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House of Representatives

The House met at 9 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

With all the striving and energy that we use to make our mark, we pray, Almighty God, that we would also slow our pace and listen to Your still small voice that speaks to us in our hearts and in our minds. Just as we learn to speak, so may we learn to listen; just as we declare our ideas, so may we reflect on what others teach us; just as we hear the voices around us, so may Your gracious word speak to us in the depths of our souls, redeeming, forgiving, uniting us in faith and hope and love. May Your blessings, O God, become new to us each morning and be with us all the day long. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2071. An Act to extend a quarterly financial report program administered by the Secretary of Commerce.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. One minutes will be at the end of legislative business today.

PROVIDING FOR DELIBERATIVE REVIEW BY COMMITTEE ON THE JUDICIARY OF COMMUNICATION FROM INDEPENDENT COUNSEL

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 525, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 525

Resolved, That the Committee on the Judiciary shall review the communication received on September 9, 1998, from an independent counsel pursuant to section 595(c) of title 28, United States Code, transmitting a determination that substantial and credible information received by the independent counsel in carrying out his responsibilities under chapter 40 of title 28, United States Code, may constitute grounds for an impeachment of the President of the United States, and related matters, to determine whether sufficient grounds exist to recommend to the House that an impeachment inquiry be commenced. Until otherwise ordered by the House, the review by the committee shall be governed by this resolution.

SEC. 2. The material transmitted to the House by the independent counsel shall be considered as referred to the committee. The portion of such material consisting of approximately 445 pages comprising an introduction, a narrative, and a statement of grounds, shall be printed as a document of the House. The balance of such material shall be deemed to have been received in executive session, but shall be released from the status on September 28, 1998, except as otherwise determined by the committee. Material so released shall immediately be submitted for printing as a document of the House.

SEC. 3. Additional material compiled by the committee during the review also shall be deemed to have been received in executive session unless it is received in an open session of the committee.

SEC. 4. Notwithstanding clause 2(e) of rule XI, access to executive-session material of the committee relating to the review shall be restricted to members of the committee, and to such employees of the committee as may be designated by the chairman after consultation with the ranking minority member.

SEC. 5. Notwithstanding clause 2(g) of rule XI, each meeting, hearing, or deposition of the committee relating to the review shall be conducted in executive session unless otherwise determined by an affirmative vote of the committee, a majority being present. Such an executive session may be attended only by members of the committee, and by such employees of the committee as may be designated by the chairman after consultation with the ranking minority member.

The SPEAKER. Pursuant to the order of the House of Thursday, September 10, 1998, the gentleman from New York (Mr. SOLOMON) is recognized for 2 hours.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, and pursuant to the order of the House of September 10, 1998, I yield 60 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. Mr. Speaker, during consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, as we start off, I want to commend the Speaker for his statement yesterday from the chair asking that the House conduct itself in the highest decorum possible. It was eloquent on your part and was concurred in by the Minority Leader Mr. GEPHARDT. We would remind Members of that. We have a copy of that at the desk should Members want to refresh their memory.

Mr. Speaker, House Resolution 525 provides for a deliberative review of the House Judiciary Committee of the communication from the independent counsel and also provides for the appropriate release of that communication.

Printed on recycled paper.

Mr. Speaker, I think I speak for many Members this morning in saying that this is a day which we hoped in our careers in public service would never come. I came here with you 20 years ago and I certainly, and I know you did, hoped such a day would never come.

There certainly is no joy in bringing forward this kind of a resolution. Only a sense of the gravity of our task ahead and our mindful and constitutional responsibilities make us do this.

Mr. Speaker, as the Members and the public are well aware by now, the independent counsel delivered a communication to the House of Representatives on Wednesday, September 9, and it was pursuant to the independent counsel law, which is the law of the land. That law requires, in pertinent part, that an independent counsel shall advise the House of Representatives, and this is quoting from the law, ''of any substantial or credible information'' which the independent counsel receives himself or herself, ''which may constitute grounds for an impeachment,'' and that is the law of the land.

Of course, the Constitution vests the sole power of impeachment with this House of Representatives in Article I of section 3 of the Constitution and the ''sole power to try all impeachments in the Senate.''

Mr. Speaker, this communication from the independent counsel, it embarks this institution on a grave and a profound process in uncharted waters. In that spirit, the majority and the minority leadership have consulted on numerous occasions about this communication, and the chairman and ranking members of the Committee on the Judiciary and the Committee on Rules have discussed proposals for the sensitive handling and access to this material.

It has not been easy to come to an agreement. The resolution before us is the product of that bipartisan consultation, but more so, on a fair attempt to meet the concerns of all of the Members of this House; and we know that on both sides of the aisle we are divided on how to handle this issue, and that became very evident during the 4-hour hearing that we had last night in the Committee on Rules.

When this communication arrived at the Capitol, the Speaker immediately directed the material to be secured by the Sergeant at Arms, and no Members or staff have seen that document. Although there are press reports this morning asserting what might be in the communication, the House does not know what is contained in these documents at this moment, and that is the way that it should be. However, it is the understanding of the Committee on Rules that the communication does contain the following: 445 pages of a communication which is divided into three sections; an introduction, a narrative, and so-called ''grounds''; and it is accompanied by another 2,600 pages of supporting material that is contained in the appendices which may contain telephone records, videotapes, testimony and other sensitive material, including the 17 boxes of other supporting information.

The method of the dissemination and potential restrictions on access to this information is set forth in this resolution. The resolution provides that the Committee on the Judiciary with the ability to review the communications to determine whether grounds exist to recommend to the House that an impeachment inquiry be commenced. The resolution provides for an immediate release of approximately 445 pages, again comprised of an introduction, a narrative, and a statement of so-called ''grounds.'' This will be printed as a House document and available to the Internet and other Web sites today as soon as technologically possible, which will be hopefully about 2 hours after this resolution passes the House.

The balance of the material will be deemed to have been received in executive session of the Committee on the Judiciary, but will be released from that status by no later than September 28, 1998, and will be released piecemeal as the Committee on the Judiciary determines relevant. Material released will immediately be printed as a House document and available to Members and the public, obvious new information, between now and September 28th.

The resolution further provides that additional material compiled by the Committee on the Judiciary during the review period will be deemed to have been received in executive session unless, of course, it is received in an open session of the Committee on the Judiciary, although, Mr. Speaker, access to that executive session material will be restricted to Members of the Committee on the Judiciary and such employees of the committee as may be designated.

Finally, the resolution provides that each meeting, hearing or deposition of the Committee on the Judiciary will be in executive session unless otherwise determined by that committee. That is up to their discretion.

□ 0915

The executive session may be attended only by Committee on the Judiciary members and employees of the committee designated by the chairman, and after consultation with the ranking minority member. The resolution before us attempts to strike an appropriate balance between House Members' and the public's interest in reviewing this material and the need to protect innocent people.

Mr. Speaker, the testimony before the Committee on Rules last night indicated that among Members, on the question of access to the material and release of it to the public, and this is important to note during this beginning part of the debate, that there were Members on the Democrat side who raised concerns about releasing the 445-page text today, and still other Democrats who raised a parliamentary inquiry on Wednesday when the communication was read to the House demanding full and complete access.

There was the senior member of this body, the Dean of this entire body, the gentleman from Michigan (Mr. JOHN DINGELL) who insisted on that. Other Members on our side of the aisle insisted on that. Still another Democratic member proposed a resolution last night in the Committee on Rules requiring full disclosure of the entire communication immediately. He at that time wanted us to substitute and make that amendment in order, which we did not do.

This resolution is an adequate middle ground. It recognizes the public's right to know, and hence, for Members and their constituents to engage in a dialogue about all of this material. It also acknowledges the Committee on the Judiciary's proper role of sifting through all the material, while placing the burden in favor of more release rather than less. It is anticipated that the Committee on the Judiciary will require additional procedural or investigative authorities to adequately review the communications in the future.

It is anticipated, therefore, that these authorities be the subject of another resolution which will be consulted with the Democrat minorities on the two committees over the next 4 or 5 days, and that that resolution will be before the House sometime midweek, and then on the floor of the House towards the end of the week, if necessary.

If this communication from Independent Counsel Starr should form the basis for future proceedings, it is important to note that Members will need to cast public, to cast recorded, and extremely profound votes in the coming weeks and months. Therefore, we should ensure that every Member of this House have enough information about the contents of the communication to cast informed votes and be equipped to explain those votes on this most mighty of constitutional obligations to their constituents.

Mr. Speaker, I want to point out, again, just to clarify, this resolution does not authorize or direct an impeachment inquiry. Sometimes the press gets this confused, and they are stating that it does. It is not the beginning of an impeachment process in the House of Representatives. It merely provides the appropriate parameters for the Committee on the Judiciary, the historical proper place to examine these matters, to review this communication and make a recommendation to the House as to whether we should commence an impeachment inquiry. That is what this resolution before us today does.

Mr. Speaker, the constitutional process which may be initiated by this review is not about punishment nor is it about personalities. It is an effort to protect a constitutional office and to ensure it is not besmirched. The safety

of constitutional government is too precious in this world. We are looked at all over this world as the exemplary democracy, and we must always keep it that way, so the Framers of our Constitution designed an inherently cumbersome process which would require cooperation among political parties, and that is what we are here today to do. It is in that spirit in which we bring forward this resolution today.

Again, I would just urge Members to observe the proper decorum as we debate this very profound issue over the next 2 hours.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today is a very, very solemn day for the House of Representatives. Mr. Speaker, the Constitution bestows several very important responsibilities on the House. All of them have great consequence. We have the power to raise taxes, we have the power to declare war, we have the sole power of impeachment. Today we find ourselves considering a resolution to release portions of the Independent Counsel's report.

Two days ago Independent Counsel Kenneth Starr delivered to this Capitol building a 445-page report, several thousands of pages of appendices, and 17 boxes of additional materials. No one has seen what is in the materials sent up by the Independent Counsel. It is most likely to contain Mr. Starr's opinions, transcripts from dozens of witnesses, tapes, telephone conversations, and other very, very important material.

Mr. Speaker, once these boxes are opened, innocent people could be hurt, reputations could be destroyed, ongoing criminal investigations could be jeopardized. Members of the House should begin this process of releasing the information and acting on it as soberly and as fairly as possible.

There is general agreement that the 445-page referral is to be made to the public as soon as this resolution is adopted. There is no problem there. The dispute revolves around what to do with the remainder of the supporting materials.

Let me say again, Mr. Speaker, as to the 445-page referral, including an introduction, a narrative, and the statement of grounds, there is widespread agreement to make that public today. The concern is on who will review the appendices of the 17 boxes of materials to make sure that no innocent people are unfairly jeopardized.

In his letter of transmittal, the Independent Counsel, Ken Starr, stated, ''Many of the supporting materials contain information of a personal nature that I respectfully urge the House to treat as confidential.''

Mr. Speaker, we were heartened, very heartened, when the Speaker reached an agreement with the minority leader, the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Illinois (Chairman HYDE), and the ranking member, the gentleman from Michigan (Mr. CONYERS), on how this material would be released.

According to this bipartisan leadership agreement, the supporting materials should be treated as if they had been received in executive session and released only to the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from Michigan (Mr. CONYERS), for their initial review. The purpose of this restriction was to expedite review while at the same time limiting the possibility of harmful leaks. Mr. Speaker, I think that was absolutely the right thing to do.

Another important part of the agreement was to limit the content of today's resolution to the subject of how the material should be released. No mention of authorities to be granted to the Committee on the Judiciary would be contained in this resolution.

That, Mr. Speaker, was the agreement, but last night my colleagues in the Committee on Rules changed that deal. They decided to release the supporting materials to all 35 Members of the Committee on the Judiciary, and to let the materials sit there not for 10 days, as had been agreed upon, but for 17 days. Mr. Speaker, I feel that this information will leak out drip by drip, day by day, day after day.

They also added the section directing the Committee on the Judiciary to examine matters beyond the scope of the Independent Counsel's report with new depositions and new hearings.

Mr. Speaker, what is important here is not the details of how we release the Independent Counsel report. The issue is that we reached an agreement with the Speaker, with the minority leader, with the chairman and the ranking member of the Committee on the Judiciary. We relied upon that agreement. That agreement has been unilaterally altered. Mr. Speaker, I would say to my colleagues that if we cannot rely on an agreement dealing with this kind of matter, how can we rely on other important matters that we are going to face?

Mr. Speaker, I sincerely hope that in the future, when agreements are reached, we can rely on all sides to honor those agreements.

Mr. Speaker, when each of us took office, we put up our right hand and we swore to uphold the Constitution. In Article 1, Section 2 of the Constitution states that the House of Representatives shall have the sole power of impeachment. With that power, Mr. Speaker, as we all know, comes a very, very grave responsibility to the American people, to the American President, and to the American electoral process. So let us fulfill our responsibilities soberly. Let us fulfill our responsibilities fairly.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me cite from the rules of the House, and my good friend, the gentleman from Boston, Massachusetts (Mr. JOHN JOSEPH MOAKLEY), my ranking member, is more aware of the rules than I am. Let me cite 2K(7) of Rule XI.

It says, ''No evidence or testimony taken in the executive session may be released or used in public sessions without the consent of the committee,'' by recorded vote. Mr. Speaker, those are the rules of the House. Any violation of that rule is subject to ethical discipline.

Let me further just say that I have served on the steering committee of the Republican side of the aisle in appointing Members to committees for the last 17 years, as many of the Members there have, the minority leader, the gentleman from Massachusetts (Mr. JOE MOAKLEY) and others.

We choose people to serve on these committees because of their professional backgrounds, because of their demeanor and their knowledge of law. Every single member of the 35 members of the Committee on the Judiciary are entitled to the same information as any one member of that committee, and we should keep that in mind.

As to the dissemination of material, I want to read just briefly a section of the resolution before us. It says that, ''Notwithstanding clause 2(e) of rule XI, access to executive session material of the committee relating to the review shall be restricted to Members of the committee and to such employees of the committee as may be designated by the chairman, after consultation with the ranking member.''

That means, yes, under the rules of this House, every member of every committee is entitled to anything that is submitted to that committee. But in writing the rule the way we did, no one stops the committee and stops my good friend, the gentleman from Illinois (Mr. HYDE) or my good friend, the gentleman from Michigan (Mr. CONYERS) from appealing to the Members on their side of the aisle about letting the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) go through the material, sort through it, and then call in the other Members. I know our members are going to be more than cooperative, and I would assume that the members on the gentleman's side are, too.

So in effect, we are accomplishing exactly what the Speaker had in mind and the minority leader, and certainly this chairman of the Committee on Rules, who sat through every single one of those meetings where we negotiated what we were going to put in this resolution.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman for yielding. I am not disputing the rules. All I am saying, an agreement was made and an agreement was broken. It is not a proper way to start out this hearing.

Mr. SOLOMON. I am not going to cite members on the gentleman's side of the aisle who were in those meetings. Whenever we left those meetings, we always had to go back and discuss with our colleagues, whether it be Democrat or the Republican leadership, and I do not like the word ''deals'', but there were no agreements made on anything.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HENRY HYDE), the chairman of the Committee on the Judiciary.

