Hobson	Metcalf	Scarborough
Hoekstra	Mica	Schaffer, Bob
Horn	Miller (FL)	Sensenbrenner
Hostettler	Moran (KS)	Sessions
Houghton	Morella	Shadegg
Hulshof	Myrick	Shaw
Hunter	Nethercutt	Shays
Hutchinson	Neumann	Shimkus
Hyde	Ney	Shuster
Inglis	Northup	Skeen
Istook	Norwood	Smith (MI)
Jenkins	Nussle	Smith (NJ)
Johnson (CT)	Oxley	Smith (OR)
Johnson, Sam	Packard	Smith (TX)
Jones	Pappas	Smith, Linda
Kasich	Parker	Snowbarger
Kelly	Paul	Solomon
Kim	Paxon	Souder
King (NY)	Pease	Spence
Kingston	Peterson (PA)	Stearns
Klug	Petri	Stump
Knollenberg	Pickering	Sununu
Kolbe	Pitts	Talent
LaHood	Pombo	Tauzin
Largent	Porter	Taylor (MS)
Latham	Portman	Thomas
LaTourette	Quinn	Thornberry
Lazio	Radanovich	Thune
Leach	Ramstad	Tiahrt
Lewis (CA)	Redmond	Upton
Lewis (KY)	Regula	Walsh
Linder	Riggs	Wamp
Livingston	Riley	Watkins
LoBiondo	Rogan	Watts (OK)
Lucas	Rogers	Weldon (FL)
Manzullo	Rohrabacher	Weldon (PA)
McCollum	Ros-Lehtinen	Weller
McCrery	Roukema	White
McHale	Royce	Whitfield
McHugh	Ryun	Wicker
McInnis	Salmon	Wilson
McIntosh	Sanford	Wolf
McKeon	Saxton	Young (FL)

NOT VOTING—26

Allen	Johnson (WI)	Owens
Becerra	Kaptur	Pryce (OH)
Brown (FL)	Kennedy (MA)	Schaefer, Dan
Crane	Lipinski	Taylor (NC)
Emerson	Manton	Torres
Gonzalez	Martinez	Towns
Gordon	McDade	Wise
Hefner	Miller (CA)	Young (AK)
Hinchey	Oberstar	

□ 0927

Mr. KING and Mr. KINGSTON changed their vote from ''aye'' to ''no.''

Mr. BERMAN changed his vote from ''no'' to ''aye.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PRIVILEGES OF THE HOUSE—IMPEACHING WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES, FOR HIGH CRIMES AND MISDEMEANORS

Mr. HYDE. Mr. Speaker, by direction of the Committee on the Judiciary, I call up a privileged Resolution (H. Res. 611) impeaching William Jefferson Clinton, President of the United States, for high crimes and misdemeanors, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 611

Resolved, That William Jefferson Clinton, President of the United States, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the United States Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against William Jefferson Clinton, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice, in that:

On August 17, 1998, William Jefferson Clinton swore to tell the truth, the whole truth, and nothing but the truth before a Federal grand jury of the United States. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony to the grand jury concerning one or more of the following: (1) the nature and details of his relationship with a subordinate Government employee; (2) prior perjurious, false and misleading testimony he gave in a Federal civil rights action brought against him; (3) prior false and misleading statements he allowed his attorney to make to a Federal judge in that civil rights action; and (4) his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence in that civil rights action.

In doing this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

ARTICLE II

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice, in that:

(1) On December 23, 1997, William Jefferson Clinton, in sworn answers to written questions asked as part of a Federal civil rights action brought against him, willfully provided perjurious, false and misleading testimony in response to questions deemed relevant by a Federal judge concerning conduct and proposed conduct with subordinate employees.

(2) On January 17, 1998, William Jefferson Clinton swore under oath to tell the truth, the whole truth, and nothing but the truth in a deposition given as part of a Federal civil rights action brought against him. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony in response to questions deemed relevant by a Federal judge concerning the nature and details of his relationship with a subordinate Government employee, his knowledge of that employee's involvement and participation in the civil rights action brought against him, and his corrupt efforts to influence the testimony of that employee.

In all of this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

ARTICLE III

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, and has to that end engaged personally, and through his subordinates and agents, in a course of conduct or scheme designed to delay, impede, cover up, and conceal the existence of evidence and testimony related to a Federal civil rights action brought against him in a duly instituted judicial proceeding.

The means used to implement this course of conduct or scheme included one or more of the following acts:

(1) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to execute a sworn affidavit in that proceeding that he knew to be perjurious, false and misleading.

(2) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to give perjurious, false and misleading testimony if and when called to testify personally in that proceeding.

(3) On or about December 28, 1997, William Jefferson Clinton corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed in a Federal civil rights action brought against him.

(4) Beginning on or about December 7, 1997, and continuing through and including January 14, 1998, William Jefferson Clinton intensified and succeeded in an effort to secure job assistance to a witness in a Federal civil rights action brought against him in order to corruptly prevent the truthful testimony of that witness in that proceeding at a time when the truthful testimony of that witness would have been harmful to him.

(5) On January 17, 1998, at his deposition in a Federal civil rights action brought against him, William Jefferson Clinton corruptly allowed his attorney to make false and misleading statements to a Federal judge characterizing an affidavit, in order to prevent questioning deemed relevant by the judge. Such false and misleading statements were subsequently acknowledged by his attorney in a communication to that judge.

(6) On or about January 18 and January 20–21, 1998, William Jefferson Clinton related a false and misleading account of events relevant to a Federal civil rights action brought against him to a potential witness in that proceeding, in order to corruptly influence the testimony of that witness.

(7) On or about January 21, 23 and 26, 1998, William Jefferson Clinton made false and misleading statements to potential witnesses in a Federal grand jury proceeding in order to corruptly influence the testimony of

those witnesses. The false and misleading statements made by William Jefferson Clinton were repeated by the witnesses to the grand jury, causing the grand jury to receive false and misleading information.

In all of this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

ARTICLE IV

Using the powers and influence of the office of President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in disregard of his constitutional duty to take care that the laws be faithfully executed, has engaged in conduct that resulted in misuse and abuse of his high office, impaired the due and proper administration of justice and the conduct of lawful inquiries, and contravened the authority of the legislative branch and the truth seeking purpose of a coordinate investigative proceeding, in that, as President, William Jefferson Clinton refused and failed to respond to certain written requests for admission and willfully made perjurious, false and misleading sworn statements in response to certain written requests for admission propounded to him as part of the impeachment inquiry authorized by the House of Representatives of the Congress of the United States. William Jefferson Clinton, in refusing and failing to respond and in making perjurious, false and misleading statements, assumed to himself functions and judgments necessary to the exercise of the sole power of impeachment vested by the Constitution in the House of Representatives and exhibited contempt for the inquiry.

In doing this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

The SPEAKER pro tempore (Mr. LAHOOD). The resolution constitutes a question of the privileges of the House and may be considered at this time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to read an announcement to all Members.

Today the House will embark on a resolution of impeachment of the President of the United States. The Chair would take this occasion to make an announcement regarding proper decorum during debate in the House during the pendency of the impeachment resolution.

As the Speaker announced, with the concurrence of the minority leader, on September 10, 1998, during the pendency of proceedings in an impeachment as the pending business on the floor of the House, remarks in debate may include references to personal misconduct on the part of the President.

While limited references in debate to the personal conduct of the President are allowed, the stricture against personally offensive references is not totally disabled. To the contrary, this exception to the general rule against engaging in personality, admitting references to personal conduct when that conduct is the very question under consideration by the House, is not limited. The point was well stated on July 31, 1979, in the analogous circumstances of a disciplinary resolution involving a sitting Member:

While a wide range of discussion is permitted during debate, clause 1 of rule 14 still prohibits the use of language which is personally abusive.

This is recorded in the Deschler-Brown Procedure in the House of Representatives in chapter 12, at section 2.11.

While the impeachment matter is pending on the floor, the Chair would remind Members that although the personal conduct of the President is at issue, the rules prohibit Members from engaging in generally personal abusive language toward the President and, also, from engaging in comparisons to personal conduct of sitting Members of either House of Congress.

□ 0945

The Chair asks and expects the cooperation of the Members in maintaining a level of decorum that properly dignifies the proceedings of the House.

The gentleman from Illinois (Mr. HYDE) is recognized for 1 hour.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I ask unanimous consent that during consideration of House Resolution 611, the previous question shall be considered as ordered on the resolution to final adoption without intervening motion except: First, debate on the resolution shall be extended, and I say to the gentleman from Michigan (Mr. CONYERS) that I have 4 hours here, but that is certainly negotiable and I would welcome any suggestions the gentleman might have on time, but for purposes of this unanimous consent request I ask that the debate be extended to 4 hours equally divided at the outset and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and seoncd, one motion to recommit with or without instructions, which, if including instructions, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Illinois?

Mr. BONIOR. Reserving the right to object, Mr. Speaker, I thank my colleague for his request, although I do not thank him that much. The gentleman has just handed to us on our side of the aisle the request that he has just read, and we have just looked at it, and we have a number of concerns with it, and if I might proceed for just a second, Mr. Speaker, I would like to enumerate our concerns and then yield, if I could, to my distinguished colleague, the gentleman from Michigan (Mr. CONYERS), for any comments that he might have?

