

However, Dornan's outrageous behavior is making many Republicans nervous. The House voted 289-65 on Sept. 18 to ban Dornan from the House floor. Floor access is a privilege normally granted to former members.

### District school vouchers subject of Senate debate

On Sept. 30, the Senate took up a controversial amendment to the District of Columbia Appropriations bill, sponsored by Dan Coats (R-Ind.), that would make available school vouchers to 2,000 (out of 87,000) D.C. public school students to attend private schools of their choice. Coats admitted that the long-term solution is "to find ways to strengthen the public school system," because of the limited availability of private schools. However, he claimed that his amendment "offers an opportunity to provide that impetus, that spur, to help move along the necessary reforms in the D.C. public school system."

Edward Kennedy (D-Mass.) denounced Coats's amendment. "Students in the District of Columbia deserve good public schools, safe public schools, well-trained teachers, and a decent education," Kennedy said. "Vouchers will undermine all of these essential goals by undermining the

public schools, not helping them." Kennedy argued that "public funds should be used for public school reforms that help all students, not to pay for a few public school students to attend private and religious schools." Vouchers will encourage families to "abandon" public schools rather than improve them, he said.

Kennedy charged that the GOP is "attempting to make D.C. public schools a guinea pig for an ideological experiment in education that voters in the District of Columbia have soundly rejected, and that voters across the country have soundly rejected, too." He declared that Washington, D.C. "is not a slave plantation," and that the GOP "should start treating the people of the District of Columbia with the respect that they deserve."

As of Oct. 7, the Democrats were leading a filibuster against Coats's amendment. One cloture vote to cut off debate had already failed, and no agreement had yet been reached on a second.

### Census sampling funds rejected by House

On Sept. 30, the House debated an amendment to the Commerce, Justice, State and the Judiciary Appropriations bill that would have made available \$381.8 million to the Census Bureau to plan and run tests with the sampling methods it plans to use for the year 2000 census. Alan Mollohan (D-W.V.), who sponsored the amendment with Chris Shays (R-Conn.), said he was seeking to replace prohibitions placed in the original bill with language similar to the Senate bill, "which lets the Census Bureau test scientific sampling methods so long as they are not irreversible." He cited the

gross inaccuracies in the 1990 census, and argued that sampling techniques are needed to ensure that the next census is more accurate.

Mollohan got to the political crux of the matter, saying that the most important reason, after the technical issues of sampling, for GOP opposition to its use, is "the fear that using sampling will affect the political makeup of the House of Representatives." He accused Republicans of withholding funding from the Census Bureau because they are "afraid they will lose seats in the Congress." He reminded the House that "the purpose of the census is to count the people of our nation, not to ensure that any political party controls the Congress. We should strive towards accuracy and let the political chips fall where they may."

Republicans prevailed, and Mollohan's amendment was defeated by a vote of 229-197. However, if the language in the House bill survives conference committee, it may face a veto, because the Clinton administration strongly favors the use of sampling methods.

## Senate debates campaign finance 'reform'

The Senate continued debate on the McCain-Feingold campaign finance reform bill on Sept. 29, and again on Oct. 6. On Sept. 29, Majority Leader Trent Lott (R-Miss.) introduced an amendment to the bill to prohibit the use of funds collected from employees and stockholders for political purposes. In fact, he introduced it eight consecutive times, each time as an amendment to the previous one, in a parliamentary procedure known as "filling up the amendment tree," in order, as he explained, "to ensure that

opponents cannot gut it by offering yet another amendment."

Lott denied that his amendment was a "poison pill" meant to sink the bill, which all but a few Republicans oppose, calling it "fundamental to fairness in the campaign process." He also denied that his amendment was targeted at labor unions, but is "as a matter of fact, directed at both unions and corporations as well."

Minority Leader Tom Daschle (D-S.D.) complained that Lott, in "filling up the tree," "has precluded our opportunity to offer amendments, to have a constructive and real debate." He complained that the result of Lott's handling of the bill was that "all we have done so far is debated the overall concept of campaign reform without having had opportunity to talk about the details and whether or not there may be ways in which to improve it or deal with it in whatever legislative capacity we may choose."

A cloture vote on the bill is expected on Oct. 8. If the vote fails and the bill is pulled from the floor, Daschle has promised that Democrats will offer it as an amendment to any piece of legislation that comes to the floor subsequently.

## FBI's problems stem from 'cultural disease'

Charles Grassley (R-Iowa), chairman of the Senate Judiciary Committee Administrative Oversight subcommittee, charged at a subcommittee hearing on Sept. 29 that the problems at the FBI crime laboratory "exist and flourish because of a cultural disease within the FBI. That culture is preserved by FBI management, both within the lab and higher up." The hearing was looking further into the scandal at the FBI crime lab and what measures the De-

partment of Justice and the FBI are taking to correct the problems there.

In his opening statement, Grassley complained about the FBI's lack of cooperation with his subcommittee in providing witnesses and documents, causing the hearing to be postponed twice. He scored FBI Director Louis Freeh, who testified on June 5 that "We [the FBI] are potentially the most dangerous agency in the world if we are not scrutinized carefully," for not making his actions meet his words.

The lead witness, Rep. Bob Wexler (D-Fla.), told the subcommittee that he had been "an unabashed fan of the FBI" until the House Crime subcommittee held its first hearing on the problems at the lab on May 13. Wexler summarized a number of specific cases of malfeasance by the lab, including the case of former Florida Federal judge Alcee Hastings (D), now a member of the House, who was impeached by the House and removed from the bench on the basis of tainted evidence provided by the lab. Wexler reported that one of his discoveries, was that changes to evidence "always favored the prosecution."

Sen. Richard Durbin (D-Ill.) suggested that "it sounds as if some of these lab technicians were attempting to improve their own standing within the lab and to curry favor within the department by coming up with evidence that would support the prosecution's case." He asked Wexler if he had any evidence that prosecuting attorneys were complicit in using falsified lab evidence. "I wouldn't go so far as to say I know of any evidence where prosecutors were a part of a scheme to submit false evidence," Wexler said. But, he added, "the FBI crime labs I think in some instances have become an arm of the advocacy [prosecution] in this process and that's a terrible problem."