To Ronald Reagan, my great hero, and to George Bush, the former President, I recommended this Member to be appointed to the Supreme Court of the United States of America, and I am very proud today that they did not take my recommendation at that time, because we need him desperately in the position he is in today.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding time to me.

To my good friend, the gentleman from Massachusetts (Mr. JOE MOAKLEY), let me just add my spin on this situation, to use an unhappy word. This has been a moveable feast. The situation has changed from hour to hour, as everybody gets their input on how to do this.

What we are talking about is reserving from immediate distribution supporting materials which we have been advised by the Independent Counsel contain matters of a private, confidential nature, and there may be innocent people involved who do not have a central or even a peripheral relationship to the matter in chief. We are simply trying to do the decent, responsible thing by checking those over before they are released.

□ 0930

We will release them, but there may be some materials in there that we can agree on a bipartisan basis ought not to be released. We do not know. But whether the gentleman from Michigan (Mr. CONYERS) and I do it, or whether the entire Committee on the Judiciary does it, I could live with either operation.

Mr. Speaker, I just say it is terribly hard to tell a Member of the Committee on the Judiciary that they may not look at certain materials that were sent over by the independent counsel.

So I do not think it is a terribly serious dispute. I hope the gentleman does not talk about breaking agreements. As I say, these have been fluid all along until we finally got to the Committee on Rules. I just hope the gentleman does not feel that there was any violation of trust. I do not want to start out that way. The gentleman from Michigan (Mr. CONYERS) and I are not only doing this in a bipartisan way, but in a collegial way, and we are going to keep that serious effort going.

Mr. Speaker, 166 years ago when our country was in its robust childhood the great historian Thomas Macauley wrote, and I quote, ''Laws exist in vain for those who do not have the courage and means to defend them.''

We are here because circumstances and our Constitution have thrust upon us an onerous duty, one that requires us to summon the courage and the means to defend the rule of law. Do not forget, please, when all the distractions and diversions and definitions have been pronounced, at the end of it all, we are about one mighty task: to vindicate the rule of law.

We are also met to defend the sacred bond contained in our oath of office, the bond that links the Members of Congress, the officials of the executive branch and our Federal judges to the people of the United States, to those who have given their lives for this country and to the American people of the future.

In taking the solemn oath to defend the Constitution, we have pledged a trust that imposes a heavy responsibility. We have pledged a trust to those patriots who sleep across the river in Arlington Cemetery and in American cemeteries around the world. We have pledged that their defense of freedom and the rule of law will not have been in vain.

Mr. Speaker, may I presume to remind us all of the oath we swore when we became Members of Congress. We raised our right arms and we said:

> I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.

Traditionally, an oath means a solemn calling on God to witness to the truth of what one is saying. We all well know the story of Sir Thomas Moore who was beheaded in the Tower of London for refusing to take the oath of supremacy that acknowledged Henry VIII as head of the Church of England. In the great drama of his life, ''A Man for all Seasons,'' Sir Thomas tells his daughter, ''When you take an oath, you hold your soul in your hands, and if you break that oath, you open your fingers and your soul runs through them and is lost.''

Mr. Speaker, I believe with all my heart that each of us who took that oath of office took it seriously and we will conduct ourselves so that when this ordeal, and it is an ordeal, is over we will have vindicated the rule of law and brought credit to this institution in which we are privileged to serve.

We have also pledged a trust to the Americans of the 21st century. We have pledged to hand over to them intact and unsullied the rule of law in constitutionally ordered democracy. And we have pledged a trust to our fellow Americans, with whom we share this moment in our history, our neighbors who have sent us to this Congress, to serve the common good through the rule of law.

Ninty-four years ago in a message to Congress, President Theodore Roosevelt defined the principle that must guide our deliberations in the days and weeks and months ahead: ''No man is above the law and no man is below it, nor do we ask any man's permission when we require him to obey it.'' That principle really defines the solemnity of this moment.

We are sometimes too cavalier in our attitude toward the rule of law. It is something that we take for granted. Yet we live in a century which, in blood and tears, in pain and sorrow, has vindicated the contention of the Founders of this Republic and the Framers of its Constitution that the rule of law is the only alternative to tyranny or to the anarchy that eventually leads to tyranny.

The long, hard march of humanity toward the promised land of freedom has been marked by the constant struggle to vindicate the rule of law against the tyranny of power. Whether our reference point is the Ten Commandments or the code of Hammurabi, Justinian's Code or the Magna Carta, the Constitutional Convention of 1787 or the United Nations Charter of 1945, in each case humanity has made progress on its journey through history when the rule of law has triumphed over privilege or power as the arbiter of human affairs and the method to resolve conflict.

The fact that the gradual expansion of the rule of law has invariably resulted in human progress is not an accident of history; it is a reflection of human nature. For the rule of law is an expression of the spiritual nature of the human person created with intelligence and free will, a moral agent capable of freedom and capable of ordering freedom to the pursuit of goodness, decency, and justice.

Every member of our committee, indeed every Member of this Congress, is a servant of the rule of law which in this instance means we are servants of the Constitution of the United States of America.

To paraphrase Theodore Roosevelt, none of us is above the Constitution, none of us is below the Constitution, and none of us is required to ask permission when we require ourselves and all those who have also sworn a solemn oath of fidelity to the Constitution to obey it.

Because we are servants of the Constitution, because we too are subject to the rule of law it enshrines. No partisanship in the matters before us will be worthy of us. Americans pride themselves on living under the oldest written constitution in the world continually in force. That historic accomplishment simply did not happen. In defense of the Constitution, American men and women have sacrificed their lives in every corner of the globe.

In defense of the Constitution, the American people have made enormous sacrifices in time and in treasure.

In defense of the Constitution, Americans have forgotten they were black, brown, yellow or white, that they were Catholic, Jewish, Muslim, Orthodox or Protestant, that they were Democrats or Republicans. They have remembered that they are Americans, inheritors of a precious tradition of the rule of law and trustees of that tradition before the eyes of the future.

The Constitution remains viable not only because the document itself is venerable and its provisions wise. The Constitution remains viable because the American people continue to affirm and defend the principle of the rule of law which animated the document and gave it its moral ballast and its moral compass. We, the servants of the people, their elected representatives, can do no less.

Thus, we too are under judgment in these proceedings: the judgment of the people, the judgment of history, the judgment of moral law. Let us conduct ourselves in this inquiry in such a way as to vindicate the rule of law.

Let us conduct ourselves and this inquiry in such a way as to vindicate the Constitution. Let us conduct ourselves and this inquiry in such a way as to vindicate the sacrifices of blood and treasure that have been made across the centuries to create and defend this last, best hope of humanity on Earth, the United States of America.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, this is the second time in the century that the question of impeachment has come before this House of Representatives. I had the honor of serving on the Committee on the Judiciary when the Watergate impeachment question was before the House some 25 years ago. The gentleman from Michigan (Mr. CONYERS) was on that committee, and we are fortunate to have his experience to bring us to the point where we can be fair in judging the conduct of the President of the United States.

Indeed, we are fortunate to have a person like the gentleman from Illinois (Mr. HYDE), who is respected on both sides of the aisle, who is not tempted by politics, but is moved by what is in the best interest of the people of the United States, and more importantly, the protection of this Constitution which is not just for us, but the legacy that we have to leave to our children.

Mr. Speaker, we now will be wrestling with some serious questions as to moral standards, and it is unfortunate that many times people have found that they have a lower standard for themselves than they have for the President of the United States. But it is abundantly clear that we are not here just to determine his personal habits, that is, the President of the United States, but we are to respect the fact that he has been elected by the people of the United States to serve for another 4 years.

So the question of fairness is what surrounded the Committee on the Judiciary under the leadership of Peter Rodino, and it will be that question of fairness that we will be judged by, if not day to day, then certainly by the November elections.

We should never forget that he has been the captain of our ship for 2 years and this journey is supposed to take legally 4 years. During this time, we have gone through some perilous economic times. We have gone through deficit spending into a balanced budget and indeed a surplus. We have gone through a period where more people are working, more people are saving, more people are living better.

So the American people want to make certain that when we judge the conduct of the President of the United States, we judge him not by a political standard, not by an individual standard, but a standard of fairness that takes into consideration that he was not appointed, he was not selected, he was elected as President of these United States.

As we get closer to the November elections, in recognizing just by being political animals, there will be a temptation for us to allow our politics to get involved with our constitutional responsibilities. It will be tragic if this happens. But remember, as we judge the President of the United States, the people of the United States will also be judging us.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CAMPBELL).

(Mr. CAMPBELL asked and was given permission to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, before a vote on the floor on a Committee recommendation to proceed with an impeachment resolution, or upon the Committee's failure so to recommend after a reasonable time, any Member of the House should be entitled personally to review all executive-session material. Otherwise, that member would be required to decide on the impeachment question, whether yea or nay, without having all the information the Independent Counsel deemed relevant to send to the House. Today's rule, strictly construed, might not permit that access if the Judiciary Committee votes not to permit such access. However, this rule will expire in its effect at the end of this session, and no one anticipates a vote on the impeachment question before we must pass a new rule to govern our proceedings in the next Congress. Until we are called upon to make a vote on that fundamental question, I have no problem with the Judiciary Committee's exercise of discretion in deciding what material, out of concern for innocent third parties, should be held in executive session.

When we pass the rule to govern our later proceedings, however, we should take care not to exclude from any Member access to material necessary to inform that member's judgment.

Mr. SOLOMON. Mr. Speaker, in order to equalize the time, we are going to reserve our time for a few minutes.

Mr. MOAKLEY. Mr. Speaker, may I inquire of the gentleman from New York (Mr. SOLOMON) whether he has any speakers remaining?

Mr. SOLOMON. Mr. Speaker, we have a lot of speakers, but we have only about 35 minutes or so remaining. I think the gentleman from Massachusetts has more than 50 minutes. We would like to equalize the time.

The SPEAKER. The gentleman from New York (Mr. SOLOMON) has 36½ minutes remaining, and the gentleman from Massachusetts (Mr. MOAKLEY) has 51½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. BONIOR).

□ 0945

Mr. BONIOR. Mr. Speaker, we gather in this Chamber today with a solemn responsibility. At its core, that responsibility is to do what is right, right by the American people, right by our Constitution, right by our country, and right by justice.

What the President did was wrong. Now the Congress has a report on his actions from Prosecutor Starr. I believe the American people have a right to see this report. But we must remember these are allegations by a prosecutor. By its very nature, it is a one-sided report.

The American people have a right to see all the facts, and Congress has a responsibility to consider all the facts. We have an obligation to conduct this process in a manner that is fair, judicious, and upholds the principles of our Constitution.

What we are about to embark upon is a very difficult task. Only a few times in our Nation's history has this House had to walk this very difficult road. Where should we turn for guidance?

There have been times in the recent past when we have been asked to judge a leader. In the 1970s, Congress had to judge a President. The President's lawyers met with the Committee on the Judiciary and had access to the evidence for seven full weeks before the information was released to the public.

In the 1980s, Congress investigated the Iran-Contra affair. The independent counsel's report was kept under seal for 5 months as President Reagan's attorneys prepared his response.

In 1996, the Committee on Ethics and this House passed judgment on our own Speaker. In that case, the gentleman from Georgia (Mr. GINGRICH) was allowed 6 days to review the allegations and prepare a response, 6 days.

In each case, the accused was allowed an opportunity to review the allegations in preparing a response to the American people. That is only fair. It is common sense. It is what our sense of justice dictates. The American people understand that.

Just last year, this House revised its own ethics rules to give an accused Member 10 days to prepare a response before allegations are made public. Why should this House not allow the President a minimal time to review the allegations against him before they are posted on the Internet, printed in the papers, and put out over our airwaves?

Earlier this week, the Republican leadership expressed its commitment to move forward in a bipartisan fashion. Yet, today, we discover that those commitments that were made in the spirit of fairness and responsibility have been eroded one by one.

This resolution is not guided by precedent. It is not guided by a proper sense of fairness. The Republican leadership has reneged on its commitments. This is a troubling beginning to a process that should guide us as we take on the highest constitutional principles.

But I do believe the American people have a right, the American people have a right to see this report. I hope this beginning does not portend a widening partisan divide at a time when we must stand together and seek the truth and do what is right.

Mr. SOLOMON. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. DELAY), the majority whip of the Republican Party.

Mr. DELAY. Mr. Speaker, I rise in support of this legislation, and I really commend the leadership of the gentleman from New York (Mr. SOLOMON), chairman, for putting it together.

I was very much moved by the statements of the distinguished chairman of the Committee on the Judiciary, a gentleman that we all know will do an incredible job in keeping this from being a partisan process.

This resolution starts the process of examining the report of the independent counsel. We demean the job, the office and the law of the independent counsel when we call him a prosecutor. This counsel is charged to exculpate the President as well as to investigate the President, not to distort what he finds.

The President of the United States has had over 8 months knowing what is coming in this report. In fact, if he started back in January and told the American people the truth, we would not be here today. So he has had his spin-meisters and his attack dogs out for 8 months.

He knows what is in this report, because he probably debriefed everybody that appeared before the Grand Jury. The President's spin-meisters have tried to hold him above the law, the rule of law that the chairman was talking about.

Now he wants 48 hours to be informed before the American people. The President is no better than any other American, and every American will see this as soon as possible. But we cannot get there until we pass this resolution. We could not even give it to the President for 48 hours unless we passed a resolution saying so. We have to accept the report.

In order to fulfill our constitutional responsibilities and the only way to uphold the wisdom and the structure and the stability of the Constitution as so ably outlined by the chairman is to have the American people to have a moral foundation to support that Constitution.

This is a moral crisis, a moral debate that we are about to enter. If the President is going to force us to go through this trauma, every one of us here must accept that responsibility.

We must understand that there is an age-old remedy for wrongdoing that is exhibited actually by the Constitution. But philosophers, religious people as far back as we know man goes has exhibited that remedy, and that is contrition, confession, and cleansing. We are at the cleansing part.

Contrition is when you recognize that you have done wrong, humbled yourself by knowing that you have done wrong. Confession is when you tell the truth about what you have done. The cleansing part is accepting the consequences for your actions and being honorable enough to accept those consequences rather than the spin, the whole spin, and nothing but the spin.

We are forced to fulfill the cleansing part of the Constitution. I think every Member in this House, Democrat and Republican, will rise to the level that the oath of office that we took exhibits and honor that oath and fulfill our responsibilities to the Constitution of the United States.

This is a wonderful institution. It will rise above everything that is going on outside this chamber. It will exhibit what the Constitution gives us the responsibility to do.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER).

(Mr. NADLER asked and was given permission to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, the conduct of the President over the last 8 months and before will be judged in this proceeding. What is at issue here this morning is not his conduct but the fairness of the resolution before us, which is manifestly and grossly unfair.

It is manifestly unfair because it denies the President the privilege we have given to every other person accused, as the gentleman from Michigan stated, the ability to see the accusation before it is released publicly so he can prepare a response.