Mr. Speaker, we are concerned obviously because we do not believe we should be here today while our men and women are fighting abroad, and we have expressed that in the first motion of the day with respect to adjournment. We do not believe this is a proper time to be debating removing the Commander in Chief while thousands of men and women are fighting abroad.

Secondly, Mr. Speaker, the gentleman asks for 4 hours of debate. I have just done the math briefly here. That comes out less than 30 seconds per Member. We do not think that is a reasonable amount of time for Members of this body to express themselves in perhaps one of the most important issues that they will face in their lifetime.

Thirdly, Mr. Speaker, it runs, this time problem that the gentleman has raised, the 4 hours, runs to the fairness issue, and we note that in the unanimous consent request there is nothing here to give the American people a chance to see this Congress vote on the option that they would like to see that would bring this country together: the option of censure.

Much of my argument, our argument, goes to the question of fairness, and we will have grave, grave concerns about agreeing to this request based on the arguments that have just been made.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. First of all, Mr. Speaker, I want to indicate my concurrence in the position raised by the gentleman from Michigan (Mr. BONIOR), but is there any reason why the chairman, the gentleman from Illinois (Mr. HYDE), could not wait for 2 days before proceeding with this very serious undertaking, until at least our brave soldiers may be out of harm's way before we proceed?

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

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

Mr. HYDE. Mr. Speaker, if the gentleman from Michigan (Mr. BONIOR) is yielding to me for an answer for the gentleman from Michigan (Mr. CONYERS), I would like to say, first of all on the time, that the 4 hours I said, that is negotiable; I would not expect

to limit it to 4 hours. Limit it to some reasonable sum. We offered a lot of hours last night that our colleagues rejected.

So, Mr. Speaker, we are trying to be fair, and on the time I ask my colleagues for their suggestions.

As to holding this for a couple of more days, that is a decision that our conference has made. We felt the quicker we could go ahead, the more we could show the world our democracy works.

Mr. BONIOR. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

Mr. HYDE. Mr. Speaker, for purposes of debate only, I yield the customary half of the time to the gentleman from Michigan (Mr. CONYERS), and during consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. SENSENBRENNER. Mr. Speaker, if the previous question is moved, I intend to vote against it so that I may be recognized to control time under the hour rule in order to continue debate on House Resolution 611.

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

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

Mr. HYDE. Mr. Speaker, my colleagues of the People's House, I wish to talk about the rule of law.

After months of argument, hours of debate, there is no need for further complexity. The question before this House is rather simple. It is not a question of sex. Sexual misconduct and adultery are private acts and are none of Congress' business. It is not even a question of lying about sex. The matter before the House is a question of lying under oath. This is a public act, not a private act. This is called perjury. The matter before the House is a question of the willful, premeditated, deliberate corruption of the Nation's system of justice. Perjury and obstruction of justice cannot be reconciled with the Office of the President of the United States.

The personal fate of the President is not the issue. The political fate of his party is not the issue. The Dow Jones Industrial Average is not the issue. The issue is perjury, lying under oath. The issue is obstruction of justice, which the President has sworn the most solemn oath to uphold. That oath constituted a compact between the President and the American people. That compact has been broken. The people's trust has been betrayed. The Nation's chief executive has shown himself unwilling or incapable of enforcing its laws, for he has corrupted the rule of law by his perjury and his obstruction of justice.

Mr. Speaker, that and nothing other than that is the issue before this House.

We have heard ceaselessly that even if the President is guilty of the charges in the Starr referral, they do not rise to the level of an impeachable offense. Well, just what is an impeachable offense? One authority, Professor Stephen Presser of Northwestern University School of Law, said, and I quote:

''Impeachable offenses are those which demonstrate a fundamental betrayal of public trust; they suggest the federal official has deliberately failed in his duty to uphold the Constitution and laws he was sworn to enforce.''

So, Mr. Speaker, we must decide if a President, the chief law enforcement officer of the land, the person who appoints the Attorney General, the person who nominates every Federal judge, the person who nominates to the Supreme Court and the only person with a constitutional obligation to take care that the laws be faithfully executed, can lie under oath repeatedly and maintain it is not a breach of trust sufficient for impeachment.

The President is the trustee of the Nation's conscience, and so are we here today.

There have been many explosions in our committee hearings on the respective role of the House and the Senate. Under the Constitution, the House accuses and the Senate adjudicates. True, the formula language of our articles recites the ultimate goal of removal from office, but this language does not trump the Constitution, which defines the separate functions, the different functions of the House and the Senate. Our Founding Fathers did not want the body that accuses to be the same one that renders final judgment, and they set up an additional safeguard of a two-thirds vote for removal.

So, despite protests, our job is to decide if there is enough evidence to submit to the Senate for a trial. That is what the Constitution says no matter what the President's defenders say.

When Ben Franklin, on September 18, 1787 told Mrs. Powel that the Founders and Framers had given us a Republic ''if you can keep it,'' perhaps he anticipated a future time when bedrock principles of our democracy would be mortally threatened as the Rule of Law stands in the line of fire today. Nothing I can think of more clearly illustrates that America is a continuing experiment, never finished, that our democracy is always a work in progress than this debate today, for we sit here with the power to shape and reconfigure the charter of our freedom just as the Founders and Framers did. We can strengthen our Constitution by giving it content and meaning, or we can weaken and wound it by tolerating and thus encouraging lies under oath and evasion and breaches of trust on the part of our chief executive.

The President's defenders in this House have rarely denied the facts of this matter. They have not seriously challenged the contention of the independent counsel that the President did not tell the truth in two sworn testimonies. They have not seriously attempted to discredit the facts brought before the committee by the independent counsel. They have admitted, in effect, he did it.

But then they have argued that this does not rise to the level of an impeachable offense. This is the ''so what'' defense whereby the Chief Executive, the successor to George Washington, can cheapen the oath, and it really does not matter. They suggest that to impeach the President is to reverse the result of a national election as though Senator Dole would become President. They propose novel remedies, like a Congressional censure that may appease some constituents and certainly mollify the press, but in my judgment betray lack of seriousness about the Constitution, the separation of powers and the carefully balanced relationship of checks and balances between Congress and the President that was wisely crafted by the framers. A resolution of censure, to mean anything, must punish, if only to tarnish his reputation, but we have no authority under the Constitution to punish the President. It is called separation of powers.

As my colleagues know, we have been attacked for not producing fact witnesses, but this is the first impeachment inquiry in history with the Office of Independent Counsel in place, and their referral to us consisted of 60,000 pages of sworn testimony grand jury transcripts, depositions, statements, affidavits, video and audio tapes. We had the facts, and we had them under oath. We had Ms. Lewinsky's heavily corroborated testimony under a grant of immunity that would be revoked if she lied; we accepted that and so did they, else why did they not call any others whose credibility they questioned as their own witnesses? Now there was so little dispute on the facts they called no fact witnesses and have even based a resolution of censure on the same facts.

Let us be clear. The vote that all of us are asked to cast is in the final analysis a vote on the rule of law.

Now the rule of law is one of the great achievements of our civilization, for the alternative is the rule of raw power. We here today are the heirs of 3,000 years of history in which humanity slowly, painfully, and at great cost evolved a form of politics in which law, not brute force, is the arbiter of our public destinies.

□ 1000

We are the heirs of the Ten Commandments and the Mosaic law, a moral code for a free people, who, having been liberated from bondage, saw in law a means to avoid falling back into the habits of slaves.

We are the heirs of Roman law, the first legal system by which peoples of different cultures, languages, races and religions came to live together in a form of political community.

We are the heirs of the Magna Carta, by which the free men of England began to break the arbitrary and unchecked power of royal absolutism.

We are the heirs of a long tradition of parliamentary development, in which the rule of law gradually came to replace royal prerogative as the means for governing a society of free men and women.

We are the heirs of 1776, and of an epic moment in human affairs when the Founders of this Republic pledged their lives, their fortunes and their sacred honors, think of that, sacred honor, to the defense of the rule of law.

We are the heirs of a hard-fought war between the states, which vindicated the rule of law over the appetites of some for owning others.

We are the heirs of the 20th Century's great struggles against totalitarianism, in which the rule of law was defended at immense costs against the worst tyrannies in human history.

The phrase ''rule of law'' is no pious aspiration from a civics textbook. The rule of law is what stands between all of us and the arbitrary exercise of power by the state. The rule of law is the safeguard of our liberties. The rule of law is what allows us to live our freedom in ways that honor the freedom of others while strengthening the common good.

The rule of law is like a three-legged stool. One leg is an honest judge, the second leg is an ethical bar, and the third is an enforceable oath. All three are indispensable to avoid political collapse.

In 1838, Abraham Lincoln celebrated the rule of law before the Young Men's Lyceum in Springfield, Illinois, and linked it to the perpetuation of American liberties and American political institutions. Listen to Lincoln, from 1838:

''Let every American, every lover of liberty, every well wisher to his posterity, swear by the blood of the Revolution never to violate in the least particular the laws of the country; and never to tolerate their violation by others. As the patriots of seventy-six did to support the Declaration of Independence, so to the support of the Constitution and laws, let every American pledge his life, his property and his sacred honor; let every man remember that to violate the law is to trample on the blood of his father, and to tear the character of his own and his children's liberty. Let reference for the laws be breathed by every American mother to the lisping babe that prattles on her lap, let it be taught in the schools, in seminaries, and in colleges. Let it be written in primers, spelling books and almanacs. Let it be preached from the pulpit, proclaimed in legislative halls, and enforced in the courts of justice.'' So said Lincoln.

