

**OPENING STATEMENT  
OF  
SENATOR SUSAN M. COLLINS**

**Committee on Governmental Affairs**

**Hearing on the Future of the Independent Counsel Act  
February 24, 1999**

Thank you, Mr. Chairman. I want to applaud your leadership and that of Senator Lieberman for convening what is sure to be an informative and important series of hearings on the future of the Independent Counsel Act.

While we can agree that the Independent Counsel Act has led a controversial existence since its passage in 1978, I think we can also agree that the Act was borne from the noblest of intentions. The national cynicism which engulfed the nation in the aftermath of Watergate led Congress to craft a process designed to provide an Independent Counsel to investigate allegations against high-ranking government officials in a manner that would promote public confidence in the results of the investigation.

Despite such noble intentions, the implementation of the Act has raised serious concerns about the unfettered powers of Independent Counsels and the impact of this law on the due process rights of those investigated. It is also important that we recognize that some Independent Counsels have conducted their investigations exactly as Congress contemplated under the law. For example, Ralph Lancaster, a highly regarded private practitioner from Maine, took a leave from his law firm to conduct the ongoing investigation into allegations involving the Secretary of Labor. He has done so capably, fairly - and quietly.

I am not ready to abandon the Independent Counsel law altogether for the Attorney General will always have conflicts of interest, whether perceived or actual, in investigating his or her boss, the President and the Vice President, as well as colleagues in the Cabinet. At the same time, it is evident that this law needs fundamental reforms in its scope and reach.

I look forward to hearing from the wide range of witnesses who are scheduled to present their views before the Committee, and I hope that they can shed light on ways that the Congress can develop a system that preserves the important safeguards in our criminal justice system while ensuring public trust in the outcome of investigations of public officials.

Thank you Mr. Chairman.