It is grossly unfair because, with respect to the 2,200 pages of evidence and the 17 boxes of other evidence, the entire Committee on the Judiciary is going to see it, to decide what must be kept confidential and protecting privacy of third parties.

That means 50 people are going to see it. It is going to leak out. Those privacy rights are going to be violated. That is ensured by this resolution.

It is grossly unfair because, during the 10 or 20 days that that is going to be done, while the world will see salacious details, the President will not be allowed to look at those documents. There is no reason why he should not. There is no delay entailed.

But this resolution is doing everything it can to make the President's defense as difficult as possible and to make it very likely that all the details that the special prosecutor himself says should be protected for privacy reasons will leak out, because 50 people in this town cannot keep a secret.

For a practical problem, if 50 people have to have time between now and September 28, how is anybody going to look through those 80,000 or 90,000 pages to decide what should be kept secret? They are not going to have time enough with two copies.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MILLER).

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, the vote we take today to release the Starr report without the opportunity for the President to review and formulate his simultaneous response is fundamentally unfair.

The charges alleged in this report are very grave. The admitted actions of the President are both serious and sober. But no matter what charges are made, the President is entitled to a fundamental fairness at every step of the process. This first step, the wholesale release of one-sided allegations and evidence to the media and the Internet violates that fairness.

Every person in this chamber understands the ramifications of the instantaneous release of harmful information in both our political and justice system, the inability of any later considered response getting any type of equal attention.

Surely there can be no harm in giving the President an opportunity to review the material before a proper and full public disclosure of the Starr report.

The release of this information may very well be the first step in commencing the process of impeachment against an elected President of the United States of America. The fairness of that process should be preserved at every level. This rule fails to do so.

The public is clearly entitled to this information, but it is our obligation to provide for its responsible release.

The President must be held accountable both for his admissions of wrongdoing and for any proven charges of illegal behavior, but he must be accorded the rights and the fairness that this highest of constitutional responsibilities requires of each of us.

The Committee on Rules has failed the first test of our Constitution, the test of fundamental fairness.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I might consume just to respond to the previous speaker.

Mr. Speaker, yesterday, Independent Counsel Lawrence Walsh, the Iran-

Contra independent counsel stated in an in-depth interview that the President and his lawyers are, without question, aware, and I am quoting, of almost all of the material contained in the 445 pages that we will be releasing today.

He further said that the President's lawyers already have prepared their public relations response and have days in which to prepare any kind of legal response to any inquiry that the Committee on the Judiciary might make.

I mean, this is obvious to every Member. Every Member of this body has a right to this public document, as does the President. If the President wants the first hard copy to be printed this afternoon, I am sure that the Speaker would be glad to give it to him so he does have it in advance.

No one is going to know what is in here for the next several hours, and certainly they will certainly have time to go through it.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I would inquire as to the remaining time for the gentleman from New York (Mr. SOLOMON) and myself.

The SPEAKER. The gentleman from Massachusetts (Mr. MOAKLEY) has 44½ minutes remaining. The gentleman from New York (Mr. SOLOMON) has 32 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

(Mr. CARDIN asked and was given permission to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, I intend to support this resolution, but I am very disappointed by what will not be accomplished today by the adoption of this resolution.

Let me share with my colleagues some of my own observations from the 6-plus years that I served in this body's Committee on Ethics. There are two key ingredients to a successful discharge of our obligations that are missing today.

First, there must be true bipartisan efforts. One side cannot and should not dictate to the other. Mr. Speaker, a truly inclusive, bipartisan approach will require patience and good negotiating skills, for our caucuses are not monolithic. But we must work in a bipartisan way, and we are not doing that with this first resolution.

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Second, there must be basic fairness to the person who is accused. The person should have had access to the material that we have before it is made public. That is a matter of basic fairness. Sure, the President will have a response, but he should not have to speculate as to what we have. He should have had access to it first so that he is not blind-sided by information that may come out later. That is not being fair.

We have a grave responsibility to carry out, and we must develop a process that will allow each of us to reach the right conclusions. We can do better than how we have started today.

Mr. Speaker, I have talked to both my Democratic and Republican colleagues, and I know that we can successfully carry out our obligations. I urge us to do better in the days and weeks ahead.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, under our constitution, the House of Representatives has the sole power of impeachment. This is perhaps our single most serious responsibility short of a declaration of war. Given the gravity and magnitude of this undertaking, only a fair and bipartisan approach to this question will ensure that truth is discovered, honest judgments rendered, and the constitutional requirement observed.

Our best yardstick on whether we are meeting those standards, whether we are yielding fair results, is to look at the historical experience, to look at the precedents. Twenty-four years ago this House went through a gripping, grueling experience where a Democratic House investigated a Republican President. And I think that if we hold the procedures adopted at that time as our yardstick for fairness, we will be able to measure whether or not we are meeting the bipartisan necessity of these procedures.

I have heard wonderful rhetoric today and yesterday about the need for bipartisanship. Regretfully, the behavior embodied in the resolution before us falls short of the standard set 24 years ago. It is not as good, it is not as fair as what occurred 24 years ago. At that time my predecessor in office, and my then boss, Congressman Don Edwards, insisted that the President of the United States, Richard Nixon, have complete due process; that he have the ability to see all of the evidence; that his lawyers have the ability to cross-examine and to see everything way before it was revealed.

In this case we have a rush to put allegations that have been compiled over 4 years onto the internet without giving the President 24 hours to review it. I fear for our country if we cannot do better than this.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, 168 years ago a famous author, Alexis de Tocqueville wrote, and I quote, ''America is great because America is good. And when America ceases to be good, America will cease to be great.''

How true that is. Today's debate is not just about Bill Clinton. It is not just about the Presidency. Today's debate is about America's greatness. And the founders fully recognized that by setting a much loftier and higher standard on the chief executive. They did not write high crimes and other felonies. They wrote high crimes and misdemeanors. Misdemeanors. A matter of truth and trust.

The American people must be able to trust the President. From Wall Street to Social Security, from Main Street to Moscow, from the United Nations to China, the President must be trustworthy. America is great because America is good.

I would have liked to have seen the considerations of the great Member the gentleman from Massachusetts (Mr. MOAKLEY) taken into consideration, but it will not stop me from voting for this resolution.

I have been here for a number of years, and I want to give compliment, after watching the testimony of our great chairman, the gentleman from Illinois (Mr. HYDE), and our great ranking member, the gentleman from Michigan (Mr. CONYERS). I have faith in them and faith in the Congress.

America is great because America is good, and we must hold to those high standards. I support the resolution.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DREIER).

As my colleagues know, I am soon to retire, and the Speaker has already committed to my replacement. The gentleman from California is an outstanding vice chairman of our committee who will do a wonderful job as my replacement.

Mr. DREIER. Mr. Speaker, I appreciate my friend for yielding me this time, and I thank him for his stellar leadership.

As has been said by most of my colleagues, this is a very solemn time and a very difficult time for Democrats and Republicans alike. Obviously, for the American people as well. It is very important that we be fair, and I am troubled by some of the statements that I have heard that are challenging this issue of fairness.

Mr. Speaker, let me say that in 1978 a Democratic Congress passed the independent counsel statute. That made major changes since the Watergate hearings of 1974. Three times since 1978 that independent counsel statute has been passed. Most recently it was reauthorized by a Democratic Congress, and it was done when President Clinton was in office.

I think it is important to note that we are complying with the rule of law under the independent counsel statute. It says, ''An independent counsel shall advise the House of Representatives of any substantial and credible information which such independent counsel receives that may constitute grounds for an impeachment.'' That is exactly what is happening here. We are complying with the rule of law.

We very much want to deal with this in the most bipartisan way possible.

Last night in the testimony the gentleman from Illinois (Mr. HYDE) said we want to have a bias for openness. And it is very clear, based on the number of hits that we had when the chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON), gave me the privilege of announcing the web site of the resolution that we are considering today and his opening statement from last night. The gentleman from New York has just informed me that we had over 25,000 hits on that.

We have had Democrats and Republicans say we want this information out now. I think many of us are having the phones, I know I am, ring and ring and ring saying get this information out now. But, at the same time, we are doing our darnedest to ensure that no one is hurt by this process. And that is why in executive session, in executive session, the full Committee on the Judiciary, based on the request by many Democrats and Republicans, will have the opportunity to go through the appendices and the supporting information.

Mr. Speaker, it is very apparent to me that while there is not total agreement, there is, in fact, strong bipartisan agreement for what it is that we are proceeding to do here during this very difficult and challenging time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, we enter a period of great importance for our people's House of Representatives and for our country. As has been said, next to declaring war, nothing we do here rises to the importance of this decision.

I will vote for this rule today, but I must report that I am disappointed in the way we arrived at this rule and in the result. And, more importantly, I am disappointed in our initial attempt, which I still have faith in, to try to reach bipartisan and nonpartisan agreements on how we go through this process.

The Speaker has said, and I believe his word, that he wants this to be nonpartisan. The gentleman from Illinois (Mr. HYDE) has said that he wants it to be fair and nonpartisan, and I believe his word. But at the end of the day yesterday we were told that there were some on the other side that could not go along with ideas that I believe many in the Republican leadership thought were reasonable ideas.

Let me say what I think should have been in this rule. First, I believe that the President deserved 24 or 48 hours to read these allegations and conclusions before it was made public and sent all across the Nation and the world. We give Members that courtesy when Members are charged with wrongdoing. We have given other Presidents that courtesy. And I believe, in all fairness, this President deserves that basic fairness. What could possibly be lost by another 24 or 48 hours before this were made public?

Secondly, the independent counsel himself told us that there is information in parts two and three in this evidence that could be highly sensitive and injurious to innocent individuals. Now, I know that in the rush to get all this out we can all forget the rights and the reputation of innocent individuals. I simply ask all of us to put ourselves in the shoes of the people that could be injured by the leaking of this information.

And I would also remind Members that already this morning material is being leaked in the media. Details have found their way already into the media that supposedly come from this information. Why do I not have faith and confidence that we can hold the material that we should hold?

I take the gentleman from New York (Mr. SOLOMON) at his word. I realize our rules say that we should not give this out if we have been charged to not give it out. I pray and hope that all of our Members, Democratic and Republican, will live with that admonition and will not leak this material out injuring the reputation of innocent people. Surely we can rise to this occasion.

Now, there are many tests ahead. This is the first step of what could be a long process. And I guess my lesson from today is that it takes all of us, not just some of us, in order to make this process work. This is a body of 435 human beings, and we are called on to be better than sometimes our natures allow us to be.

This is a sacred process. This goes to the heart of our democracy. This is not a second election. This is not politics. This is not spinning. This is not polling. This is not a lynch mob. This is not a witch-hunt. This is not trying to find facts to support our already-reached conclusions. This is a constitutional test.

Alexander Hamilton, in the Federalist Papers, said, when speaking of impeachment, ''There will always be the greatest danger that the decision will be regulated more by the comparative strength of the parties than by the real demonstrations of innocence and guilt.'' We are all partisans. We are all in politics. We all believe strongly in our views and we all want our views to be realized by this House. But that is not what this is about.

I ask my Members to reach inside themselves in these days ahead, when we are tested, as we will be tested, to be nonpartisan, to be fair, to be objective.

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And I ask my friend on the other side of the aisle to do the same. I will come and I ask our Members to come more than halfway to reach nonpartisan agreements, to make this a fair process. I pray that we can do this.

I am in awe of what we do here. I am so proud to be a Member of this body, because we stand for democracy and the rule of law that no one is above and no one is below. I am in awe of what we achieve here without violence. We must do this right. And I beg the Members, every one of you, to bring out the best in us to do this right. Our children and our grandchildren will know if we did.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is not appropriate for you as the Speaker to address the House from the chair. But I am sure I speak for you and we speak for the leadership on this side of the aisle in concurring with the latter part of the statement by the very distinguished minority leader. And let me assure him that we implore of our Members on this side of the aisle that they will obey the rules of this House, both morally and ethically. And if any of them on this side, as well as that side, leak information that is in violation of this House, I will assure you that I will use every power I have as chairman of the Committee on Rules, and I know you will, as Speaker, to enforce that rule to the highest degree to discipline any Member that would leak any information on this subject out of executive session.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HYDE), the very distinguished chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON) for yielding.

Mr. Speaker, I just want to very briefly reply to some of the criticisms that have been made of this resolution.

The phrase ''fundamental fairness,'' which of course has a ring to it, has been used and contentions are that we have violated fundamental fairness by not giving the President an advantage by having him get either days ahead of time or hours ahead of time the report. I do not think that is a breach of fundamental fairness.

The time has come for the American people, for the Members of this Congress, to get this report. The President will get copy number three. He will get it as soon as we get it and as soon as the American people get it. He is not caught by surprise. He is the party of the first part. He knows what is in the report better than anybody on the planet.

But to give the spin machine an opportunity to be the first impact on the American people before we, the Members, have seen this report is not bipartisanship, it is foolishness.

We are acting as a grand jury. The grand jury does not take the object of the grand jury and give them all the evidence in the proceedings and say, now you go ahead and make your case. That is not the way a grand jury operates. And we are operating as a grand jury.

Now, I pledge that the very same courtesy that Mr. Nixon had will be extended to this President and his staff,

that he will have his people present during executive sessions that we have. We will, under controlled circumstances, want to hear from him and his submissions exactly, exactly as Mr. Nixon had, no less and no more. I pledge that to you, in the interest of fundamental fairness.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Speaker, I did not serve here during the Watergate era. But in the 20 years I have been here, I have been greatly involved in ethics issues, serving on the Committee on Ethics for 8 years and leading on perhaps the most important bill of my career, the Ethics Reform Act of 1989.

I can only reflect on those years as an era in which partisanship increased exponentially, the bitterness that has occurred here, the take-no-prisoners mentality that has infected this place. Within the last week, two of our colleagues in the majority have been dragged into this, unfortunately to their detriment; their private lives spread before the public.

If we are going to succeed in the task that the Founding Fathers have given us, we are going to have to overcome this tendency, this propensity to make partisanship our watchword here; we are going to have to reverse this trend.

We have had the debate between openness and the rights of the individual. It is an age-old one. And we have come down on the side of openness, because I think we believe, frankly, that the process will not work any other way.

We are not where we were with President Nixon 25 years ago. The Washington Post, NBC, are telling us this morning what is in this report. With all due respect to the gentleman from Illinois (Mr. HYDE), and great respect is due, it is not the committee we fear. The information is in the public domain, and frankly, the public believes they know everything there is to know about this already.

So I believe we have perhaps a more difficult task than any Congress that ever proceeded us when we take up this issue. In an age of all-news radio, talk shows, and cable news television and the Internet, instant review of information is the norm. History is pronounced with 10 minutes' time, not even 10 years of reflection. So we, as an institution, have got to take up this more difficult task in a different way.

I urge my colleagues to go home this weekend, to take a deep breath, to insulate themselves from the whims of uninformed public opinion, to take seriously their responsibility to listen to both sides—including the President when he can get his side out—as well as the prosecutor, who obviously has an ax to grind.