My colleagues, we have been sent here to strengthen and defend the rule of law; not to weaken it, not to attenuate it, not to disfigure it. This is not a question of perfection; it is a question of foundations. This is not a matter of setting the bar too high; it is a matter of securing the basic structure of our freedom, which is the rule of law.

No man or woman, no matter how highly placed, no matter how effective a communicator, no matter how gifted a manipulator of opinion or winner of votes, can be above the law in a democracy. That is not a council of perfection; that is a rock bottom, irreducible principle of our public life.

There is no avoiding the issue before us, much as I wish we could. We are, in one way or another, establishing the parameters of permissible presidential conduct. In creating a presidential system, the framers invested that office with extraordinary powers. If those powers are not exercised within the boundaries of the rule of law, if the President breaks the law by perjury and obstructs justice by willfully corrupting the legal system, that president must be removed from office. We cannot have one law for the ruler and another law for the ruled.

This was, once, broadly understood in our land. If that understanding is lost or if it becomes seriously eroded, the American democratic experiment and the freedom it guarantees is in jeopardy. That, and not the faith of one man, or one political party or one electoral cycle, is what we are being asked to vote on today.

In casting our votes, we should look not simply to ourselves, but to the past and to the future. Let us look back to Bunker Hill, to Concord and Lexington. Let us look across the river to Arlington Cemetery, where American heroes who gave their lives for the sake of the rule of law lie buried, and let us not betray their memory. Let us look to the future, to the children of today who are the presidents and members of Congress of the next century, and let us not crush their hope that they too will inherit a law-governed society.

Let us declare, unmistakably, that perjury and obstruction of justice disqualify a man from retaining the presidency of the United States.

There is a mountain of details which are assembled in a coherent mosaic in the committee report. It reads like a novel, only it is nonfiction, it really happened, and the corruption is compelling. Read the report and be convinced.

What we are telling you today are not the ravings are some vindictive political crusade, but a reaffirmation of a set of values that are tarnished and dim these days, but it is given to us to restore them so our Founding Fathers would be proud.

Listen, it is your country. The President is our flag-bearer. He stands out in front of our people, and the flag is falling. Catch the falling flag as we keep our appointment with history.

Mr. CONYERS. Mr. Speaker, it is our plan to recognize our leadership, and then our members of the Committee on the Judiciary, and then the rest of our distinguished membership on this side.

Mr. Speaker, I am pleased to yield three minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), our minority leader.

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

Mr. GEPHARDT. Mr. Speaker, this vote today is taking place on the wrong day, and we are doing it in the wrong way. I am disappointed and I am saddened by the actions of the majority, in both the timing and in the method that we are considering the most important act that the Constitution asks us to perform. The actions of the majority, in my view, show a lack of common sense and decency, and is not befitting of our beloved House.

As I said yesterday, when our young soldiers, men and women, are in harm's way, we should not be debating and considering and talking about removing our Commander in Chief. If we believed that this would go on for days and days, I could understand the decision to go forward today. I do not believe it will go on for days and days, and I believe that we send the wrong message to Saddam Hussein, to the British, to the Chinese and to the Russians, to be on the floor of this House today, when we could be here Sunday or Monday or Tuesday.

I guess I am worried also that some of us do not want to be inconvenienced. Our young people are inconvenienced today who are in the Persian Gulf. They are being shot at, and they stand in danger, and with all my heart I believe the least we could do is postpone this debate to a different day. But I know I have lost that debate and the decision has been made. We are here.

Let me address the way this is being done. But before I do that, I want to say something else. The events of the last days sadden me. We are now at the height of a cycle of the politics of negative attacks, character assassination, personal smears, of good people, decent people, worthy people. It is no wonder to me and to you that the people of our country today are cynical and indifferent and apathetic about our government and about our country. The politics of smear and slash and burn must end.

This House and this country must be based on certain basic values: Respect, trust, fairness, forgiveness. We can take an important step today back to the politics of respect and trust and fairness and forgiveness.

Let me talk about the way we are doing this and how that can be that first step. We have articles of impeachment on the floor of this House. This is the most radical act that is called for in our Constitution.

In this debate, we are being denied a vote as an alternative to impeachment for censure and condemnation of our President for the wrongful acts that we believe have been performed.

We all say that this is a vote of conscience. You get to vote your vote of conscience, and I respect that right. All we are asking for is that we get to vote our conscience. And it is not just our conscience, it is the conscience of millions of Americans who share this view.

I know what you say. You say that the Constitution does not allow this vote of censure. Constitutional scholars in the hundreds, some of the most respected, conservative constitutional scholars have opined in the days before, in the committee and through articles and through speeches, that, in their view, the Constitution does allow this vote; that the Constitution is silent on this question of what else we can do; that the Constitution in no way prevents us from doing this.

What do I conclude? I can only conclude that you do not want our Members to have this choice. I can only conclude that some are afraid of this vote. I can only conclude that this may be about winning a vote, not about high-minded ideals.

□ 1015

Let me, if I can, go back to the values: Respect, fairness, trust, forgiveness. We need to begin in the way we do this to practice a different kind of politics. We need to stand today as a unified body, Republicans and Democrats, liberals, moderates, conservatives, rejecting raw, naked partisanship, and putting in its place a politics of trust and respect and decency, and values. We need to turn away from extremism and inquisition and return to a sense of moderation in our political system.

We are considering articles of impeachment that allege an abuse of power. We have an obligation not to abuse our power.

We need to turn back. We have another chance. The chance is still there, before our Nation and our democracy have become unalterably and permanently degraded and lowered. The great Judge Learned Hand once said that no court can save a society so riven that the spirit of moderation is gone. Today, I believe the majority is pursuing a path of immoderation, disregarding even a consideration of the wishes of a vast majority of the American people regarding penalizing this President with censure and not impeachment.

In the Book of Isaiah in the Bible it was said, ''Judgment is turned away backward and justice stands far off.'' I ask the majority one last time to reconsider what you are doing. We are deeply offended, in all sincerity, from my heart; we are deeply offended by the unfairness of this process. You are asking us to consider the most important act the Constitution calls on us to do.

We are considering overturning the free choice and vote of over almost 50 million Americans. We are considering the most radical act our Constitution allows. We are considering changing the balance of power and the proportionality of the branches of our government. You are doing this in a way that denies millions of Americans the trust and respect for our views that we afford to you, and that we feel we deserve in our Constitution guarantees. In your effort to uphold the Constitution, you are trampling the Constitution.

In Lincoln's Gettysburg Address he prayed this prayer, that this Nation shall have a new birth of freedom, and that this government of the people, by the people, for the people should not perish from this earth. I pray today that you will open up this people's house and let the people's voice come in and let fairness reign. Thank you.

Mr. HYDE. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is not easy. In fact, it is difficult, it is unpleasant, and we would all just as soon the responsibility go aside. As our Founding Fathers warned, this is an issue that divides us and stirs the passions of the great people of this country. I know my fellow Arkansans are divided on the issue of impeachment, and for these reasons it is argued that we should find an easier way out of this present trouble, that we should put it off, we should turn aside. But as we all know, the easy way is not always the right way.

The difficult path is to follow the Constitution, but that is the oath that we all took in this Chamber, and I have faith that the path James Madison marked will lead us out of these woods.

Mr. Speaker, I support the resolution that has been offered. I will focus my attention on Article I. This article charges that on August 17, William Jefferson Clinton willfully provided false testimony to the Federal grand jury. The first article is perjury before the grand jury. There are 3 questions: What are the facts, what is the law, and is it impeachable under the Constitution?

The facts are that a Federal civil rights lawsuit was filed by another citizen of the United States against the President. The Supreme Court said that lawsuit could proceed. In January of 1998, a deposition was taken, and the committee found that the President, despite being told by the judge to answer the questions, lied under oath in order to protect himself from that lawsuit. At that point, a criminal investigation was begun with the approval of the United States Attorney General, and as a result of that investigation, President Clinton agreed to testify before the Federal grand jury investigating these allegations.

Prior to his testimony, we all recall that there was a uniform warning across this land by his aides, by the public: Mr. President, whatever you do, do not lie to the grand jury. In fact, Alan Dershowitz, an ardent defender of the President said, he must tell the truth, whatever the truth may be. If he perjures himself, he could very well be impeached.

Dick Morris warned him that the people would forgive a personal misconduct, but they could not forgive perjury or obstruction of justice. Despite these warnings, the committee found that the President went before the grand jury, took an oath to tell the truth, and then intentionally provided false statements to the grand jury of citizens charged with a heavy responsibility.

The article specifically charges the President lied about his relationship with a subordinate employee. He provided false statements about the truthfulness of his prior testimony. He falsely testified about statements made by his attorney in the previous lawsuit. False statements were made about his efforts to corruptly influence the testimony of witnesses. And so there were perjurious statements that were given.

