

world to salute the people who are standing today, this very minute, freezing in Republic Square in Belgrade, standing for the right to do what we have done in the last few hours in Congress, and that is have a peaceful transition of power after duly held elections.

Mr. President, the people of Serbia have spoken. It is time that all the people in the world stand behind them so that their spoken word will prevail.

LOUISIANA CONTESTED ELECTION

Mr. WARNER. I have discussed with Majority Leader LOTT the procedures he proposed today with regard to the seating of Senator LANDRIEU and the review of Mr. Jenkins' petition contesting the election of Senator LANDRIEU.

I agree with and fully support the actions taken by the majority leader. I would like to take a moment to explain the actions the Rules Committee has taken thus far concerning this contest and those procedures which we anticipate following in the future.

The Senate is the Constitutional judge of the qualifications of each Senator. Article I, section 5 of the U.S. Constitution, states that the Senate is the "Judge of the Elections, Returns, and Qualifications of its own Members. . . ."

The Secretary of State of Louisiana has certified that MARY LANDRIEU defeated Louis "Woody" Jenkins by 5,788 votes in the 1996 U.S. Senate race, and this morning Senator LANDRIEU was sworn in "without prejudice." This action is in accordance with the precedents of the Senate, which recognize that the Senate generally defers to the certification of the State until the Senate has had the opportunity to review such petitions and evidence as may be submitted by the contestants or gathered by the committee.

On December 5, 1996, Mr. Jenkins exercised his right to file a petition of election contest with the Vice President of the United States. That petition was referred to the Senate Committee on Rules and Administration, chaired by myself with the distinguished Senator from Kentucky Mr. FORD, serving as the ranking Democrat.

On December 18, 1996, Mr. Jenkins submitted an amended petition along with considerable documents related to the allegations in his petition. These allegations go to the heart of the integrity of the election process on November 5 in Louisiana, and Mr. Jenkins' steps, thus far, merit thorough consideration by the Rules Committee.

In consultation with Committee members, and consistent with precedent, Senator FORD and I engaged two attorneys to serve as outside counsel for the Committee, and their letters of engagement are attached for the record. Bill Canfield was selected by the Republicans, and Bob Bauer was chosen by the Democrats. Their assign-

ment is to review the petition and all documents submitted to the Committee relating to the petition and to advise the Committee as to whether the petition should be dismissed or, if not, what further courses of action the Committee should consider.

As a means to providing equity to both candidates, the committee advised then Senator-elect LANDRIEU of her right to file material for consideration, and a copy of the letter from the committee to her counsel is attached for the record. Senator LANDRIEU's attorney has indicated that she will respond by January 17, 1997.

Mr. Jenkins will then be given time to examine any material submitted by Senator LANDRIEU and provide the committee with a surrebuttal. After reviewing all of the filings, our outside counsel will promptly provide the committee with their respective opinions. I anticipate the two counsel will have some areas of their opinions reflecting a concurrence of views and recommendations.

It is my intention to then hold a committee business meeting on counsels' reports immediately thereafter and determine the next step in this process. I am hopeful that we will be able to hold this meeting early in February.

These procedures will allow and ensure a fair and equitable review of the allegations. Senator LANDRIEU, Mr. Jenkins, and the citizens of Louisiana, as well as the entire country, expect and deserve no less.

The above outline of committee procedures, so far, parallels the actions of the Rules Committee in the Huffington-Feinstein contested election in 1995.

SENATOR BYRD'S ADDRESS TO NEW SENATORS—AND RETURNING SENATORS, TOO

Mr. KENNEDY. Mr. President, on December 3 as part of the orientation program for new Senators, our distinguished colleague from West Virginia, Senator ROBERT C. BYRD, delivered an eloquent address in this chamber emphasizing the indispensable role of the Senate in American democracy.

Senator BYRD is well known as a scholar and historian of the Senate. I believe his address will be of interest and importance to all Senators as we begin the new session, and I ask unanimous consent that it be printed in the RECORD.

REMARKS BY U.S. SENATOR ROBERT C. BYRD AT THE ORIENTATION OF NEW SENATORS, DECEMBER 3, 1996

Good afternoon and welcome to the United States Senate Chamber. You are presently occupying what I consider to be "hallowed ground."

You will shortly join the ranks of a very select group of individuals who have been honored with the title of United States Senator since 1789 when the Senate first convened. The creator willing, you will be here for at least six years.

Make no mistake about it, the office of United States Senator is the highest polit-

ical calling in the land. The Senate can remove from office Presidents, members of the Federal judiciary, and other Federal officials but only the Senate itself can expel a Senator.

Let us listen for a moment to the words of James Madison on the role of the Senate.

"These [reasons for establishing the Senate] were first to protect the people against their rulers: secondly to protect the people against the transient impression into which they themselves might be led. [through their representatives in the lower house] A people deliberating in a temperate moment, and with the experience of other nations before them, on the plan of government most likely to secure their happiness, would first be aware, that those charged with the public happiness, might betray their trust. An obvious precaution against this danger would be to divide the trust between different bodies of men, who might watch and check each other It would next occur to such a people, that they themselves were liable to temporary errors, through want of information as to their true interest, and that men chosen for a short term, [House members], . . . might err from the same cause. This reflection would naturally suggest that the Government be so constituted, as that one of its branches might have an opportunity of acquiring a competent knowledge of the public interests. Another reflection equally becoming a people on such an occasion, would be that they themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous councils. . . ."

Ladies and gentlemen, you are shortly to become part of that all important, "necessary fence," which is the United States Senate. Let me give you the words of Vice President Aaron Burr upon his departure from the Senate in 1805. "This house," said he, "is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, will resistance be made to the storms of political phrensy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hand of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor." Gladstone referred to the Senate as "that remarkable body—the most remarkable of all the inventions of modern politics."

This is a very large class of new Senators. There are fifteen of you. It has been sixteen years since the Senate welcomed a larger group of new members. Since 1980, the average size class of new members has been approximately ten. Your backgrounds vary. Some of you may have served in the Executive Branch. Some may have been staffers here on the Hill. Some of you have never held federal office before. Over half of you have had some service in the House of Representatives.

Let us clearly understand one thing. The Constitution's Framers never intended for the Senate to function like the House of Representatives. That fact is immediately apparent when one considers the length of a Senate term and the staggered nature of Senate terms. The Senate was intended to be a continuing body. By subjecting only one-third of the Senate's membership to reelection every two years, the Constitution's framers ensured that two-thirds of the membership would always carry over from one Congress to the next to give the Senate an enduring stability.

The Senate and, therefore, Senators were intended to take the long view and to be able