There are people on both sides of the aisle who have already made up their minds, but I hope there are not many in this case. I reflect on the words of our good friend and former colleague, Peter Rodino, when he said, ''We were, in effect, asked to substitute our judgment for the judgment of millions of people who had voted overwhelmingly in a previous election, and for me it was a really horrible thought to be in that position.''

That was, of course, the man who was said to be inadequate to the task of judging President Nixon, who became a national hero as a result of the effective job he did as chairman of the Judiciary Committee. We have got to take the same approach. It is a horrible thought to be in this position. But we have got to show objectivity, to put partisanship and bitterness behind us, and not be affected by the whims of uninformed public opinion.

We must make this judgment here, keeping in mind that our political fate is not as important, individually or as parties, as the way history will judge how we take up that responsibility.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. MCDERMOTT. Mr. Speaker, I will vote no on this, not because I do not want it released, but because I believe that the process is unfair from the very outset.

In this morning's paper, before the vote, already the report is out. Now, we saw 2 days ago the pomp and circumstance, a great truck rolled up here that came from the special prosecutor and was handed to the leadership of this House. There are only two places that leak could have come from, the first page of the Washington Post. I mean, give me some other explanation.

Secondly, it is unbelievable that after 6 years of investigation, the President of the United States cannot be given 1 hour by the Committee on Rules last night to review this before it goes public.

Now, we did not do that to any Member of the House in the Ethics Committee. Every Member saw the report before it went public. We did not do that to Mr. Nixon.

My colleagues heard the gentlewoman from California (Ms. LOFGREN) talk about what went on 24 years ago with the President of the United States. This day feels to me like we are taking a step down the road to becoming a political lynch mob. We are in so much hurry to get this done so it can be in the Saturday, Sunday news cycle and have our mint juleps at 5 o'clock, we are going to find a rope, find a tree, and ask a bunch of questions later. It will be too late for fairness.

We can go back and get another rule, a fair rule that would give the opportunity to the President and, secondly, to protect those people that even Mr. Starr says needs to be protected, for heaven's sake. He did not recommend we rush out here and do this at 100 miles an hour.

I think that this House is acting way too fast for any kind of fairness. Everyone here knows the public is going to get this. I urge my colleagues to vote no.

Mr. Speaker, I include for the RECORD the article on page 1 of today's Washington Post by Susan Schmidt and Peter Baker.

ALLEGED DECEIT IS OUTLINED

(By Susan Schmidt and Peter Baker)

Independent counsel Kenneth W. Starr's report to the House contends there are 11 possible grounds for impeachment of President Clinton, including allegations that he lied under oath, tampered with witnesses, obstructed justice and abused power to hide his affair with Monica S. Lewinsky, according to sources informed about some of its contents.

The *report*, delivered to the Capitol on Wednesday and scheduled to be made public today, *asserts* that Clinton committed perjury during his January deposition in the Paula Jones lawsuit when he denied having sex with Lewinsky and then again during his grand jury testimony last month when he acknowledged a physical relationship wile insisting his previous statements were ''legally accurate,'' the sources said.

The report, they said, recounts in sometimes lurid detail about a dozen sexual encounters with the former White House intern and outlines evidence of deceit by the president, including lying to aides, knowing they would then give false testimony to Starr's grand jury. The retrieval of presidential gifts from Lewinsky to avoid a subpoena and job assistance provided to her by Clinton associates are portrayed as elements of obstruction of justice, according to the sources.

Invoking Watergate-era language, Starr also makes the argument that Clinton abused the power of his high office, in part by waging court fights to impede the grand jury investigation, actions that might not be criminal but could be interpreted by Congress as impeachable offenses.

Details of the first president impeachment report in 24 years began to emerge yesterday while an edgy Washington awaited its formal release. As Clinton continued his contrition campaign by apologizing privately to Senate Democrats and Cabinet officers, a high-level presidential delegation to Capitol Hill failed to gain access to Starr's evidence before it becomes public. Congressional Democrats likewise lost a bid for a 48-hour delay of its release and Republican House leaders scheduled a floor vote for this morning on procedures allowing the report to be posted on the Internet by the afternoon.

The White House was left in the awkward position yesterday of trying to respond to a report it has not examined. Unable to discuss its specific elements, Clinton's personal attorney, David E. Kendall, dismissed the report as a one-sided presentation of events. ''The referral by the prosecutors is simply a collection of their contentions, claims and allegations and we look forward for the chance to rebut them,'' Kendall told reporters.

Others in the Clinton camp were left uncertain how they would fight back once it is released. ''People are just bracing for tomorrow and trying to line people up to at least hold [on] until Kendall and the others have a chance to respond,'' said a White House advisers.

Despite White House complaints of unfairness, Republican congressional leaders made clear they would proceed with their extraordinary plan of releasing a report that they

themselves will not have read before it becomes public.

''The report is made to the Congress of the United States and it is the responsibility of the Congress in as even-handed a basis as possible to make it available to all interested parties . . . at the same time,'' said House Majority Leader Richard K. Armey (R-Tex.).

Although it remained under lock and key in a House office building, both sides assume the report will dramatically alter the political dynamics of the eight-month Lewinsky saga. Until now, Clinton has survived politically, aided by a strong economy and resilient poll numbers, but the White House fears that unseemly revelations about the president's sex life could prove especially damaging.

Partial descriptions emerging yesterday indicated that the report will include graphic accounts of Clinton's sexual activities with Lewinsky, detailing about a dozen encounters in the private study off the Oval Office as well as instances when they engaged in explicit telephone sex.

On one occasion, according to sources Lewinsky told prosecutors that she and Clinton used a cigar as a prop in a sex act. In another episode likely to capture attention on Capitol Hill, sources said Lewinsky asserted that she participated in a sex act with Clinton while he was on the telephone talking with a member of Congress.

While the sexual aspects seem likely to be the most sensational parts of the impeachment report, they are intended to rebut Clinton's argument that he did not consider their activities to be ''sexual relations'' as defined by Jones's lawyers during their deposition.

But seemingly wary of having his investigation be seen strictly as a sex case, Starr emphasized the larger issues of alleged criminal behavior and abuse of power, according to the sources. By stressing the use of the office of president, Starr appears to be trying to counter Clinton defenders who argue that the whole investigation arose out of private behavior in a private lawsuit that was eventually thrown out and had nothing to do with his conduct of the nation's business.

Even as Starr was sending the report to Congress on Wednesday, he also notified U.S. District Judge Norma Holloway Johnson, who is overseeing the grand jury investigating the Lewinsky matter, and U.S. District Judge Susan Webber Wright, the Little Rock judge who presided over the Jones sexual harassment case and ultimately dismissed the lawsuit. Wright said in a footnote to a ruling last week that she is considering whether the president should be held in contempt for his misleading testimony in the Jones case.

All told, Starr delivered two 18-box sets of evidence to the House, including raw grand jury transcripts, Linda R. Tripp's secret tapes of conversations with Lewinsky and Lewinsky's Feb. 1 proffer describing what her testimony would be if given immunity from prosecution, a deal that was not arranged until six months later.

Under the plan approved by the House Rules Committee last night, only the main report would be made public today, while the rest is reviewed by the Judiciary Committee between now and Sept. 28 to determine what is appropriate for release and what should remain secret.

The main report to be posted on four congressional Web sites today begins with an introduction that explains the relevance of Clinton's actions to the Jones lawsuit and the seriousness of the allegations. It then moves on to a narrative describing the history of the affair that began as Lewinsky, then 22 and an unpaid White House intern, became involved with the president in November 1995 during the federal government shutdown, and how the two tried to conceal it when the Jones lawyers sought their testimony. The final section outlines what Starr contends are possible grounds for impeachment.

Lawyers on all sides expect the report to fill in gaps in the story line that has emerged in fragments over the last eight months. Among other things likely to become public, according to sources, are a hard-edged exchange between prosecutors and Clinton during his grand jury appearance as they debated the meaning of sex and the heretofore largely unknown details of testimony by key witness Betty Currie, the president's personal secretary, as the investigation wore on.

The perjury allegations stem from Clinton's description of his relationship with Lewinsky when interviewed under oath on Jan 17. Clinton denied having an affair with her, denied having ''sexual relations'' with her as defined by Jones's lawyers and maintained he did not recall ever being alone with her anywhere in the White House.

During the same session, he also allowed his lawyer, Robert S. Bennett, to introduce Lewinsky's own Jan. 7 sworn affidavit denying a sexual relationship and Clinton did not correct Bennett when he told Judge Wright that the statement made clear ''there is absolutely no sex of any kind, in any manner, shape or form, with President Clinton.''

Sevent months later to the day—after Lewinsky recanted and more than 75 other witnesses appeared before the grand jury—Clinton sat down with Starr and other prosecutors in the White House and changed his story. During this Aug. 17 session transmitted live to the grand jury at the courthouse, Clinton acknowledged having a physical relationship with Lewinsky but said he did not believe the definition of ''sexual relations'' included their activities, arguing that oral sex was not covered.

After that session and his subsequent televised statement that his previous testimony was ''legally accurate'' if not fully forthcoming, an upset Lewinsky met for two hours privately with Starr's prosecutors and gave them a deposition describing in detail their various sexual activities, including intimate fondling that would be covered by the Jones definition.

The obstruction-of-justice allegations arise in part from Currie's retrieval of gifts from Lewinsky that had been subpoenaed on the Jones case and from job help provided by Currie, Clinton confidant Vernon E. Jordan Jr. and other presidential associates.

A source familiar with Lewinsky's testimony said yesterday that Clinton gave her a total of 20 gifts, most of them relatively modest items such as a T-shirt and a book of poetry. Concerned about the subpoena, Lewinsky testified that she discussed it with Clinton and that Currie shortly afterward called her and came by her Watergate apartment to pick up the gifts, a sequence of events suggesting the president may have instructed his secretary to get them. But Clinton denied doing so and Currie told the grand jury that she believed Lewinsky called her about the gifts.

A few new details emerged about Clinton's role in Lewinsky's search for a new job beginning last summer. Clinton tried directly to find work for Lewinsky in summer 1997, asking aide Marsha Scott to find a way to move her back from the Pentagon to the White House, long before she was subpoenaed in the Jones case. But Starr presents that in the context of the Jones suit anyway, given that it occurred after the Supreme Court permitted the case to go forward in May 1997 and even as Jones's lawyers were seeking out women sexually linked to the president.

Jordan, a prominent Washington lawyer who arranged job interviews in New York for Lewinsky at Currie's request, is described in the report as an unwitting participant essentially used by Clinton in his larger effort to placate Lewinsky and thereby influence her Jones case testimony.

The president's defenders have rejected any illegal purpose in connection with the gifts or the jobs, saying there was no evidence of a direct link to Lewinsky's testimony and accusing Starr of twisting innocent actions involving two people who were close.

Perhaps the most controversial aspect of the report, however, may be Starr's claim that Clinton abused his office. The argument harkens back to the articles of impeachment drafted against President Richard M. Nixon, who was accused of misusing his power to cover up the Watergate burglary, among other things.

Under this interpretation, Clinton exploited the authority and resources of the White House by asserting what Starr considered frivolous claims of legal privilege to prevent his aides from appearing before the grand jury and by allowing the Secret Service to mount its own doomed court fight to keep its officers from testifying.

But Clinton advisers have ridiculed the contention, saying Starr essentially is trying to criminalize the president's attempts to assert his rights in the course of an investigation. While the administration lost battles over attorney-client and executive privileges, Judge Johnson determined that they were properly asserted even though prosecutors' need for evidence overcame the need for confidentiality.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding. I will be very brief.

There are two concepts that are at play here: fundamental fairness and public relations. Fundamental fairness means they get an opportunity to answer the charges, they get a decent full opportunity to answer the charges. Public relations means they get a jump on the other side and they get the spin machine going.

They want a public relations advantage, and we are promising them fundamental fairness. The President and his people will have every opportunity to answer every charge, if there are any charges that require answering, in abundance. That is fundamental fairness.

We are unwilling to give them a public relations advantage any greater than the one they have had for the past many months, when Mr. Starr could not talk, whereas everyone identifying themselves with the White House could talk in abundance.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, I would just like to point out again in my testimony that I said that when this communication arrived at the Capitol the Speaker immediately directed the material to be secured by the Sergeant at Arms and no

Member or staff has seen any part of this.

I do not think it behooves any Member to come to the floor, come to the well, and accuse someone of leaking information. He knows, we all know, that it is hearsay and that no one has seen one word, one page, of any of these documents.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, could I say to the gentleman from Illinois (Mr. HYDE), whom I plan to work as closely with for the next several months as I can, more closely than we have worked throughout our careers, you have stated twice, sir, that the President of the United States already knows what is in the report. I reject that. And I am trying not to resent it. Because, if he does, he has violated the law in that respect.

You have also said that fundamental fairness should be distinguished from public relations spin. Well, we were not spinning anything when the ethics rule got a week for the Speaker of the House to respond. We were not spinning anything on the committee that I recall you being a member of, when President Reagan got ample time to respond.

So I do not think we should confuse fundamental fairness and public relations spin when this President is requesting the very same thing.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

□ 1030

Mr. HOYER. Mr. Speaker, the distinguished gentleman from Illinois rose and said correctly that each of us in this body took a solemn oath to defend the Constitution of the United States. A part of that Constitution gives us the awesome responsibility of judging the conduct of public officers and holding them accountable if they do not meet their constitutional responsibilities in carrying out their duties of office.

This proceeding, as we go forth from this day, will be about that responsibility. But today's proceedings are not about the President of the United States, but about the fairness that this House is going to accord in the carrying out of its responsibilities.

Our citizens expect fairness. America's constitutional system is almost unique in its adherence to due process, to giving citizens their right to be heard. We should do no less for those whose conduct we have the responsibility to oversee.

This week, I tell my friends, is not a harbinger of fairness to come. Without notice, quickly, and to some, surprisingly, with unique timing, theatrically, obviously designed for television exposure, a report was delivered to this House, creating, I suggest to you, more of a circus atmosphere than a judicial, considered atmosphere.

We have now failed to provide one of the parties with notice as to what was going to proceed. I tell my friend from Illinois, whose intellect and integrity I have no question of, that if we are in fact acting as a grand jury, we would not release information, as no grand jury does. We in fact would review that information, consider its import, and then, and only then, report our findings.

That is not to be the case, for we will release this document. Many believe that we ought to release it so at least it is seen in whole, not in part, through leaks, which surely would happen.

Mr. Speaker, you have called for nonpartisanship, but all of us know that this surely is one of the most partisan Congresses in history. We need more, my friends, than rhetorical recognition of fairness. We must have substantive adherence and the realization of fairness. Let us do our responsibility, as the citizens expect us to do that responsibility.

Mr. Speaker, the distinguished gentleman from Illinois rose and said correctly that each of us in this body took a solemn oath to defend the Constitution of the United States. A part of that Constitution gives us the awesome responsibility of judging the conduct of public officers and holding them accountable it if they do not meet their constitutional responsibilities in carrying out their duties of office.