But what is the law? Title 18 of the United States Code makes it a felony for any citizen to willfully provide false statements to the grand jury. Now, I agree this is not a criminal case, but it illustrates that these are not lies to inquiring minds at the country club, but they are to the grand jury of the United States. The President certainly understood the gravity of his testimony and the expectation of truthfulness.

At the beginning of his testimony, he was asked if he understood that he had to tell the truth, the whole truth, and nothing but the truth, and that if you are to lie or to intentionally mislead the grand jury, you could be prosecuted for perjury of obstruction of justice, and the answer was, I understand. But is it impeachable? The answer is yes.

Alexander Hamilton talked about harm that is done to society itself. Justice Story talked about great injuries to the State, and I believe that the damage to the State and to the integrity of government occurs when those in high office violate a court oath and a constitutional oath to faithfully execute the laws.

The facts establish a pattern of false statements, deceit and obstruction, and by committing these actions, the President moved beyond the private arena of protecting personal embarrassing conduct and his actions began to conceal, mislead and falsify; invaded the very heart and soul of that which makes this Nation unique in the world, the right of any citizen to pursue justice equally.

The conduct obstructed our judicial system and at that point that became an issue, not a personal concern, but of national consequence. The preamble to our Constitution, in the second purpose says, it is to establish justice. It is not for the President or his lawyers to determine who can or cannot seek justice, and if the President lied under oath in a Federal civil rights case, that he took it upon himself to deny the right of a fellow American, in this case a fellow Arkansan, equal access to seek relief in the courts.

The President's lawyers have declared such a lie to be a small one, of small consequence, and therefore, not impeachable. But I cannot see how denying the rights of a fellow citizen could be considered a small consequence.

Mr. Speaker, I ask my colleagues to support Article I, and this resolution.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip of the Congress.

Mr. BONIOR. Mr. Speaker, as I rise to speak, the men and women of America's Armed Forces are engaged in battle. Halfway around the world on ships at sea, in the skies over Baghdad, they are risking their lives for us. But even as millions of Americans across our country are hoping for a quick end to this conflict, even as we are praying for the safety of our sons and daughters, my Republican colleagues are obsessed with a different target. They are determined to impeach the Commander in Chief of America's Armed Forces, the President of the United States. Even as the bombs are falling on Baghdad, they are trying to force him from office.

What kind of signal does this send our troops, our allies, the American people, the world? I find it quite incredible that we are even here today having this debate. To force an impeachment vote is to completely ignore the will of the American people.

□ 1030

The people of this country support the President, just as they have supported him through two elections and throughout his presidency. He is doing the job they elected him to do. It is a grave mistake to rush forward with impeachment like a runaway train heading for a cliff. Why can we not just pause for a second? Why can we not stop right here and come to our senses?

The American people have made it very clear they oppose impeachment. They are looking for another solution, a just solution, a solution that condemns the President's wrongdoing yet enables America to put this sorry spectacle behind us and get on with the country's business; a solution that brings us together as a Nation, not one that divides us.

Censure, this is the one option the Republican leadership refuses to consider. They will not even let us vote on it. President Ford supports censure, Senator Dole supports censure, Members on both sides of the aisle support censure. I dare say if it was made in order, it would pass. Yet the Republican leadership in this House is so angry, so obsessed, so self-righteous, that they are refusing us a true vote of conscience.

This is wrong, it is unfair, it is unjust. At a time when events in the world and challenges at home demand that we stand united, censure is the one solution that can bring us together.

To my colleagues across the aisle, I say, let go of your obsession. Listen to the American people. Stop hijacking the Constitution. We should not be having this debate now while our troops are in battle. But if, if they insist on ramming this matter through at any cost, give us the opportunity, give the country the opportunity, to express themselves on censure.

If Members cannot set aside partisan politics until our troops are safe, at least, at the very least, let us have a clean vote of conscience, and let us bring America together once again.

Mr. CONYERS. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, the decision we are faced with today is of singular importance. We are being asked to overturn the results of a presidential election under a procedure that is fundamentally unfair, and at a time that is contrary to the strategic national interests of the United States.

There are three issues involved here today: the unfairness of this proceeding, the timing of this action, and the merits of whether or not to impeach the President.

Let us start with the fundamental unfairness of this proceeding. The Republicans have denied the House the opportunity to vote on censuring the President, even though a clear majority of the American public believes the President should be censured for his conduct but not removed from office. Leading members of the Republican Party, former President Gerald Ford, former Senator Bob Dole, have urged the censure option, but we are being denied the opportunity to even consider it today. There is no fairness on this floor today.

Second, the Republican majority, by starting this proceeding today, while we are engaged in military action against Saddam Hussein, sends entirely the wrong message to Saddam and to the rest of the world. We have a great bipartisan tradition of supporting the Commander in Chief and supporting our soldiers, sailors, and airmen in the time of war. That tradition is being shattered today by a partisan majority.

Seven years ago I joined 86 of our colleagues, of our Democratic colleagues, in supporting a Republican President, George Bush, when he initiated military action against Saddam Hussein. I disagreed with President Bush on a variety of matters, but I felt it was important to show national unity against Saddam.

By starting this proceeding against President Clinton today, we are sending the ultimate mixed message to Saddam about our national resolve. We may be encouraging him to resist longer by our actions in the midst of war. Starting this proceeding today may wind up costing American lives.

The majority may well have blood on its hands by starting this proceeding today. We certainly could have waited until Monday to pursue this proceeding, giving our military time to pursue its mission.

That brings me to the question of the merits. The Republican majority is trivializing the U.S. Constitution and setting a terrible precedent by pressing for impeachment on these particular grounds. What Clinton did was wrong, but it does not rise to the level of an impeachable offense.

If we make every Member of this House rumored to have been involved in an affair subject to a $40 million special prosecutor, and then hold them accountable for any misstatement of fact, we may be faced with a number of empty seats in this Chamber. We should reserve impeachment for those rare instances that undermine our form of government and threaten the essence of democracy. It should not be used as a club by a partisan majority that dislikes the particular president.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, today's vote is set upon an unfair, false choice. This historic decision should be a moment above all political maneuvering. Instead, it is riddled with unfairness, sloppy procedure, and mean-spirited partisanship.

From the 4-year, $40 million investigation which could only turn up a private, consensual affair, the airing and publishing of the tawdry Starr report and Lewinsky tapes where all of our children could hear and read every sexual detail, the failure of the President's accusers to spell out which of his words were allegedly perjurious, the unfair denial of the censure option here today, to trying to impeach the Commander in Chief with troops in harm's way, this process is a travesty. Where is their sense of fairness?

Somewhere along the way, some in this House forgot that Bill Clinton is our President, not their personal enemy. The Constitution is not a license to destroy a president because one does not like him.

I believe the President's actions were reprehensible and worthy of condemnation, but the clearest, most appropriate way to send a message about this President's behavior is censure. That is what our best legal scholars say, that is what the American public says. If the Republican leadership would allow us the freedom to vote our conscience, that would be the option.

A censure would put an indelible scar upon the President's place in history, something we all know this President cares about deeply. It is a tough, just, and appropriate punishment. It would not absolve the President of any future indictment and prosecution of alleged perjury.

Impeachment, however, should not be used as a form of super censure. Far from upholding the rule of law, a vote for impeachment under these circumstances weakens and undermines the rule of law, turning our Constitution into an unfair political tool.

Former chairman of the Committee on the Judiciary Peter Rodino said to me, ''We voted to impeach Richard Nixon because of the irreparable harm he had done and threatened to do to the rights, liberties, and privileges of American citizens using the CIA, the FBI, the IRS, illegally wiretapping and auditing United States citizens. But we

would not have impeached Nixon alone for lying.''

Yes, let us censure the President for his misconduct, let us send a message to our children that these actions are wrong, but let us not unfairly use the Constitution as a way to send that message.

I warn my colleagues that they will reap the bitter harvest of the unfair partisan seeds they sow today. The constitutional provision for impeachment is a way to protect our government and our citizens, not another weapon in the political arsenal. Monica Lewinsky is not Watergate. Let he who has no sin in this Chamber cast the first vote.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. BARNEY FRANK), a senior member from Massachusetts on the Committee on the Judiciary.

Mr. FRANK of Massachusetts. Mr. Speaker, this House is launched on a historically tragic case of selective moralizing. By the history of this country, the appropriate response to lying about a consensual sexual affair would be censure.

When Ronald Reagan's Secretary of Defense was indicted for perjury by an Independent Counsel and pardoned by George Bush, Members on that side applauded the action. When Speaker GINGRICH was found to have been inaccurate 13 times in an official proceeding to the House Ethics Committee, he was reprimanded and simultaneously reelected Speaker with the overwhelming vote of Members on that side. That is why we believe censure is appropriate.

The American people also believe censure is appropriate. Let me agree with those who say that simply because a large number of the voters believe something, we are not obligated to vote for it. I welcome this assertion that we have an obligation not always to follow public opinion.

But while we have the right not to vote for something just because there is overwhelming public support, in a democracy, we have no right not to vote on it. We have a right to stand up honestly and say, I disagree with censure. Members have no right to hide behind a partisan leadership and not take a position.

