

**OPENING STATEMENT OF CHAIRMAN FRED  
THOMPSON  
INDEPENDENT COUNSEL ACT HEARING  
APRIL 14, 1999**

WASHINGTON -- The following is the prepared opening statement of Chairman Fred Thompson (R-TN) at an April 14 Senate Governmental Affairs Committee hearing on the reauthorization of the Independent Counsel Act:

“The Governmental Affairs Committee today holds its fifth and final hearing on reauthorization of the Independent Counsel Act. Our witnesses include Independent Counsel Kenneth W. Starr and the Special Division of the United States Court of Appeals.

“Judge Kenneth Starr has a long record of distinguished public service. After working in the Justice Department as Counselor to the Attorney General, he was appointed to the United States Court of Appeals for the District of Columbia. In 1989, he became Solicitor General of the United States, the same position held by Archibald Cox, the Watergate Special Prosecutor. His appointments to both the Court of Appeals and to the Solicitor General’s office both received unanimous Senate confirmation.

“More recently, Judge Starr was selected to assist the Senate in its review of the Packwood diaries. The then-Chairman of the Ethics Committee, Democrat Richard Bryan, selected Judge Starr for his intelligence and probity. And the Special Division’s selection of Judge Starr to succeed Robert Fiske as Independent Counsel in Whitewater was fitting since Attorney General Reno had selected Fiske after narrowing her choices to him and Judge Starr.

“As independent counsel, Judge Starr has presided over an investigation that resulted in the conviction of a sitting governor and the obtaining of a guilty plea from the Associate Attorney General, the highest officials ever convicted in an independent counsel investigation, at least convictions that were upheld. He obtained twelve guilty pleas, obtained three trial convictions, and more than \$1 million in restitution. In the appellate courts, his record is seventeen wins and one loss, winning historic successes on executive privilege and the heretofore unimagined Secret Service protective function privilege. And the accuracy of his reports on Vincent Foster and Monica Lewinsky has never been questioned. At the same time, he has weathered withering

attacks, some of which were exceedingly personal and vituperative, while restricted by various ethical considerations on prosecutors that thwarted his ability to respond.

“The Committee’s hearings have contained testimony from a wide range of witnesses: government officials, current and former independent counsel, scholars, targets and attorneys for targets in independent counsel investigations, and the special division. The hearings have been very good, and they have generated proposals ranging from fixing the statute, to alternatives to the statute, to allowing the statute to expire permanently. Those are the options before the Committee.

“The Committee will need to thoroughly think through the ramifications of whatever we choose. What we have today reflects many unintended consequences. There are two and one-half months until the statute expires, and there is no need for the Committee to rush to judgement. The statute was enacted because of concern over the appearance of a conflict of interest when the Justice Department is called upon to investigate high-level officials. That concern still exists. However, many people now think that the cure is worse than the disease. We have seen more and more attacks on independent counsel, and more controversy. The difficulty is that the authority must be lodged somewhere. And I remind my colleagues that Attorney General Reno has demonstrated that a law on the books is a nullity if she chooses not to apply it. Also, some people think that the mishandling of a conflict of interest is best addressed at the ballot box.

“I am going to take a little time and work though this. Sometime before June 30, I will either support legislation in this Committee, or I will make a statement that I will oppose a bill. I will be discussing the matter with my colleagues, especially the ranking member, Sen. Lieberman.”