From this day forward, this proceeding will depend upon that responsibility. However, today's proceedings do not relate to the President of the United States, rather, they relate to the fairness that this House is going to accord in the execution of its responsibilities.

Our citizens expect fairness. America's constitutional system is almost unique in its adherence to due process, as it grants citizens their right to be heard. We should do no less for those whose conduct we have the responsibility to oversee.

Unfortunately, this week is not a harbinger of fairness to come. Surprisingly for some, theatrically for most, a report was delivered to this House. It's unique arrival created more of a circus atmosphere then one of judicious consideration.

We have already failed to inform one of the parties involved in this matter with proper notice as to what is yet to come. I tell my friend from Illinois, whose intellect and integrity I do not question, that we were in fact to act as a grand jury, then we would not release information. No grand jury does. We would, in fact, review the information, consider its import, and then, and only then, report our findings.

That will not be the case here. We will release this report. Many believe we ought to release it so at least it is seen in whole, not in part as a result of leaks, which surely would happen.

Mr. Speaker, you have called for non-partisanship. Yet all of us know that this surely is one of the most partisan Congresses in history. We need more than rhetorical recognition of fairness. We must have the substantive realization of fairness. Let us execute our responsibility as the American citizens expect and as we are solemnly pledged to do.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I always listen carefully to the gentleman from Maryland, and when he says this is the most partisan Congress ever to convene, I would have to differ with him. It may be the most philosophical. But when you look at the great accomplishments of the Contract with America, the welfare reform, those measures passed this House with an overwhelmingly majority vote from both political parties. Thank you for being so nonpartisan when it really counts.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. THOMAS), the chairman of the Committee on House Oversight, to clarify how we are going to be open and fair today.

(Mr. THOMAS asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. THOMAS. Mr. Speaker, notwithstanding the innuendo, I believe it is completely factual to say that no Member of the House of Representatives has seen the documents. As a matter of fact, we are not going to open them until the House votes on this resolution.

My assumption, having heard the minority leader and others speak, is that the resolution will pass. When the resolution passes, the box that contains the overview will be opened. The two original copies will then be copied, and those two original copies will be presented to the chairman of the Committee on the Judiciary and the ranking member of the Committee on the Judiciary. They will be first to receive the copies.

Only after they have received the copies will it then become available, when it is electronically possible, on the web sites listed here. It is the House web site, the Library of Congress web site, the Government Printing Office web site and the Committee on the Judiciary through the House web site.

In addition to that, I would urge my colleagues to look for a ''Dear Colleague'' provided to them by the Clerk of the House, which provides an intranet capability for Members of Congress.

Mr. Speaker, let me also say that a request for an electronic version of the report was requested yesterday in a letter signed by the general counsel to the Office of the Speaker and the counsel of the Democratic Leader, and I include this letter for the record.

The letter referred to is as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, September 10, 1998.

Mr. Robert J. Bittman
Deputy Independent Counsel, Washington, DC.

DEAR MR. BITTMAN: As you know, the Independent Counsel transmitted material to the House of Representatives on September 9, 1998, pursuant to section 595(c) of title 28, United States Code, involving a determination in accordance with his responsibilities under chapter 40 of title 28, United States Code.

We anticipate that the House will consider a resolution authorizing the printing and public dissemination of the portion of such material consisting of approximately 445 pages comprising an introduction, a narrative, and a statement of grounds. In order

to facilitate the expeditious, electronic dissemination of such material, we hereby request on behalf of the Speaker and Minority Leader that copies of such material be provided to the Clerk of the House in a suitable electronic format (i.e., computer diskette, CD–ROM, etc.).

We further request that such electronic copies be made available to the Clerk within the timeframe necessary to facilitate electronic dissemination by the Clerk immediately after the House approves the anticipated resolution.

Sincerely,

DANIEL F.C. CROWLEY,
General Counsel, Office of the Speaker.
BERNARD RAIMO,
Counsel, Office of the Democratic Leader.

I would also like to indicate that when the President's rebuttal through his private attorney or any other transmittal is made to the Committee on House Oversight, we will, as soon as possible, and if it is given to us in electronic form, virtually immediately post on all of these web sites on the same page the President's rebuttal.

Not only will it be fundamental fairness, but it will be an ability for those who wish to access this site to take a look at the Independent Counsel's report and then, when the President or his attorney's report is made available to us in electronic form, it will be made available as well.

I hope Members will appreciate and in fact all Americans appreciate that this will be the most widely disseminated, most rapidly available public document in the history of the United States.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, for seven of the eleven years that I have served in Congress, I have served on the Committee on Standards of Official Conduct or the ethics task force. It is from that perspective that I have several questions to ask.

If indeed what we are talking about here today is the process under which the Starr report will be released, why then have the airwaves been filled with details of the Starr report for the last 36 hours? It has supposedly been under lock and key here. One can only assume the leaks are coming from the Independent Counsel's office.

My second question is to you, Mr. Speaker. Why would you not afford the President of the United States the same opportunity you were given by the Committee on Standards of Official Conduct of having almost a week's advance notice to review the charges against you, so that you could have your response be part of the report? Let me just say, the good news about the leaks is that this four-year investigation apparently vindicates President Clinton in the conduct of his public life, because we are only left with this personal stuff.

My third question relates to our Founding Fathers. I believe the last question is what would our Founding Fathers think of this course we are embarking on today? I think they would say it was not for the investigation of a President's personal life that we risked our lives, our liberty and our sacred honor. I know they would not want us to rush to judgment.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just answer the last question of my good friend the gentlewoman from California (Ms. PELOSI) in saying there are only two bodies who have any idea what is in that report. One is the Independent Counsel's office, and the other is the White House. If there are leaks, I would assume it was one of those.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, is the gentleman contending that the details that the news media is putting out there about the Starr allegations, and I remind the gentleman that the Starr report is a list of allegations, it is not a statement of fact, and they will be unanalyzed, no witnesses cross-examined and the rest, is the Chairman of the Committee on Rules alleging that the White House is leaking the information that is in the Starr report, which the Speaker has not allowed the President any advance viewing of?

Mr. SOLOMON. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I am saying it is impossible for any Member of Congress to have any idea what is in that report.

Mr. MOAKLEY. Mr. Speaker, I yield two minutes to the gentlewoman from Michigan, Ms. KILPATRICK.

(Ms. KILPATRICK asked and was given permission to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, I rise today to preserve the sanctity of this institution, to preserve the sanctity of the Constitution, and for the rights of all American people, yes, including the President of the United States.

The resolution before us is unfair. Unfortunately, we give time for all criminals, and the President is not a criminal, has not been convicted, he has committed his error and I do not condone it. He was wrong. It is for this body, those 435 of us elected by the people of these United States, to determine whether we shall preserve the Constitution and the rights of all of its people.

It has been mentioned that we are now sitting as a grand jury, and, as my friend from Maryland said, no grand jury would leak any information publicly on any case, and we know that as we have watched our government work, and it has been a good government.

Why do we now sacrifice our government, when our President of these United States, elected by his people, who has done a good job for its people, and not allow him to view the report, as we release the report on the Internet? The rule does not allow that he, the President of these United States, would see that report. And I beg to differ with the Chair of the Committee on Rules, the White House has not seen this report. They have asked us to give them the opportunity, merely 24 hours, 48 hours, that they can see it, and, yes, release it to all the American people.

Mr. Speaker, I think it is a shame. We have done it before. We, the Members of this Congress, have ten days if we are charged before the public is released or the chamber is released the findings. I think it is despicable. We must not relegate our responsibility and our duty. Let us preserve the Constitution. Let us vote down this rule.

Mr. MOAKLEY. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I am profoundly disappointed that this process will begin with a blatant disregard of fairness and bipartisanship. The information in this report has to be made public, and that is why I will vote for this resolution, but it violates fundamental fairness in two respects: First of all, in the refusal on the part of the majority to give the President even one hour of prior notice so that they can intelligently respond.

Mr. Speaker, as has been pointed out on numerous occasions, you yourself were given five days to respond when your matter was before the House. Why is this President not entitled to the same act of grace and fairness that you were provided with?

Secondly, this motion walks away from the agreement reached between the leaders of both parties that the backup material would be reviewed by the gentleman from Illinois (Chairman HYDE) and the ranking Democrat before it was released in order to protect third parties, as has been noted by Mr. Starr. This proposal walks away from that agreement and makes that information available to the entire membership of the committee. That increases the likelihood of selective partisan leaks by some of the most zealously partisan members of that committee.

Mr. Speaker, I was here during Watergate. I hated it, because it bittered up the politics of the entire country, not just toward Republicans, but toward all politicians, and we are still suffering from that. But the reason in the end that the Congressional process worked is because it was seen by the minority, then the Republicans, as being fundamentally fair to them procedurally and substantively, and that is why many of the Republicans joined in the final verdict in that process. This action does not meet that standard.

I urge the majority not to begin this process by taking unilateral actions

before it begins. Our respect for our responsibility, our reverence for this institution, should have produced a fundamentally more fair beginning than this.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, early on you and myself and the gentleman from Illinois (Mr. HYDE), and especially the minority leader, had spoken about trying to stick to the decorum of the House. We all know it is not under House Rule XIV proper to discuss the ethics conduct of Members. I would hope that that would not continue.

Mr. Speaker, I yield three minutes to the gentleman from Florida (Mr. GOSS), a former member of the Committee on Standards of Official Conduct and a member of the Committee on Rules.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

□ 1045

Mr. GOSS. Mr. Speaker, I thank my friend, the gentleman from New York (Mr. SOLOMON) and the distinguished chairman, for yielding.

Mr. Speaker, as we see from the remarks today, nobody is particularly happy to find themselves here under these circumstances, but we are taking our job seriously and doing our constitutional duty.

Today, we are not going to make a judgment on the merits of the independent counsel's report. Everybody needs to understand that. We all do here. Instead, we are charged with providing a procedure for release of that report that is workable, that is fair, and most importantly, that fulfills our obligation to the people we work for, the people of the United States of America, our constituents.

This resolution contains the requisite flexibility to achieve these goals, I think, while also providing the American people with the same information, and at the same time, as Members of Congress and the President. This is truly equal treatment. No one is above the law.

I do want to stress that this comes after much thoughtful deliberation, with no rush to judgment here. My friend, the gentleman from Florida (Mr. DEUTSCH), who sits on the other side of the aisle from me, and many other Members on both sides of the aisle, would have liked us to make everything available and requested to make it available immediately, including the sensitive grand jury material. Well, we did not do that on the Committee on Rules.

Still, other Members wanted nothing released. Well, we did not do that, either. I believe it is important that we err on the side of providing the American people with more rather than less, empowering them to reach their own conclusions as this goes along. In doing so, we truly reflect the best strengths of our representative democracy, I think, as envisioned by our Founding Fathers.

Government in the sunshine does work, as those of us who hold elective office in the State of Florida know, where we do have the ''sunshine law.''

Americans across the Nation are, in fact, calling for information about this matter, and this resolution will provide that information, I think, in an appropriate way.

Some comment has been made about the process in the Ethics Committee. As a former member and as a chairman of the task force of that committee, I would point out that the rules of the Ethics Committee do not necessarily fit the situation at hand. It says, in fact, that if there is going to be a report issued on a Member, the respondent has admitted to the charges and waives rights for trial proceedings, you have a very different circumstance than the type of report material we find we have from the independent counsel today.

We also point out that a respondent has a right to see a draft 10 days before a subcommittee is to vote, but not 10 days before being made public. Those are very important differences, and I think they have been somewhat misunderstood in the presentations.

As for the gentleman from Washington (Mr. MCDERMOTT), I agree totally with him. Leaks do frustrate the process, as the gentleman from Washington very well knows, and I seriously hope that there are no leaks; and I seriously hope, if there are any leaks, that this time the Ethics Committee can do its job fairly to deal with such leaks.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise today in opposition to the proposed rule we are considering. I am here as chair of the Congressional Black Caucus, a member of the Committee on the Judiciary, and a member of a coalition of Members of the House concerned about fairness in this process.

As policymakers, we find ourselves in the difficult position of having to formulate rules and procedures to receive a report from the Office of the Independent Counsel without statutory laws or rules that dictate procedure for carrying out this special work. It is up to the Members of this House to construct and implement a fair process.

The Congressional Black Caucus has made the decision to become the fairness cop. We have assigned to ourselves the role of being the best advocates we can for ensuring that this process recognizes the rights of everyone involved, as we go through the process.

I would say to the gentleman from Illinois (Mr. HYDE), Americans want fairness, fundamental fairness. Members of the Congressional Black Caucus understand this perhaps better than most. Our struggle for fairness, justice and equality, is a responsibility that we have accepted for the rest of our lives.

This resolution reported out of the Committee on Rules is not fair. It is one-sided. It is partisan. The Republican chair of that committee, the Speaker of the House, and other Republicans are saying, oh, we want to be bipartisan, we want a bipartisan operation, we want to cooperate with the Democrats.

In the words of my grandmother, ''I cannot hear what you say. I am watching what you do.''

You rolled over us yesterday, and you are rolling over us today. We say without qualification, the President of the United States of America deserves the right to review, prior to its release, a copy of the report written by the independent counsel, who has spent 4½ years investigating the President, and the last 8 months devoted to the Monica Lewinsky matter.

Our position is not one of unquestioned support for this President. We have, and I have, disagreed with him on many occasions. In a court of law, it is a basic right for a defendant to know what they have been accused of and to be given the opportunity for preparation and response.

To release this report is unconscionable. Do what you did for the Speaker, for President Nixon and Oliver North. Give the President 1 hour, 2 minutes, 1 minute, but be fair.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume to say a couple of words about fairness and cooperation.

It is without question, from the calls that we have all had, in the communications with each other, that a small minority of Members would like to withhold all of the information. Likewise, it is true that a very small minority of this body would like to make all of the information available. But we will see, by the final vote on this resolution, fairness today, in that an overwhelming, vast majority believes that we should follow through with the resolution; we should make immediate publication of the 445 pages, and then use the good wisdom of the Committee on the Judiciary to go through the remainder. I think that speaks to cooperation and fairness.

Mr. Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

(Mr. SENSENBRENNER asked and was given permission to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, let us talk about fairness to the American taxpayer that paid for the independent counsel's investigation. The American public, to be fair to them, ought to be able to see what the independent counsel has sent to Congress, pursuant to the independent counsel statute, free from spin doctors, free from talking heads, free from media hype. Let them see it in the form that it was sent by the independent counsel. I would point out that nobody is going to have a 1-minute advantage and a heads-up on this, because this will be released simultaneously to the American public, to the

Congress, and to the President of the United States.

Now, the 35 of us who are members of the Committee on the Judiciary have an awesome constitutional responsibility in discharging our duties and evaluating this evidence to see whether or not the President has committed an impeachable offense or not. I am not asking for a leg-up to start working on this awesome responsibility. I am asking for fairness.

I am asking for an ability to be able to reach my own conclusions, free from the advice of people on the outside who have got axes to grind, and that is why I think that this resolution is fundamentally fair, because it strikes a balance between the openness that the American public expects this proceeding to be done, as well as the request that Independent Counsel Starr has made to protect certain individuals from undue conclusions, who are not involved in this process at all.