The public has a right, on this overwhelmingly important issue, to have the preferred option that the public supports voted on. That is the abdication of democracy. It is not that Members have to support what the public wants, but Members cannot hide from it in a democracy.

Why will Members not take a position on censure? If they have the votes to defeat it, they should not use partisan pressure and threats to keep it from being voted on. Do not deny to the American public a recorded vote on their notion of what ought to be done, particularly since Members' own behavior in the case of Caspar Weinberger, in the case of the gentleman from Georgia (Mr. NEWT GINGRICH), clearly makes it understandable that censure and not impeachment is relevant.

The final point is this: Members on the other side understand that people think throwing someone out of office is too harsh. We have a stunningly illogical game going on. First, to get votes for impeachment from people who know that the public doesn't want it, they downgrade impeachment. Impeachment is not throwing the President out of office, the chairman says; impeachment does not end the process, it simply sends it to the Senate.

But what have they already begun to do? They plan, having degraded impeachment and claimed it is no definitive judgment, once they get a partisan vote for an impeachment, where the bar has been lowered, then to say, that is the basis for resignation. First, impeachment will be insignificant, it will simply be the beginning of the process. But having used their partisan power and the power of the right wing in the country to get an impeachment through after they have dumbed it down in significance, they will turn around and use the fact that they got that impeachment as a club to try to drive the President from office. First impeachment will simply be very little, and then it will be an enormous amount.

Members cannot, de facto, amend the Constitution by that distortion of impeachment, and then use it to try to drive a President out of office when they know that is an inappropriate sanction for his behavior.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state his parliamentary inquiry.

Mr. SENSENBRENNER. How much time was charged to the gentleman from Michigan (Mr. CONYERS) for the speech of the gentleman from Missouri (Mr. GEPHARDT)?

The SPEAKER pro tempore. The Chair will say this, because other Members have inquired about this. The Chair has in the past had a standing policy during important debates to allow for the highest ranking party-elected Members of the House, the Speaker, the majority leader, the minority leader, and the minority whip, additional time during the time they are making important statements.

The answer to the gentleman's question is that while the gentleman from Missouri (Mr. GEPHARDT) took 12 minutes to make his remarks, the Chair extended the time to him as a courtesy, as has traditonally been done on both sides of the aisle.

□ 1045

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, the hindsight of history will be harsh on this Congress and this unfair process. For some to speak of their vote of conscience today, even as they deny others a deep vote of conscience, is in itself unconscionable. A process whose goal was to emulate the Watergate legacy sadly will leave a legacy more akin to the impeachment of Andrew Johnson.

In the name of the Constitution, Article II, this process trampled on the Constitution, Articles II and VI. In the name of the rule of law, this process ignored the fundamental principles of due process and fairness that formed the foundation of that rule of law. In the name of no person is above the law, this process forgot that no citizen should be treated below the law. In the name of justice, this process ignored the pillar of justice that in our Nation every citizen is innocent until proven guilty, not guilty until proven innocent. In the name of America, this process raised the ugly debate of who is a real American.

History will surely judge this process as a combination of Kafka, To Kill a Mockingbird and Keystone Kops.

Mr. Speaker, if the Golden Rule were to be our guide, who among us, who among us, Democrat or Republican in this House, would want to be a defendant in the case where the rules of law and fairness were ignored, where secret grand jury testimony against us was released to the world, where there was not one direct witness, where your defense attorney was limited to one hour of cross-examining your chief accuser, where your attorney was forced to give your final defense even before one charge had been formally presented against you, where the charges of perjury against you were finally presented at the 11th hour and failed the test of decency which statements were allegedly perjurious. Surely no Member of this House would want to be judged by that process. We should not judge this President by that process.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise today to oppose these articles of impeachment. I oppose this action with every fiber of my body because it is an affront to our Constitution and our democracy.

In my short tenure in the House of Representatives, I can recall no other action that has so jeopardized the historic obligations that we are sworn to uphold. For me, this is no longer about the President's actions. They were repugnant, embarrassing and immoral. But this is not a constitutional forum for judging such behavior and exacting punishment. The President's family, the American people and maybe even the courts may eventually speak to his errors.

We might have given voice to our views in the form of a censure resolution, but this House leadership chose not to allow any but the most draconian actions, impeachment. It is wrong

and it is unfair. It denies the American people their right to representative democracy.

We have the constitutional authority to remove a President only when he or she crosses the line into treason, bribery and high crimes against the Constitution. Benjamin Franklin spoke of impeachment as an alternative to assassination. Today this body is contemplating a constitutional assassination, driven by a naked partisanship, almost without lawful and civil bounds. The Republican majority is moving to impeach an elected President of the United States. Thwarting the public's will, they do so even as the President commands our troops in battle against Iraq and even as he seeks to perform his constitutional responsibility with the support of the overwhelming majority of the American people.

This debate amidst those bombs more than anything else symbolizes the madness that has inflamed the partisan fires on the other side of the aisle.

This is a moment for boundaries and not license. This is a moment to allow history to have its sway. This is a moment to allow Madison, Jefferson, Franklin and Washington to be heard in this Chamber above the partisan din. If that spirit were to prevail, I have no doubt that the provocateurs would be stilled and our Constitution preserved. The American people, not the politicians, would have the final say, as the Founders intended.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GEKAS), a member of the Committee on the Judiciary.

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

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

Mr. GEKAS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, there are some Members in this Chamber that seem to have forgotten history. We were at war in Vietnam when the hearings on the impeachment of President Nixon occurred. That was because of the serious offenses that were alleged against President Nixon. Today we are proceeding because of the serious offenses alleged against President Clinton.

I thank the gentleman.

Mr. GEKAS. Mr. Speaker, a loud lament has been heard about some deprivation of the right to vote one's conscience. But that is exactly why we are here today. All of us in the ultimate must vote the ultimate sense of conscience. That is what this process is all about. We are facing indeed our moment of truth.

Now, the moment of truth for the President of the United States first faced him in December of 1997. It faced him in the nature of a legal document, legal in interrogatories that were forwarded to him in pursuit by the Paula Jones attorneys of discovery proceedings in their case, a document laid before the President to be attested to under oath to answer certain questions. The President faced his moment of truth right there and then, the first item in the legal proceedings that have become the hallmark of these proceedings, and there under oath testified falsely.

At that moment, he began the chain of events that led a month later to his appearance before the deposition lawyers and judge and, further down the line, to the grand jury in August of that year. But here is the important difference that Members must take into account as they evaluate the evidence.

The evidence is that when he signed these interrogatories, this first moment of truth to which I allude, there was no parsing of definitions. There was no argument among the lawyers about meanings and definitions. There was no judge interpolating the opinion of the court into the argument of the lawyers. There was no parsing or mixing or evasion of types of definitions and words. This was a straight interrogatory to which the President of the United States added perjurious and false answers.

In a single moment in the Oval Office or wherever he executed this set of interrogatories, he began the long chain of falsehoods that have led us to our moment of truth here today.

We must exercise that conscience to which all the Members have alluded and recognize that when the President faced this moment of truth in countless occasions, each time he swept it away and caused himself the difficulty that he brings to our Chamber here today.

Mr. Speaker, I yield to the gentleman from Tennessee (Mr. BRYANT).

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

Mr. BRYANT. Mr. Speaker, I might add that I want to again honor the Constitution by what we do today. I think we all share that. And while the polls seem to show one thing, they also seem to show that many people would like this President to resign, in fact a majority of the people polled. But we cannot govern this country by polls. We have to be responsible today. It is not our job to create or invent solutions beyond the authority of this House. We must match our power with the authority that the Constitution gives us.

In light of that, I want to speak briefly and add on to what the gentleman from Pennsylvania (Mr. GEKAS) has said about Article II of the impeachment articles. It is clear there is compelling testimony that in addition to the interrogatories that were answered under oath by this President, falsely, there was also testimony given that was false in the deposition that was taken after those interrogatories. On numerous occasions the President lied under oath, and there is compelling evidence that this occurred. And specifically when his attorney brought up the false affidavit of Monica Lewinsky and said that the sexual relationship term referred to meant that there was no sex of any kind, in any manner, shape or form, the President sat silently, knowing that this false affidavit was being put into this sexual harassment lawsuit. He said that he was not paying attention.

The SPEAKER pro tempore. The Chair announces that the gentleman from Wisconsin (Mr. SENSENBRENNER), on behalf of the gentleman from Illinois (Mr. HYDE), has 5 minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 11 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. BOUCHER), a member of the Committee on the Judiciary.

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Michigan for yielding me the time.

In its 1974 Watergate inquiry, the House Committee on the Judiciary conducted an exhaustive examination of the constitutional history of the impeachment power. Then on a broad bipartisan basis, the committee adopted a report which eloquently states the constitutional standard for use by the House of Representatives of its impeachment power.

In the committee's words, only that presidential misconduct which is seriously incompatible with either the constitutional form and principles of our government or the proper performance of the constitutional duties of the office of the presidency will justify impeachment.

The facts now before the House, which arise from a personal relationship and the efforts to conceal it, simply do not meet that standard. While the President's conduct was reprehensible, it did not threaten the Nation. It did not undermine the constitutional form and principles of our government. It did not disable the proper functioning of the constitutional duties of the presidential office. These facts simply do not meet the standard.