This report contains the most important information concerning a President that the American people will ever have to consider, and the American people ought to be put it into this equation so that they can see what the independent counsel has found and they can judge for themselves. It is imperative that the Congress conduct the public's business in as open a manner as possible.

The process laid out by the Committee on Rules is eminently fair. Congress, the citizens of this country, and President Clinton will begin their review process of Independent Counsel Starr's report at the same time. With the public dissemination of this material, the American people and Members of Congress can come to their individual conclusions regarding Mr. Starr's report.

The resolution charges the Committee on the Judiciary with the awesome responsibility of reviewing the full referral by Mr. Starr to determine if there are sufficient grounds to recommend to the House that an impeachment inquiry be commenced. We are committed to conducting an impartial and independent review of the independent counsel's investigation and his conclusions, and will reach our own conclusions based upon that review, and it will be done in a nonpartisan manner.

After evaluating Mr. Starr's evidence, the Committee on the Judiciary has two choices. Either it will find that there is no substantial evidence of impeachable activity by the President or it will recommend commencing a formal impeachment inquiry. This will be done not on a partisan basis, but on the evidence and on the law.

I support the resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a former district attorney for 21 years in the Commonwealth of Massachusetts.

Mr. DELAHUNT. Mr. Speaker, by 3 o'clock today, millions of people around the world will be reading the Starr report, and it will be persuasive, for any prosecutor has the ability to shape the evidence presented to a grand jury. We can claim that these are only allegations, that nothing has been proven, but the reality is by tonight, minds will be made up and judgments will be rendered, and any presumption of innocence will be overwhelmed.

I agree that the report should be released. That is not the issue. The question is when and how.

After so many months, what possible harm could come from allowing counsel for the President to review the report for a day or 2 so that both sides of the story can be told at the same time? It is only fair.

This House went even further to ensure fairness 24 years ago. During 7 weeks of closed-door hearings, President Nixon's lawyers were even allowed to cross-examine witnesses before anything was made public. We should respect that precedent, and it is unfortunate that we have not, for if the American people are to accept our ultimate conclusion, they must have confidence in the fairness of the process. That confidence, far more than the fate of a President, is what is at stake here.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

(Mr. BUYER asked and was given permission to revise and extend his remarks.)

Mr. BUYER. Mr. Speaker, I rise to state that obedience to criminal law and fairness does not recognize special treatment as being requested.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes and 10 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Into this House come ordinary men and women, and we are often asked to do extraordinary things. We are also asked to put aside politics and the desire for self-indulgence. I hope over these weeks we will refer more often to our Bibles and the Constitution, the Bibles for redemption and fairness and the Constitution for the understanding of freedom and justice.

For the opening of the Constitution said, ''We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty.''

□ 1100

No, the President is not above the law, the institution of the presidency is not above the law, but neither is either below the law. There is a presumption of innocence until proven guilty for all of us.

This House, during this somber process, must not be driven by politics. The delivery of 445 pages by the drama of trucks coming onto these grounds, without the opportunity of the respondent, which could be any American in this Nation, to review such materials to provide a simultaneous response, is a political act, it is not justice.

For any of our Members to suggest that the President already knows what a prosecutor, Ken Starr, has done for 4 years with $40 million in a document that includes 140 pages of charges, is at best being political. The Constitution was not written on the Internet, and this process should not be governed by the needs of those who travel the cyberspace, it should be governed by fundamental fairness.

In fact, in this House the Speaker himself, who presides today, was given at least 10 days to look at the allegations and charges against him. I ask the Speaker, can we be any less fair? Do we not remember what happened to the innocent Richard Jewell in the Atlanta bombings? This is what could happen if we do not allow the President to review as any American the charges brought against him and, as well, to keep the many many other documents unexposed until the evidentiary hearings are completed.

This process, Mr. Speaker, is one that will not preserve what the American people have created; that is, a perfect union with justice. This process could expose and hurt innocent people. This process will not preserve this Nation, this Constitution, or the people. We need fairness, Mr. Speaker. Let us begin today.

Thank you, Mr. Speaker. Here we are. Alexander Hamilton probably knew that someday we would be here at this point.

He said in the Federalist Papers that, the biggest fear in undergoing an impeachment proceeding would be that the ''comparative differences of the party would override the real ideals of innocence and guilt.''

It is important to acknowledge the sobering and somber tasks we are about to undertake. Alexander Bickel wrote in 1973, ''In the presidency is embodied the continuity and indestructibility of the State. It is not possible for the government to function without a president, and the Constitution contemplates and provides for uninterrupted continuity in office.'' Fundamental fairness then is pivotal in any constitutional process seeking to remove the president.

During this time many issues will have to be resolved. One of them is whether or not the President should be allowed to formulate a response over the next 48 hours before the Starr report is released to the public. The answer of course should be yes. Unfortunately, the rules Committee decided not to allow the President to review the report before it was released to the American public. When the Founding Fathers wrote the Constitution, there was no Internet, no Information Superhighway. Even though Mr. Speaker the Congress is a political body, this process should not and can not be politicized.

The independent counsel's report while I am sure is presented with a high respect for the seriousness of this issue, it is still only one side of the story. The American public should

have both sides of the story at once. Otherwise, the media will only have Starr's version to discuss for the next several days.

The Watergate impeachment inquiry followed the same precedent. The Judiciary Committee received evidence in closed-door hearings for seven weeks with the President's lawyer in the same room. This evidence included the material reported by the Watergate grand jury. The materials received by the Committee were not released to the public until the conclusion of the seven-week evidentiary presentation. By then, the White House had full knowledge of the material being considered by the Committee. Also in Watergate, subpoenas were issued jointly by the chairman and ranking member, and if either declined to act, by the other acting alone, he could refer the matter to the full committee for a vote. Most importantly, it was required that the President's lawyer be provided with copies of all materials presented to the committee, invited to attend presentations of evidence, and to submit additional suggestions for witnesses to be interviewed or materials to be reviewed, and to respond to evidentiary presentations. The rules further provided that the President and his counsel ''shall be invited to attend all hearings, including any held in executive session.'' Twenty-four hours advance notice was required, and both the Chairman and the Ranking Minority Member were granted access ''at all times'' to committee materials.

I don't think the House should have denied President Clinton the same right our members receive when charges are filed against them by the House Ethics Committee. For example, Speaker GINGRICH was permitted to review the charges filed by the Committee before it issued its public report. The President should be afforded the same right.

Also, the Ethics rules require that the subject of any investigation to alleged violations will have ''not less than 10 calendar days before a scheduled vote'' to review the alleged violations. A copy of ''the statement of alleged violations, together with all evidence, is also provided to the subject of any House Ethics violations.'' The President should not receive any less due process than any Member of Congress.

We want to do this in a fair and nonpartisan manner. It is true that no one is above the law, not even the President of the United States. However, he should not be below the law. This is not just President Clinton, but this is the institution of the Presidency. We must treat this process fairly and justly. Integrity must remain in the process. This is not a witch hunt, and an election by the American people should not be nullified without objective deliberation. It is unfortunate that the President will not be given a chance to review this report before the Press will on the Internet. Let's put fairness back in the process.

The American people understand the creation of this perfect union, they understand justice—and we must show that we will not let politics override justice and the blessings of liberty. The institution of the Presidency, Preservation of the rule of law, the survival of this nation depends on this.

Alexander Hamilton in 1775 said the sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sunbeam in the whole volume of human nature, by the hand of the divinity itself, and can never be erased or obscured by mortal power.

This process needs to be fair, it is a somber task. I fear political glee over one man's pending doom drives this House now to vote to deny the basic constitutional protections to the accused in a timely manner, in order that an informed response to the charges be made. I fear pre-judgment of the issues because this House fears for its survival. I however will not give up on fundamental fairness.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, time is so precious, I would just hope that the timekeeper would charge us for the time we are on our feet.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. DIAZ-BALART), a member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, the founders of this extraordinary constitutional republic created a system of government that is as resilient as it is intent upon being protective of the freedoms of the American people. I think we in this moment in history are seeing another manifestation of that resiliency and of that fundamental greatness of the system that was created by our Founding Fathers.

I have to respectfully but emphatically reject the accusation that we have heard this morning of unfairness that has been hurled at the Committee on Rules. The Committee on Rules has bent over backwards in satisfaction of the guidance that the Speaker and the minority leader and the distinguished member of the Committee on the Judiciary and the ranking member gave us to be precisely fair.

How ironic it is that it was from the other side of the aisle that the most emphatic and passionate requests were made to us last night to instantaneously make public everything in those many boxes that have been received and are under lock and key at this moment, and thus could not have been leaked and have not been leaked by this House. The other side of the aisle most emphatically asked that everything be made public today. There were other requests from both sides of the aisle that nothing be made public.

We have bent over backwards to be fair, and we have created a system, a rule that is fair, that protects the right of the American people to learn the facts, and the right of due and deliberative process for the President and all other citizens who may be affected by these proceedings that in effect we are authorizing today by this rule and by the rule next week that we will be bringing to the floor.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I, too, want the allegations in the report by Mr. Starr to be made public, but the way that that would be done in this resolution is wrong. The burden of that wrong will haunt this process throughout.

This process is controlled by the leadership of this House. It is important that the outcome, which could be a grave and heavy outcome, be seen as completely and entirely fair and objective by the people of this country. This process is being begun in a way that belies all of that. It is wrong. It is unfair. There is a pretense to fairness, merely the suits and trappings of fairness and objectivity, but not the real meat of fairness and objectivity.

I am convinced that we are embarking on this process in the wrong way. This resolution is wrong, and therefore, I must vote in accordance with that conviction.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I believe it was Charles Dickens who, in his novel, A Tale of Two Cities, said, ''It was the best of times, it was the worst of times.'' That is a fairly accurate assessment of where we are right now here in this Chamber.

Yes, I took the oath of office to defend our Constitution, and I will defend the rule of law and not the rule of man, which leads to tyranny. Later today we will be voting on the referral and release of the Starr report. As we proceed, I think all of us who are here will keep in mind how important it is to remain objective, and above all, fair.

The decisions we will make will have a far-reaching and long-lasting impact on our country and on every American, young and old.

Yes, let us release the report, but let us give our President the 2 days that he may be able to respond as requested. Let us be fair. There is nobody in this Chamber whom I believe can tell me that our President is not 100 percent committed to doing the best job he can for our Nation. His record on the job as President has proven that.

Mr. SOLOMON. Mr. Speaker, I am glad to yield 2 minutes to the gentleman from North Carolina (Mr. COBLE), a distinguished member of the Committee on the Judiciary.

(Mr. COBLE asked and was given permission to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, many have compared President Clinton's problems with Watergate. There are similarities as well as distinctions.

A probable similarity is this: If President Nixon and President Clinton had offered sincere apologies in timely fashions, their respective problems would likely have been resolved. If, when initially confronted, they had responded truthfully in a manner worthy of their high office, the severity of their problems likely would have diminished: ''American people, I made a mistake. I disappointed you. I let you down. I ask your forgiveness.''

If such requests had been timely extended, forgiveness would likely have been forthcoming, because Americans by nature are a forgiving people. I am applying hindsight, Mr. Speaker, which

is nearly always 20/20. But the time for forgiveness may have passed, and now this demanding task of resolving the matter is upon this, the people's House.

The success of our Constitution is measured with the courage of those in whom it vests powers to carry them out in a just and appropriate manner. This resolution will assure that the Committee on the Judiciary is able to ascertain what we need to do to accomplish that task.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, there are few instances in this Chamber where bipartisanship is required. There are almost no instances where fairness is required. Bipartisanship is not even required when we are declaring war. As we saw in the way the Gulf War was handled, there were divisions among us, and yet we came together.

But Mr. Speaker, bipartisanship and fairness are necessary in a procedure that could overturn a democratic election. We are failing the joint test of bipartisanship and fairness this morning on the easiest of the issues of this proceeding, access to an accusatory document by the accused.

Mr. Speaker, I have spent my life in the law arguing matters of due process, down to including first amendment matters, where I was defending the rights of racists to vindicate the right of free speech. I can say to the Members that I believe history will ask, what would have been lost if the President had been given a day or two to inspect documents that accused him? Ten days for Members accused, no day for the President of the United States when he is accused.

We could have regulated how the document would be inspected. We could have sequestered those who would inspect it. There are any number of conditions, but the notion of no inspection does violate fundamental fairness.

Impeachment is a matter of a process that we make up as we go along. Particularly because this Chamber is not controlled by the President's party, they should be at pains to bend over backwards on each and every element of fairness. They have failed to do so in this proceeding.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the outstanding Member from Atlanta, Georgia (Mr. LINDER), a member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this is a terrible thing for the Nation to have to go through, and not one of us should feel anything but sadness and pain. But Congress has a solemn responsibility to undertake this review of the report of the independent counsel.

As the chairman of the Committee on the Judiciary stated earlier today, we took an oath on our first day in this Chamber, an oath to defend the Constitution of the United States. It is that Constitution that places this responsibility upon us. This is a sad day. When I came to Congress I would have never believed we would have to consider such a resolution during my service here. It is a solemn responsibility.

But we may not cede our oversight responsibility to watch over the government. Every Member of the House, in doing so, would be abdicating one of the most important obligations charged us by our Founding Fathers.

Ronald Reagan stated on the 250th anniversary of the birth of President George Washington that without President Washington stepping forward, our Nation might have failed. He said that George Washington, and I quote, ''was a man of deep faith who believed the pillars of society were religion, morality, and bonds of brotherhood between citizens. He personified a people who knew it was not enough to depend on their own courage and goodness. They must also seek help from God, their father and preserver.''

As we begin this process, we must put our trust in the courage and judgment of this sober body. We must put our faith in God to lead us during this very difficult time. I urge my colleagues to support this resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I rise in opposition to the resolution. I asked myself three questions: Is the public's right to know paramount to the right of the accused to a fair hearing? My answer to that is no. That has always been the answer of our country.

Is there any precedent for what we are doing? My answer to that is no. We gave the defendant McVeigh and the defendant who shot police officers in this Chamber more due process than we are extending to the President of the United States. We fight to keep from having pretrial publicity and information out there, to assure fair trials, and we give it up today when we release this report.

Now, having dug ourselves this hole, can we provide a fair determination and fulfill our constitutional responsibility, with the public and the press second-guessing every single step and every single evaluation? It is like having the press and the public standing and saying to every single juror, ''We have already made up our mind. Now you go provide a fair trial and a fair process.''

□ 1115

On all three counts we have failed the system.

This is a sad day from two perspectives. It is a sad day that we are here in the first place, but it is an even sadder day for what we are doing to the Constitution and to our obligations under that Constitution.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Speaker, I came here to this House at the same time as the distinguished gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary. I heard the questions raised so far on this proceeding and I watched the Rules Committee last night. Just to show how dull things were on television, I watched the Committee on Rules on television last night.

Mr. Speaker, to me, I get the feeling that this is, ''Give him a fair trial and then hang him.'' Now, what is the difference in the courtesy that we extended Richard Nixon and our distinguished Speaker, and that extended to the President of the United States? After all, he supposedly speaks for all of us. Fifty percent of the people did not vote for Republicans or Democrats. They were split up. Fifty percent of the people said, we do not want to vote for anybody.

This is, in my view, an unfair rule. I hope that I would never have to come to this body for defense of my civil rights and to get fairness from the Committee on the Judiciary if this rule goes into effect. And there are already members of this committee that have made up their minds that Clinton has to go.

Mr. Speaker, to me, this is a facade. It is absolutely ridiculous. It is a travesty. And right now I am going to vote against the rule, and I would just tell all Members of this House, if they vote against this rule, the press releases are already out that they are going to defend the President and stand with him and the message will go to their districts that they do not want the truth to be seen.

This is political, and I regret it; and it is one of the reasons that I am going to be so glad to be out of here.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to be out of here too, but I am not going to be glad about it. It is a great institution, and I am certainly going to miss it.

Mr. Speaker, I cannot help but listen to the last two speakers from North Carolina, and others. I wish they had stayed on the floor earlier on when the gentleman from Missouri (Mr. GEPHARDT), the minority leader, was here imploring the Members to have proper decorum and to cooperate in a bipartisan and nonpartisan basis.

Mr. Speaker, let me refer to the law. Section 595(c).

Mr. CONYERS. Regular order. Mr. Speaker, is the gentleman on his own time?

The SPEAKER. The time is counted around the gentleman from New York.

Mr. HEFNER. Will the gentleman yield? He mentioned my name.

Mr. SOLOMON. Mr. Speaker, I did not mention the gentleman's name.

Mr. HEFNER. I am from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. No, I will not yield.

Mr. WATT of North Carolina. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER. A point of Personal privilege is not in order at this time. The gentleman from New York (Mr. SOLOMON) controls the floor.

Mr. SOLOMON. Mr. Speaker, I am going to say it again. Some complain about the President not being given prior notice; I think the arguments are unfounded. The Democrats controlled this place in 1978 when this initial law was put into place. Nothing in the law, and it is only one paragraph here, speaks to giving anyone notice when a report is given to this Congress.

This law has been reauthorized three times, the latest in 1994 when this House was again controlled by Democrats. Nothing was in it. Let me read it to my colleagues.

''Schedule C: Information relating to impeachment. An independent counsel shall advise the House of Representatives of any substantial and credible information which such independent counsel receives.'' It goes on to say that they may constitute grounds for an impeachment.

Mr. Speaker, that is the law. We should have written it in the last five times. We did not for reasons.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I thank the distinguished gentleman from New York (Chairman SOLOMON) for yielding me this time.

Mr. Speaker, I rise in support of the rule. The American people paid for this report. They have a right to see it immediately without any spin.

With regard to this rule on the Starr report, we need to make the report public immediately for these reasons:

1. Immediate release on the internet will prevent the selective leak of information both favorable and unfavorable to the President.

2. The American people, as taxpayers, have a right to see the report, complete and unedited by the media or other sources. This method provides access to the report to everyone at the same time. They paid for this report. Let us give it to them.

3. Internet release is the least partisan method of releasing the information. No one has any advantage in spinning the information for their own purposes.

4. The report is now property of the House of Representatives, as the Constitutionally authorized body to determine whether impeachment is warranted. If anyone should be able to review the material, it should be the House, and then the President, not the reverse.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Speaker, this is the first stage of what will be an incredibly difficult and delicate challenge to this body. I am saddened by the tone of antagonism and mistrust that is already starting to creep into the proceedings.

Perhaps the flaws in this resolution do not equal a violation of fundamental fairness. Due process, of course, is different from the fairness inherent in due courtesy and due comity. But let me ask my colleagues, would there have been any real cost to a better protection of the rights of innocent persons to their privacy? I think not.

Would there have been any real cost to a fuller courtesy to the President of the United States, regardless of statutory or precedential provisions? I think not.

Would there have been any real cost to greater comity to the requests of the minority in order to assure a fuller sense of nonpartisanship in this matter? I think not.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. SMITH), a member of the committee.

Mr. SMITH of Texas. Mr. Speaker, this is a critical time in our country's history, and we must proceed with the utmost care in fulfilling our constitutional responsibility, wherever it might take us.

It is altogether fitting that the independent counsel's report be made available to the American people, Members of Congress, and the President simultaneously. From the outset, this process must be open and fair to all, with advantage to none.

As we go forward, we do so not as partisans, but as fact-finders and truth-seekers. And we go forward together, the American people and their representatives in Congress, united in our love of country and in our desire to seek a wise and just result.

There is a passage in the scriptures where King Solomon says, ''Give therefore thy servant an understanding heart * * *'' That is what is needed during this time of our national tribulation.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the distinguished gentleman from New York (Mr. SOLOMON) the chairman of the Committee on Rules, for yielding me this time.

Mr. Speaker, there is a sign that hung over my wall when I served as U.S. Attorney, and I brought it with me to Washington and it now hangs in my office here. It is a quote by Theodore Roosevelt, a former President. ''No man is above the law, no man is below the law, nor do we seek any man's permission when we seek to make him uphold the law.''

That is very applicable here today as we discuss the law. I would remind my colleagues on the other side of the aisle, who now wail so loudly in favor of special dispensation for the President, what law it is that we are operating under here and what law we are not operating under here.

Mr. Speaker, we are operating here under the independent counsel statute, which provides very specifically for the treatment of different reports by an independent counsel. We are not proceeding here under the ethics rules. We are not proceeding here under the Federal Rules of Criminal Procedure.

The independent counsel statute, which was referred to just recently by the chairman of the Committee on Rules and which the minority, when they were in the majority, had every opportunity just 5 years ago to amend and they did not, provides very simply, very unequivocally, very clearly that the independent counsel report that we are talking about here, which is not a report to the court, is not a periodic report to the Congress; it is a report directly and solely to the Congress and not to any other party for purposes of the Congress to consider what the independent counsel believes is impeachable evidence, evidence of impeachable offenses.

If, in fact, the minority, which was then in the majority just a few years ago, was so concerned about the principle involved here, aside from the personalities that now prevail, if they were so concerned about providing special dispensation for the President to have advance access to that report from the independent counsel, so he could go to the American people and spin it and distort it, then they could have written it into the statute.

Mr. Speaker, it is too late now to do that. The statute speaks for itself, just as the evidence will speak for itself.

I support this resolution.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the very distinguished gentleman from Washington (Mr. HASTINGS) a member of the Committee on Rules.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON) for yielding me this time.

Mr. Speaker, we have heard a lot of remarks today, some good and some maybe not so good. I would like to come at it from a different perspective.

When I was first elected to this body, I never contemplated the possibility that I would have to address the potential of impeachment, and I think that many of us feel exactly the same way. But here we are, and we all swore to uphold the Constitution. This is what I would like to address my remarks to.

Some have characterized what we may go through as a constitutional crisis. I would emphasize that this is not a constitutional crisis. The issue that brings us here today, the method of disseminating the information in the independent counsel's report, however, may result in a crisis. It may result in a crisis of governance. It may result in a crisis in the confidence of the people that elected us, but it is not a constitutional crisis.

Our Constitution clearly lays out a process in which we should discharge our duty. This is the start of that process.

Mr. Speaker, last week before I returned to Washington, D.C., I had dinner in my district with a group of Russian professionals. At that time, Russia was in the middle of a crisis where there was no prime minister and there was a very real threat that the government might be dissolved. There clearly was apprehension in this delegation. My colleagues should recall that until yesterday, this issue was unresolved. Now, that is what I would characterize as a constitutional crisis.

Mr. Speaker, as we go through this process, let us keep in mind that this issue is very serious, but it is not a crisis of that fact. I would just say that this really demonstrates to me that the Founding Fathers, what they wrote in our Constitution does indeed work. The burden now is on us.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arkansas (Mr. HUTCHINSON), another member of the Committee on the Judiciary.

Mr. HUTCHINSON. Mr. Speaker, this resolution begins a journey in which the path will be treacherous and the conclusion is uncertain. The journey should be guided by the Constitution, the law, and our conscience.

This resolution is a step in the right direction on that journey. It follows the precedence of the House and it is fair. Would it be more fair to withhold the release of the report to Members of this body and to the public, in other words to allow the President a head start in reviewing the report? I think not.

Mr. Speaker, I believe that it is fair and the chairman of the committee has done an outstanding job in working with the minority ranking member in order to assure a fair process.

As a member of the Committee on the Judiciary, I have supreme confidence that the committee will provide the President an ample opportunity and a fair opportunity to respond. This process should not be a stampede to impeachment, but it should be a search for truth and justice with an allegiance to the Constitution. That is my commitment. That should be our commitment.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS), ranking member of the Committee on the Judiciary.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, first, they mentioned ''the two gentlemen from North Carolina,'' and I am one of them. I do not know if I am a gentleman, but as far as the decorum of the House, I certainly, if I offended anybody, I apologize. I am so sorry if I hurt anybody's feelings, delicate feelings in the House.

But, Mr. Speaker, there is one question that has not been answered. By this weekend on all the talk shows, all the things that are in the report are going to be on ''Meet the Press'' and ''Face the Nation.'' Somebody is leaking this.

I am not making accusations, but somebody is leaking this and I would like to have an explanation and an answer as to where these leaks are coming from, because it does not behoove us to just say, well, we have them under lock and key here.

□ 1130

Mr. CONYERS. Mr. Speaker, reclaiming my time, the intention of this Member was to come here this morning, point out my reservations about this rule, this proceeding, and vote for it. But I have been exposed to the debate now, and I will not be able to justify my support.

I am announcing to those Members on my side that I have told I was going to support the report, I am not going to vote in the affirmative. And I regret it very much because it was important to me that we continue the comity that we have worked so hard on.

Here is why. The independent counsel whom I have lectured to almost daily from this well and for whom I have had certain reservations about his overzealousness has done the Congress one important service. In his only communication that I know of to the Speaker and to the minority leader, he said in two sentences something that I think we are not following, and I commend it to your attention.

It is this: ''This referral,'' not report, ''This Referral contains confidential material and material protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure.'' That is Starr talking to the Congress. Then he went on to say, ''Many of the supporting materials contain information of a personal nature that I respectfully urge the House to treat as confidential.''

It was with that understanding that, in the Office of the Speaker and with the leaders of this body we entered into an agreement that I regretfully have to tell you has been broken. It has been broken. My heart has been broken before. Agreements have been broken before.

But in this instance, we are violating the directions of the independent counsel who now, in his fifth year, and I love these reports about how the American people are waiting for this. The majority of the American people would accept a resolution saying we shall never mention this matter again for the rest of all of our honorable and distinguished careers. That is what the majority of the American people want. Twenty-five thousand people would like to see it if it is there.

But since we are worried about the contents: ''Impeachment Report Contends Clinton Lied, Obstructed Justice; Alleged Deceit Is Outlined.''

''Independent counsel Kenneth W. Starr's report to the House contends there are 11 possible grounds for impeachment of President Clinton, including allegations that he lied under oath, tampered with witnesses, obstructed justice, and abused power to hide his affair with Monica S. Lewinsky, according to sources informed about some of its contents.''

That is in the paper. Yet my colleagues are now urging me to tell our Members to release everything, thousands and thousands of pages. Explain to me one procedural method. How can 35 Members with at least one staffer each go through thousands and thousands of pages of documents?

I ask in the comity that the gentleman from Illinois (Mr. HYDE) and I have pledged to work with, the friendship that the Speaker and I have enjoyed over these last 48 hours, that we please move away from this course of action. I urge that this resolution be defeated.

Mr. SOLOMON. Mr. Speaker, after that eloquent address, it is only appropriate that the closing for our side would be the chairman of the Committee on the Judiciary, not only because he is the Chairman, but because he has also, in 24 years, been the Member that has been held in, I would say, the highest esteem by all of us.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE) to close for our side.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I would not call for a vote on that last statement the gentleman from New York made, but I do thank him for his generous remarks.

Mr. Speaker, fundamental fairness is a phrase that has been bandied around here. I did not hear that much when one of the marvelous, articulate spokesmen for the administration declared war on Kenneth Starr; and that war is still going on, volley after volley on MSNBC, CNBC, on and on and on, not to mention other spokesmen for the administration, talented issuers of insults and vitriol. There was not much due process or fairness there.

We have congratulated ourselves on saying no man is above the law, but this is not a criminal proceeding. There is no legal requirement for an answer to a complaint from the White House. We on the Committee on the Judiciary are smart enough and of such goodwill that we are going to wait and we are going to hear what the President has to say. We are going to give it every possible consideration.

The only requirement for an early copy to the White House is a public relations one. We have had the public relations feel for as long as the independent counsel has been appointed. By the way, the spin is working well here in this room. My colleagues refer to him as the special prosecutor, not the independent counsel. He is not a prosecutor on the law my colleagues passed, which did not provide for advanced copies to objects of investigation, as my colleagues wrote it. So we have a public

relations requirement that I hope my colleagues do not think we are fundamentally unfair in not wanting to give special treatment to the White House. Equality, not special treatment.

I do not have to tell my colleagues that these theaters of operations have shifted from the White House to the Grand Jury to this chamber. We are governed by what we all vote for.

I can assure my colleagues the only bipartisan thing in this whole resolution, after listening to this debate, is the bipartisan demand for immediate release of this report. I can tell my colleagues the vigor and rigor with which those demands have come from the other side is in no way less than the vigor and the rigor of the demands on our side.

We put this to a vote, we know what is going to happen, and we are the servants of this body. So there is no way we could change that.

Due process, fundamental fairness will be observed. I can assure my colleagues this whole proceeding will fail, it will fall on its face if it is not perceived by the American people to be fair.

I keenly regret what I have heard this morning, a debate that has been really partisan. Bipartisanship cuts two ways, folks. It does not mean surrender. It means thoughtful, sincere, honorable consideration of differing views and trying to reach an accommodation.

I pledge myself, even though the gentleman from Michigan (Mr. CONYERS) has changed his mind, I pledge myself to work with him as closely as humanly possible so we do have that bipartisan result from our efforts.

I hope my colleagues will vote for this resolution.

Mr. STARK. Mr. Speaker, I will not vote for this resolution because I have grave reservations about the process under this House resolution that provides no check for the relevance or veracity of the information contained in the Starr report, and which denies the President the fairness that the House has afforded its own Members.

This report is a prosecutor's version of a case, no more and no less. It evolves from a grand jury investigation that affords witnesses no opportunity for representation by counsel and no rebuttal for witnesses. If the accused were a House Member, He would have been afforded time to review the report and prepare a response. Our own Speaker GINGRICH was given five days to read and respond to the Ethics report detailing his wrong doing; the Speaker's response was included in the document made available to the public by the Ethics Committee. Speaker GINGRICH forgets that fairness he was afforded as he casts the first stone today at the President.

As we vote today, we do not know where the truth will take us. But we must not plunge into McCarthy era demagoguery in which salacious slander replaces responsible governing.