To misuse of impeachment power in this case, as some are now prepared to do, will create a national horror. The divisions on this subject which now exist within our society will harden and deepen. A rift and a divide will occur. There will be a polarization. The President and the Congress will be diverted from their urgent national business while prolonged proceedings take place in the Senate.

There will be a lowering of the standard for future impeachments with an inherent weakening of the presidential office. There will probably be instability in the financial markets with adverse effects for the economy.

These harms are unnecessary. The President's conduct was deplorable, but it was not impeachable.

The House today should censure the President for bringing dishonor on the

presidential office. That path will bring closure and a restoration of national dignity.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, our friend from Illinois spoke reverently of Bunker Hill and Arlington Cemetery. We find ourselves in a debate to impeach a Commander in Chief of the successors to those brave patriots of Bunker Hill and all who served since then. Today we should have our men and our women who stand in harm's way in the Persian Gulf in our thoughts and in our prayers rather than trying to politically decapitate their Commander in Chief.

□ 1100

What is a few days? Why the rush to judgment? Our being here reflects a lack of respect for all in uniform as well as their families. If there were such an attempt by my party to remove President Bush during the Persian Gulf conflict, I would have opposed it with all of my being.

We must look at the proceeding today and seek the guidance of our Constitution. We must do so without emotion, for the more emotion, the less reason.

The framers of the United States Constitution knew that in an extreme case there will be a need to remove or overturn a popular election. They also knew that they must not make impeachment easy or routine. To maintain separation of powers, they set the bar of impeachment high and limited the grounds to impeachment. Initially, the framers made the great crimes of treason and bribery the only offenses worthy of impeachment. Later, at the Constitutional Convention, the standard was broadened to include ''other high crimes and misdemeanors.''

I studied the phrase carefully. The word ''other'' is important because I believe it is crucial to our deliberations on impeachment. I have concluded that the correct legal interpretation and the intent of the framers of that document is that the general phrase ''other high crimes and misdemeanors'' must be limited to the kinds of class or things within the specific words ''treason'' and ''bribery.''

As members of the House of Representatives, it is our duty to measure the President's actions against this high Constitutional standard, without regard to political party or partisan influence. We should not establish a new Constitutional standard which lowers the threshold for ousting a sitting President. I have concluded that even if we concede that all of the allegations in the Judiciary Report are true, President Clinton's actions do not constitute impeachable offenses under the Constitution. There is just no evidence that permitting him to stay on would cause great or serious harm to our system of government.

The impeachment proceedings which took place in 1974 can provide us with a useful precedent. In that investigation, the House Judiciary Committee discovered persuasive evidence that President Nixon was criminally liable for tax fraud. However, the Committee, with a Democratic majority, voted 26–12 not to impeach President Nixon for tax fraud because it did not involve official conduct or abuse of Presidential powers. Rather, the Committee limited its impeachment articles to those actions by President Nixon which affected our rights, our liberties, and our privileges, and which if permitted to go on would have seriously harmed our Constitutional system.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. LEWIS), one of our leadership members.

Mr. LEWIS of Georgia. Mr. Speaker, I come before you to speak for the principle of democracy, the doctrine of fairness, and the spirit of forgiveness.

America is sick. Her heart is heavy. Her soul is aching. And her spirit is low. Today our Nation stands at a crossroads, at the intersection of participatory democracy and the politics of personal destruction.

Today, my colleagues, we must choose, as Dr. Martin Luther King, Jr., wrote, between community and chaos. We must choose the course of partisan destruction or national reconciliation. We will, in our lifetime, never cast a more important vote. The spirit of history is upon us and the future of the republic before us.

Our obligation as citizens of the state are as old as human history and as fresh as the morning dew, to right wrong, do justice and love mercy. Our Constitution, that sacred document, is a covenant, a contract between the Government and those who are governed.

We must not, we cannot ignore the will of the people. Almost 50 million people elected Bill Clinton as our President in spite of his problems, his shortcomings and his failings. They, the people, elected Bill Clinton President of the United States and they want him to remain the President of the United States.

And yet some, some even in this Chamber, have never accepted the verdict of the people. They have never accepted Bill Clinton as their President. Instead they embarked on a crusade of personal destruction.

Our Constitution was never intended to be used as a hammer to destroy our political enemies. Some of our colleagues have been too quick to pick up the hammer of impeachment and swing it with reckless abandon. So bent are they on the destruction of this President that they would knock down the very pillars which support our constitutional system.

What President Clinton did was wrong. About that there can be no mistake. There is no disagreement, no debate. But how, how, my colleagues, should we respond? How we respond, how we act says as much about us and our character as it does about his. Let he that has no sin cast the first stone. Who among us has not sinned?

What the President did was wrong, but it simply does not rise to the height or sink to the depths of an impeachment offense. I know it, my colleagues know it and, most importantly, the American people know it.

Will we write a chapter or be consigned to a footnote. The spirit of history is upon us. Let us do what is right, let us do what is just and love mercy.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Michigan (Mr. CONYERS) has 4 minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 5 minutes remaining and has the right to close.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Virginia (Mr. SCOTT), a member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Speaker, impeachment is in the Constitution to protect our Nation from a president who is subverting our constitutional form of government. Our authority to impeach is limited in the Constitution to findings of treason, bribery, or other high crimes or misdemeanors.

We know, from our hearings, that treason, bribery, or other high crimes or misdemeanors does not cover all felonies. In fact, it does not even cover a half-million-dollar income tax fraud. That is the rule of law. We cannot act unless there is treason, bribery, or similar offenses. And so, that is why historians and constitutional scholars have said that these allegations, even if they were true, do not constitute impeachable offenses; and that is why one historian warned that history will hunt down those who knowingly violate the Constitution when they vote for impeachment.

That would be the case even if the allegations were true. But support of the new, low standard for impeachment comes by way of contradictory, double hearsay, and dubious inferences, without a single witness.

In Watergate and every other prior impeachment, we heard witnesses. In this case, the accused has not even had an opportunity to cross-examine witnesses. In fact, the accused has never been told the specifics of the charges against him. There is a reason why the specifics are not mentioned and that is because the so-called perjurious statements constitute such immaterial minutiae that the supporters of impeachment resort to titles of offenses such as perjury, without stating what the perjurious statements are.

Mr. Speaker, it is an outrage that we would attempt to overturn a national democratic election on these flimsy allegations on the very day that our young men and women are risking their lives to protect our democratic form of government.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 2 minutes.

Mr. CONYERS. Mr. Speaker, ladies and gentlemen of this body, we are confronted with an overzealous and non-

independent counsel report combined with a totally politicized process in the committee with party line votes on nearly every issue. And so, I want to remind my colleagues that I am witnessing the most tragic event of my career in the Congress, in effect a Republican coup d'etat, in process.

We are using the most powerful institutional tool available to this body, impeachment, in a highly partisan manner. Impeachment was designed to rid this Nation of traitors and tyrants, not attempts to cover up extramarital affairs. This resolution trivializes our most important tool to maintain democracy. It downgrades the impeachment power into a partisan weapon that can be used with future presidents. Perhaps, hopefully, we may never ever use impeachment again after this experience.

Now, I am personally outraged that we would decapitate the Commander in Chief at a time when we are at war abroad. Republicans sacrifice the national security by doing so. To be spending time of this House to smear our Commander in Chief when brave men and women are risking their lives for their country shocks the conscience. The failure by the Republican majority to allow a censure alternative shows again the perversely partisan process this is.

I have been a Member here for some time and I cannot recall a single occasion when the Democrats denied the Republicans the ability to offer an alternative on a matter as momentous as this.

Our Nation has been pushed to the edge of a constitutional cliff. We are about to inflict permanent damage on our Constitution, on our President, on the Nation and ourselves. We should not be here today. And history will not look kindly on the partisan passions that have brought us to this point.

Mr. SENSENBRENNER. Mr. Speaker, is the time of the gentleman from Michigan (Mr. CONYERS) expired in this hour?

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON).

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

Mr. SOLOMON. Mr. Speaker, I rise in support of the impeachment resolution.

Mr. Speaker, in September when the Rules Committee brought a resolution to the floor to provide for the appropriate handling and release of the Independent Counsel report, I stated that many of us hoped such a day would never come in our careers in public life. These last few months have been difficult and profound for the House of Representatives, and certainly for the Nation.

It is my sincere hope, despite the unfortunate nature of the subject matter, that we will make the Founding Fathers proud by solemnly addressing our constitutional obligation today.

If the meaning of an oath has been minimized at all in America, at least we can courageously abide by our constitutional oaths here in this Chamber today.

Mr. Speaker, I wish to commend the Judiciary Committee for their diligent service to the House, and to the Nation, in this difficult time.

Mr. Speaker, I intend to support the resolution impeaching President Clinton for high crimes and misdemeanors.

I find the case presented by the Judiciary Committee in its report devastating and I am compelled, after studying the case, to support these articles of impeachment.

The evidence presented demonstrates the President committed perjury both in a deposition before a Federal judge in a sexual harassment lawsuit and in grand jury testimony.

I am astounded at the methodical and calculating manner in which this perjury was conducted. The President obstructed justice and interfered with the machinery of our judicial system, and he committed perjury before the Congress in response to the Judiciary Committee's inquiries under oath.