Mr. COSTELLO. Mr. Speaker, this House has under consideration the issue of how best to deal with the report submitted by Independent Counsel Kenneth W. Starr. Mr. Starr has spent almost four years investigating the president and more recently, the allegations surrounding President Clinton and his admitted extramarital relationship with Monica Lewinsky.

I have been extremely disappointed with the President's behavior. I do not believe it is appropriate conduct for the President of the United States. However, the issues contained in the Starr Report also deal with issues of alleged legal impropriety. Those are the issues which should be our focus as we consider our duty under the Constitution.

I will vote today to release portions of the Starr Report to the public. I regret that the Republican majority of this House is opposed to giving the President an opportunity to read the allegations contained in the report before we make them public, because I believe that is unfair. We gave House Speaker NEWT GINGRICH that opportunity when allegations against him were being considered by the Congress.

However, I believe it is important the public have access to certain information in the Starr Report. I remain reluctant to make every detail—secret grand jury information, classified national security documents, or unconfirmed information which may unnecessarily involve innocent individuals—available for everyone in the world to read. On this matter, the House Judiciary Committee will be responsible for further action and recommendations to Congress.

Before I make any further judgment, I want to read the Starr Report. Then, I want to hear the President's response to the allegations made in the report. At that time, I will consider the evidence presented to me as a Member of the U.S. House of Representatives and take any action I believe appropriate.

Mrs. CUBIN. Mr. Speaker, since Independent Counsel Kenneth Starr has delivered a report to Congress with evidence of possible impeachable offenses, the House of Representatives is required by the United States Constitution to review this information. Along with the power to declare war, the power to draft articles of impeachment is among the most solemn and serious powers given to the House by the Constitution.

The vote today to release the report is not an indictment against the president. The House has not voted to impeach the president, nor to proceed with an inquiry of impeachment. We have voted to make this report available to members of Congress, the President, and the American public. We have also voted to give the Judiciary Committee the authority to review all of the supporting documents to determine if there is evidence that the President has committed impeachable offenses.

Our decision today on how to handle the report is fair. The law requires Judge Starr to submit information to Congress if he has found credible evidence of impeachable offenses. The President, like the Congress, did not get an advance copy. Like any other American, he will not receive special treatment, he will receive fair treatment.

The public has a right to review the report, and innocent parties have a right to have their privacy preserved. The Judiciary Committee will be the only body with access to the supporting documentation. However, by making the report public, the American people will be able to decide for themselves what the report says rather than having the information filtered through media or government sources.

For the stability of the country and the preservation of our democracy, we must proceed with a spirit of bipartisanship that rises above politics and ideological differences. If the Judiciary Committee determines that there are impeachable offenses, and forwards its findings to the entire House, Members of the House will effectively serve as jurors. We must look at the facts in an objective and fair manner. We must leave our own personal and political predispositions at the door. Our decisions must be made on the evidence and the law.

Like every other member of the House, I plan to review the report in its entirety over the weekend. I urge every American to read the report and make their own judgements in a sober, serious manner.

To make the report more easily accessible to people in Wyoming, I want them to know that an electronic copy of the report will be posed on the Internet on the following official government sites:

Library of Congress—THOMAS—http://thomas.loc.gov/icreport.

Government Printing Office—http://access.gpo.gov/congress/icreport.

House Committee on Judiciary—http://www.house.gov/judiciary.

House of Representatives—http://www.house.gov/icreport.

Mr. BUYER. Mr. Speaker. I know that all of my colleagues recognize the gravity of the situation before us. We must bring to this matter every ounce of wisdom and thoughtfulness and nonpartisanship possible.

The statute authorizing the independent counsel requires that the House be notified of any substantial and credible information that may be grounds for impeachment. The independent counsel has fulfilled his statutory obligation. The House must now fulfill its constitutional responsibility to thoroughly review this material.

It is not the independent counsel who decides what is impeachable. That responsibility rests solely with the House. Included in this resolution is a requirement that three sections of the report be made public as soon as is physically possible. This is appropriate. The Democrats on behalf of the President's criminal defense lawyer seek to have access to the report prior to its dissemination to the public. Obedience to criminal law and fundamental fairness does not recognize special treatment as requested by the minority. The law authorizing the independent counsel does not authorize an advance copy to the subject of the investigation.

I support the resolution and urge its adoption.

Mr. SCARBOROUGH. Mr. Speaker, I want to express my support for the public disclosure of the Starr report, to end questions regarding the report's content. The gravity of this historical moment cannot be underestimated. Few responsibilities will ever rise to this responsibility Congress now confronts. Throughout this difficult process, the public will always retain the right to be fully informed. The Congress, as well as the President, has such a duty to so inform.

Mr. PAYNE. Mr. Speaker, I rise in strong opposition to this resolution.

We all agree that we have a serious responsibility to fulfill our Constitutional duty as members of Congress in the matter before us. But, it is of utmost importance that we proceed in a spirit of fairness.

Sadly, it now appears at the very outset that the majority has rejected any semblance of fairness in favor of blatant partisanship. To refuse to give the President of the United States the basic courtesy of reviewing the charges made by the most far-reaching Independent Counsel in history is shameful. Is this the America we want for ourselves and our children, where individual rights are trampled on to such a degree that accusations against a person are posted on the internet before they are presented to the accused? I am afraid that this is only the beginning of more abuses to come. How can members of this body who have loudly insisted that the President resign possibly give him a fair hearing? I urge my colleagues to reject this resolution. Let us reject this cheap, partisan approach and instead chart a fair, objective and honorable course as we undertake this serious responsibility.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise to join my colleagues, who more eloquently than I, argue for fairness and decorum in the process we are about to embark on.

This investigation, Mr. Speaker, and therefore this report is a document born out of political machinations. It is the result of a more than 6 year relentless attack on the President of the United States, which many of us believe began because his policies and political philosophy favor people of color and the less fortunate in our country, as well as because of his economic policies and high favorability with the American people.

I personally do not feel that the full report should be made public. No public good would be served, only opposing political interests. Additionally, it would further demean the office of the President as well as the Congress and further demoralize a public that has said over and over again: ''Enough is enough, lets get on with the important issues facing this country.''

Mr. Speaker, it is only fair to grant the request of the President and his attorney's for some time to review the report before it is made public. Even if the Republican leadership does not think that Bill Clinton deserves two days to review the report, then I offer to you that the President of the United States—whomever he might be—is due at least that amount of respect and consideration.

Mr. Speaker, this is indeed a sad day for America. It is a sad day, not because of what the President has done, or the ensuing media feeding frenzy, but because of the willingness of some members of the Republican Party and its cohorts of the conservative, so called ''Christian'' Right, to sacrifice the presidency and the integrity of the Congress on the altar of political expediency.

Let us be decent people and the upstanding representatives the American people elected us to be. We must respect the Presidency and give the President the time he has requested. We must also do as Judge Starr has asked us and protect the confidentiality of the sensitive material the report includes. Let us be fair—vote against this unfair rule!

Mr. DELAHUNT. Mr. Speaker, two days ago, after months of speculation, leaks and revelations, the report of the Independent Counsel was delivered to the House of Representatives. If this resolution is approved this morning, the report will be in the hands of millions of people around the globe by three o'clock this afternoon.

I certainly agree that the report should be released. That is not even an issue. It will be released. The only question is when and how it should be done. For in exercising the responsibilities that the Constitution has thrust upon us, we must be sure that we proceed in a manner that observes the principles of fundamental fairness that are at the heart of that document.

Only then will the American people accept the results, whatever they may be. Only then will we begin to restore the shaken confidence of the Nation in its political institutions.

In that regard, Mr. Speaker, I consider the resolution before us today to be our first test. For in deciding the terms under which the highly sensitive material contained in the report should be released to the public, we must weigh carefully the benefits of immediate disclosure against the damage this might do to the fairness of the investigation.

If the resolution is agreed to, the entire 445 pages of the report will be posted on the Internet this very afternoon. Not a page of it will have been examined beforehand by any member of the Committee. Not one page will have been seen first by the President and his attorneys.

Some have argued that we should release the report because the essence of it has already been leaked to the press and appears in this morning's editions. If that is true, it is to be deplored, and the Independent Counsel should have to answer for it. But we should not endorse the unauthorized disclosure of pieces of the report by prematurely releasing the rest of it.

Some have argued that the President already knows what is in the report because he is the subject of it. This argument suggests, at best, a poor understanding of what goes into a prosecutor's report.

Some have argued that we should go ahead and release the report because there are still some 2,000 pages of supporting material that will not be released without Committee review, and this will be sufficient to prevent irreparable harm to lives and reputations. They cite Mr. Starr's request that we treat certain information in the supporting material as confidential, apparently inferring that the information in the report itself does not require such treatment. Yet Mr. Starr did not say this. And even if he had, it is for this House to determine what information should be disclosed. We should not abdicate that responsibility to the Independent Counsel.

Apart from whatever damage the abrupt disclosure of the report might cause to innocent third parties, it will clearly be prejudicial to the President's defense. If the Independent Counsel has done his job, the case he has constructed will be a persuasive one. Prosecutors have enormous power to shape the evidence presented to the grand jury. And—at least at the federal level—they have no obligation to apprise the jurors of exculpatory evidence. The case will seem airtight. Yet until the evidence has withstood cross-examination and the allegations have been proven, they remain nothing more than allegations.

Presidents, no less than ordinary citizens, are entitled to the presumption of innocence. They are entitled to confront the charges against them. Yet, if we adopt this resolution, by the time President Clinton is accorded that right, the charges against him will have circled the globe many times. They will be all the public reads and hears. They will take on a life of their own, and the case will be tried, not by Congress, but in the court of public opinion.

Given these risks, why rush to judgment, Mr. Speaker? After so many months, what possible harm can come from allowing the counsel for the President a few days to review the report so that they can tell his side of the story?

In the one historical precedent we have to look to, that is precisely what was done. Twenty-four years ago, a Republican president was under investigation by a Democratic House. President Nixon's lawyers were permitted to participate in seven weeks of closed sessions, as the Judiciary Committee conducted a confidential review of Judge Sirica's grand jury materials prior to their release. The counsel to the President was even allowed to cross-examine witnesses before their testimony was made public.

Whatever the differences may be between the current controversy and the Watergate affair, President Clinton should receive the same due process protections accorded to President Nixon in the course of that investigation.

If the people of the United States are to accept our virdict—whatever it may be—they must have confidence in the fairness and integrity of our deliberations. That—far more than the fate of one particular president—is what is at stake.

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of this resolution.

I commend the Chairman of the Rules Committee, Mr. SOLOMON. Today the House embarks upon the first step of a Constitutional process that our commitment to the rule of law. Besides declaring war, this is the most important duty that the House could undertake. As Chairman HENRY HYDE has stated, we are about to embark on a judicial inquiry that will uphold our ''Viable and Venerable Constitution.''

CONSTITUTIONAL PROCESS

I must stress that this process is not and should not be about politics. Partisan sniping has no place in this process. The entire Nation, indeed, the world will be watching the House of Representatives and they will be seeing our Constitution on display. Indeed, it is that document—the Constitution—that must be our guide in this process, not politics.

IMMEDIATE DISCLOSURE

The immediate public release of the 445-page written report is essential to this process. Delayed release or partial release or incomplete release will lead first to a trickle and then a torrent of leaks, rumors and outright false information.

The American people deserve better than to learn the details of the charges against the President through a cynical cycle of spin and re-spin. Nothing could be more damaging to this process and—I might add—to the office of the Presidency. For these reasons, I am confident that the chairman and ranking member of the Judiciary Committee will release the supportive documents as soon as possible and no later than September 28, 1998, consistent with their legal obligations.

PRESIDENT'S RIGHT

Now let me touch upon the President's rights in this process. I am committed to maintaining a level of fundamental fairness as the House—and possibly the Senate—move forward with this constitutional process.

Does today's release of this 445 referral compromise the President's rights or place him at a legal disadvantage? The answer is a clear ''no.''

The President and his lawyers will have plenty of time to craft a full defense. (Indeed, if there is any person in this Nation who has the tools and the ability to defend himself—it is the President of the United States.) That is his right. That represents basic fairness.

It is important to realize that the process that this resolution creates will provide the Independent Counsel's Report to this House, the President, and the public at essentially the same time. How can this not be fair?

CONCLUSION

It is my sincere belief that this process will prove that our Constitution works. Today, that process begins and will only end in an impeachment if substantial and credible evidence exists for that impeachment. Today's action is NOT meant to prejudge the outcome. We must uphold the laws of our free society—our republic will be secure.

I urge my colleagues to support this resolution.

Mr. FRELINGHUYSEN. Mr. Speaker, in this Nation, and in this Congress, we are confronted with a serious constitutional crisis.

In everyone's interest, Judge Starr's report should be released to the public without delay. For months we have listened to rumors and leaks. In order for the credibility of this Congress to remain intact, we must be armed with truth and the facts. The American people must share this confidence, and the only way to accomplish this, is for the information contained in Judge Starr's report to be made public. After all this time and the related costs, full disclosure is absolutely necessary.

As a Member of Congress, I will fulfill my duty and obligation to review this matter in a tradition of bipartisan cooperation already reiterated by the Speaker and Mr. GEPHARDT. Congress will execute its duty under the Constitution, but more importantly, continue to work on a legislative agenda which assures Americans that our Nation's economy will remain strong by virtue of a Balanced Budget and tax cuts. We will also continue our work to increase educational opportunities for our children, preserve and protect Social Security and Medicare, and reform health care in America.

Mr. SOLOMON. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 363, nays 63, not voting 9, as follows:

[Roll No. 425]

YEAS—363

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (FL)

NAYS—63

Ackerman
Becerra
Brady (PA)
Brown (CA)
Brown (FL)
Carson
Clay
Clayton
Clyburn
Conyers
Cummings
Davis (IL)
Delahunt
Deutsch
Engel
Fattah
Filner
Ford
Frank (MA)
Hastings (FL)
Hefner
Hilliard
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Lee
Lewis (GA)
Lofgren
Markey
Martinez
McDermott
Meehan
Meek (FL)
Meeks (NY)
Miller (CA)
Mollohan
Moran (VA)
Nadler
Neal
Owens
Payne
Pelosi
Roybal-Allard
Rush
Sabo
Scott
Serrano
Skaggs
Stark
Stokes
Thompson
Torres
Towns
Velazquez
Waters
Watt (NC)
Wexler
Woolsey
Yates

NOT VOTING—9

Barcia
Furse
Gonzalez
Jenkins
Johnson, E. B.
Poshard
Pryce (OH)
Scarborough
Young (AK)

□ 1200

Mr. FORD changed his vote from ''yea'' to ''nay.''

Mr. HINOJOSA and Mr. RODRIGUEZ changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise at this time because, like the other four Members who represent Americans in the offshore territories, I was not able to vote on the issue of the rule, H. Res. 525. But, Mr. Speaker, I believe in fairness and I believe that sensitive material should be kept confidential.

The people in the territories, just like those on the mainland, believe in fairness and we believe in respect for the Office of the President. And, so, if I had been able to vote, I would have cast my vote against the resolution; I would have voted no.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members