Mr. Speaker, the evidence is overwhelming, it is remarkably detailed, and it is corroborated at key points. It has also not been rebutted, in any meaningful way, by the President or his attorneys.

The President's conduct could be considered reckless for any government official or chief executive officer of a corporation, but it is truly tragic—for the office and the Nation—when that illegal conduct was committed by the President of the United States.

Perjury is a felony, Mr. Speaker, and it is an offense which demands impeachment.

Mr. Speaker, the rule of law, and our adherence to the rule of law, have made us the great Nation that we are today.

What kind of example do we set for the future if we do not impeach the chief law enforcement officer of the land, who happens to be an attorney, because of this type of behavior in office?

If we countenance this misconduct, what are we to say to the American citizens currently serving Federal prison sentences for perjury?

How are we to answer our children when they ask us ''If the President can lie and get away with it, why can't I?''

The argument has been advanced in recent days that impeachment is disruptive to the Nation; it will result in chaos in the financial markets, and the economy will crumble. The work of government will somehow cease.

Mr. Speaker, this is the greatest representative body in the world. The Members of this institution can attest, based on their close interaction with their constituents, that America is strong.

America is healthy and robust and prosperous in spite of the misconduct of the President.

This notion of a world thrown into turmoil due to impeachment is completely false.

We are a resilient people, and we have endured depression and world wars in this century and a vicious civil war in the century before.

After defeating fascism and communism in this bloody 20th century, are we to believe that we simply cannot survive without Bill Clinton? We should remember that we are all just temporary occupants of these offices.

The Constitution was here long before we were and it will be here long after.

Why discard our historic notion of the rule of law, a notion which differentiates us from much of the world around us, for one man?

The man in question clings to the trappings of his powerful office, and cloaks himself in its symbols and icons, but adheres to none of the principles of the men who served in it before him.

Why is any one man worth the sacrifice of the office which we hold with such great esteem? this impeachment vote by the House and trial in the Senate is intended to protect constitutional government—it is not intended to punish the President for his crimes.

Rather, it is designed to protect the office—our office—from further harm by its temporary occupant.

I will vote to impeach President Clinton, and vindicate the rule of law.

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of our time to the gentleman from Georgia (Mr. BARR).

The SPEAKER pro tempore. The gentleman from Georgia (Mr. BARR) is recognized for 5 minutes.

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman for yielding me time.

Members of the House, today our Constitution stands in harm's way. The rule of law in America is under fire, the rule of law about which our chairman, the gentleman from Illinois (Mr. HYDE), spoke so eloquently just a few short moments ago, the rule of law which finds its highest and best embodiment in the absolute, the unshakeable right each one of us has to walk in a courtroom and demand the righting of a wrong.

As President John F. Kennedy so eloquently put it, ''Americans are free to disagree with the law but not to disobey it. For a government of laws and not of men, no man however prominent and powerful, no mob however unruly or boisterous is entitled to defy a court of law. If this country should ever reach the point where any man or group of men, by force or threat of force, could long defy the commands of our courts and our Constitution, then no law would stand free from doubt, no judge would be sure of his writ, and no citizen would be safe from its neighbors.'' This, Mr. Speaker, is the fundamental American right which President William Jefferson Clinton tried to deny a fellow citizen.

How did he do it? I direct the attention of every Member of this body to the report of the Committee on the Judiciary to accompany H. Res. 611. I direct their specific attention to Article III, which lays out a case of obstruction of justice. Despite the fact that in the ears of a lay person obstruction might conjure up a massive frontal assault, in the word of law, and I know this as a former United States attorney who directed the prosecution of a Republican member of this body for obstructing justice before a grand jury, obstruction of justice is much more insidious, much more implied, much quieter, but nonetheless destructive of the rule of law in this country.

What is obstruction and what was the pattern of obstruction in this case? I respectfully direct the attention of each Member of this body to the United States Criminal Code, title 18, to those several provisions which set forth the principle that no man, no citizen of this land, no visitor to this land shall tamper with witnesses, seek to hide witnesses, seek to hide evidence in a case, or seek to change, modify, or prevent testimony.

Yet there is in this report and in the accompanying 60,000 pages of evidence to which Chairman HYDE alluded, evidence of a clear pattern of obstruction of justice, in violation of title 18 of the United States Code, by this President; such things as making statements to his secretary after he gave sworn testimony in an effort, a very clear effort, with no other purpose than to influence the testimony of his secretary, who most assuredly would have been and was called as a grand jury witness, evidence such as the President calling and directing one of the most powerful attorneys in this city, Mr. Vernon Jordan, after it was found out that Monica Lewinsky would indeed be and had been subpoenaed as a witness to appear before the court and directed that she be found a job.

□ 1115

Evidence such as the President, the Commander in Chief, as we have heard today, picking up a telephone at 2 a.m. in the morning, not by coincidence the very day that he found out that Ms. Lewinsky was indeed a named witness and would be a witness in the court case of Paula Jones and going over with her to reaffirm in her mind the stories, the cover stories, that they indeed had agreed to if just this calamity would befall them.

These, I submit to every Member of this House, are obstruction. They are indeed a frontal assault on our Constitution.

We have here today in Article III alone three legs of a stool, if I could borrow an analogy from the chairman of the Committee on the Judiciary. We have the Constitution, we have the United States Criminal Code as violated by this President, and we have the evidence. They support a vote for Article III of impeachment of William Jefferson Clinton for obstructing justice in America.

The SPEAKER pro tempore. All time has expired.

Mr. SENSENBRENNER. Mr. Speaker, I rise to be recognized under the hour rule.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, for purposes of debate only, I yield the customary one-half hour to the gentleman from Michigan (Mr. CONYERS). All time yielded is for the purpose of debate only.

Mr. Speaker, I yield 15 seconds to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Speaker, if the previous question is moved, I intend to vote against it so that I may be recognized to control under the hour rule time in order to continue the debate on House Resolution 611.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, we have heard the argument that our military forces are fighting. Do my colleagues know what they are fighting for? They are fighting to uphold the Constitution and the oath that we took and they took.

As my colleagues know, when the President stands before God, puts his hand on the Bible and takes an oath to uphold the Constitution and lawfully carry out the duties of his office, he is promising to put the people and the Nation before his own interests. I believe the President violated the laws and beliefs he swore to uphold instead of following the law, respecting American people's values and honoring his office. He chose to lie, cover up and evade the truth. His actions have made a mockery of the people who fought for this country and are fighting for this Nation today, the Constitution and the laws we live under, and because of the President's actions Congress must act as dictated by the Constitution.

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

Mr. SAM JOHNSON of Texas. I yield to the gentleman from Illinois.

Mr. HYDE. The gentleman has some familiarity with our military service. Did he serve in the Vietnam War?

Mr. SAM JOHNSON of Texas. Yes, sir, and the Korean one, if we want to call it.

Mr. HYDE. And the Korean War.

How much time did the gentleman spend in the prison camp in Hanoi or in Vietnam?

Mr. SAM JOHNSON of Texas. Nearly 7 years, sir.

Mr. HYDE. Seven years in a POW camp?

Mr. SAM JOHNSON of Texas. Yes, sir.

Mr. HYDE. In solitary?

Mr. SAM JOHNSON of Texas. Yes, sir; 3 years of that.

Mr. HYDE. Well, I think the gentleman from Texas is qualified to talk about military service.

Mr. SAM JOHNSON of Texas. Well, I want to tell my colleagues that our military fighting men want the Congress to carry on their constitutional responsibility every day. That is why we are here.

As my colleagues know, maybe we ought to be debating right after this issue how we support our military and give them more arms and more people to make sure they can win that battle. We cannot sacrifice what is right to do, what is easy.

As my colleagues know, when I was a POW, we did some things that were tough to do. This is a tough thing to do, but it is the right thing to do, and I suggest we continue with this impeachment process.

Mr. Speaker, the duty of the President of the United States is to preserve, protect and defend our Constitution. For over two hundred years we have sent our fathers, brothers, sons, mothers and daughters to war to do just that.

Many of them never returned. They gave their lives for a better America. They believed that America is greater than one person, one life.

They gave their lives to ensure that America and our Constitution remain safe and that our way of life would not perish.

They knew—with death—came honor, trust, loyalty and respect. They knew their death meant freedom to the millions of Americans who would come after them. Many of those who died were my friends.

I spent 29 years in the Air Force, fought in two wars and was a prisoner of war for nearly 7 years in Vietnam.

I love this great nation. And I would defend it again because America and our ideals are worth dying for.

When I left Vietnam there was an inscription scrawled on one of the prison walls which read: "freedom has a taste to those who fought and almost died that the protected will never know."

The President is the one person who must hold these words and actions in the highest regard.

The President is our moral leader. His picture hangs in classrooms throughout America. The President is our symbol of freedom. The President is the Commander in Chief, the chief law enforcement officer, and the leader of the free world.

When the President stands before God, puts his hand on the Bible and takes an oath to uphold the Constitution and lawfully carry out the duties of his office—he is promising to put the people and the Nation before his own interests.

I believe this President violated the laws and the beliefs he swore to uphold. Instead of following the law, respecting the American people's values and honoring his office, he chose to lie, cover up and evade the truth.

His actions have made a mockery of the people who fought for this country, the Constitution and the laws we live under.

It is clear from the evidence that this President committed perjury.

It is clear from the evidence that this President obstructed justice.

It is clear from the evidence that this President abused the power of his office.

He systematically used his office and staff to protect his own personal interests. Instead of truth and forgiveness he hid behind legalistic jargon.

And now, because of the President's actions, Congress must act as dictated by the Constitution.

We cannot sacrifice what is right to do what is easy.

During those awful years as a prisoner of war in Vietnam, there were many times that I and my fellow prisoners could have taken the "easy" way out.

We could have told the enemy our military secrets, or we could have betrayed one another. That would have been the "easiest"

thing to do to stop the daily torture we endured. If we had just given up a few military secrets or betrayed a fellow soldier, we could have avoided starvation, been released much earlier, and not missed all those years of our lives with our families and children. But we never did. Even through all the daily torture, beatings and starvation, we never once considered taking the ''easy'' way out. and now we must endure these hardships, uphold our Constitution and protect America.

When we, in Congress, raised our right hands and took our oaths of office, we promised to make the difficult decisions.

We have come to the end of a very long and winding road. Long and winding—not because of anything Congress has done, but rather because President Clinton has walked us down it by his own actions.

The President has diminished his office in the eyes of the Nation, and more dangerously, in the eyes of the world.

The President is the chief law enforcement official of this country. If you lose respect for him, you lose respect for the law.

I would just say, again, to the American people, that this is not a choice about doing what is easy. This is a choice between what is right and what is wrong under our Constitution and the rule of law.

Let's be clear: the President lied to us. He pointed his finger at us, looked us in the eye and lied to us, over and over again.

We must make a stand and say—we are a nation of laws and no one is above the law.

So, I will vote to impeach the President. The Constitution demands it and the country deserves no less.

Thank you, Mr. Speaker.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the gentleman from New York (Mr. SCHUMER), a distinguished member of the Committee on the Judiciary and Senator elect.

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

Mr. SCHUMER. Mr. Speaker, these are my last moments as a Member of the House that I honor and that I love, but this is a bittersweet day for me because a pall hangs over this House. Unless a miracle occurs, we will take one of the most serious and rare actions that this body can assume and impeach the President against the overwhelming will of the American people. Voting against these articles will be my last act.

Since September I have said what the President did was reprehensible and should be punished. I also argued that lying about an extramarital affair, even under oath, does not rise to the level of high crimes and misdemeanors as spelled out in the Constitution and that the proper punishment is censure, not impeachment.

But today, Mr. Speaker, my last day in the House that I cherish, I ask myself what has brought us to this day? It would be easy for Democrats to lay the blame on a narrow band of right wing zealots out to destroy Bill Clinton. It would be convenient for Republicans to lay the blame squarely at the feet of the President for his behavior. But this goes much deeper than that.

What began 25 years ago with Watergate as a solemn and necessary process to force a President to adhere to the rule of law has grown beyond our control so that now we are routinely using criminal accusations and scandal to win the political battles and ideological differences we cannot settle at the ballot box. It has been used with reckless abandon by both parties, Democrats and Republicans, and we are now at a point where we risk, deeply risk, wounding the Nation we all love.

We cannot disagree, it seems; we cannot forcefully advocate for our positions, without trying to criminalize or at least dishonor our adversaries over matters having nothing to do with public trust. And it is hurting our country, it is marginalizing and polarizing this Congress.

I want to be clear. I am not pointing fingers at Republicans. The Democrats investigated John Tower for allegations not too dissimilar from allegations against the President. The gentleman from Georgia (Mr. GINGRICH) led the investigation which brought down Speaker Wright, and Speaker GINGRICH was investigated and brought down as well. The ledger between the two parties is pretty much even.

Today we are upping the ante. The President could be removed from office over a matter that most Americans feel does not come close to the level of high crimes and misdemeanors as written in our Constitution. I expect history will show that we have lowered the bar on impeachment so much we have broken the seal on this extreme penalty so cavalierly that it will be used as a routine tool to fight political battles. My fear is that when a Republican wins the White House Democrats will demand payback.

Mr. Speaker, in Greek mythology, in the Oresteia, a trilogy of ancient Greek plays by Aeschylus, the warring factions of the House of Atreus trapped themselves in an escalating chain of revenge.

* * * such that Atreus serves his brother a pie that contained his brother's own murdered children. It was the end of what was once a noble family. A noble House.

Let us not become a House of Atreus. Let us reject the instinct for revenge and embrace instead a greater sense of justice for the sake of our Republic.

That is why I leave the institution that I cherish and respect with a heavy heart. I know we are better than what we have shown.

But I fear that the road that we are on will lead us to ruin. It is time to get off.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), who served in Vietnam and was recommended for the Medal of Honor.

Mr. CUNNINGHAM. Mr. Speaker, I had served on the Committee on National Security in authorization. I now serve on the Subcommittee on National Security of the Committee on Appropriations, and I want to tell my colleagues, every single member on those two committees, I have the greatest respect for what they try to do to bolster our military and our men and women. And my colleagues, some of them say, ''Why not wait? Why can't we wait just a few days?''

The President of the United States last night deployed ground troops to Iraq. Just imagine, just imagine what would happen if Saddam Hussein goes into Kuwait again, and the turmoil and the loss of lives, and think about how difficult it would be to bring up a resolution like this if we waited.

There has been talk about Ramadan. Well, there is another religious holiday: Christmas. Think about how hard it would be to bring up this resolution.

If this goes beyond January 6 into a next Congress, then we have a constitutional problem. And the public, they want this over. I agree they want it over, and that is why we are proceeding on, to get it over. We would have to start this process all over again. The public does not want that I say to the gentleman from Illinois (Mr. HYDE) or the gentleman from Michigan (Mr. CONYERS); they want it done.

As a matter of fact, talk about polls; in the Washington Post poll they talked about if this article goes through, almost 60 percent of the American people would ask the President to resign. It is not for the President. It is because they do not want this thing to go on, and we are going to do that.

Mr. Speaker, I have a tape here. I would love to play it for the gentleman from Michigan (Mr. CONYERS) sometime. It is 18 SAMs (surface-to-air missiles), SA–2s, going off in pairs over Vietnam.

When we talk about at a time like this, our troops are fighting. Not once did I ever worry about what was going on in Congress. I worried about the strike mission, about where the SAMs were, where the triple A (anti-aircraft artillery) was, about getting back to my carrier alive.

They do not care what is going on here. They want this over, too. That is not a factor in this. Our men and women are fighting and dying.

I have got a friend named Bug Roach. He was flying a 25-year-old aircraft, an A–4 Skyhawk. His engine quit over Whiskey 291. It is a training area in the Pacific, west of San Diego. When he tried to eject, his seat did not work. Do my colleagues have any idea what it is like to talk to his family?

Do not cut defense any more. If my colleagues want to support our troops, do not cut defense, with the Progressive Caucus that wants to cut it an additional 50 percent. Bolster our troops.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), a distinguished member of the Committee on the Judiciary.

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

Mr. NADLER. Mr. Speaker, the precedents show and the Nation's leading scholars and historians overwhelmingly agree that impeachment is reserved under the Constitution only for abuses of presidential power that undermine the structure of functioning of government or of constitutional liberty. It is not intended as a punishment for crimes but as a protection against the President who would abuse his powers to make himself a tyrant. That is why Benjamin Franklin called impeachment a substitute for assassination.

We are told that perjury is as serious an offense as bribery, a per se impeachable offense, but bribery goes to the heart of the President's conduct of his constitutional duties. It converts his loyalties and efforts from promoting the welfare of the Republic to promoting some other interest.

□ 1130

Perjury is a serious crime and, if provable, should be prosecuted in a court of law. But it may or may not involve the President's duties and performance in office. Perjury on a private matter, perjury regarding sex, is not a great and dangerous offense against the Nation. It is not an abuse of uniquely presidential power. It does not threaten our form of government. It is not an impeachable offense.

The effect of impeachment is to overturn the popular will of the voters. We must not overturn an election and remove a President from office except to defend our system of government or our constitutional liberties against a dire threat, and we must not do so without an overwhelming consensus of the American people.

There must never be a narrowly voted impeachment or an impeachment supported by one of our major political parties and opposed by another. Such an impeachment will produce divisiveness and bitterness in our politics for years to come, and will call into question the very legitimacy of our political institutions.

The American people have heard the allegations against the President, and they overwhelmingly oppose impeaching him. They elected President Clinton, they still support him. We have no right to overturn the considered judgment of the American people.

Mr. Speaker, the case against the President has not been made. There is far from sufficient evidence to support the allegations, and the allegations, even if proven true, do not rise to the level of impeachable offenses.

Mr. Speaker, this is clearly a partisan railroad job. The same people who today tell us we must impeach the President for lying under oath, almost to a person voted last year to reelect the Speaker who had just admitted lying to Congress in an official proceeding.

The American people are watching, and they will not forget. You may have the votes, you may have the muscle, but you do not have the legitimacy of a national consensus or of a constitutional imperative. This partisan coup d'etat will go down in infamy in the history of this Nation.

Mr. Speaker, today, for only the second time in our nation's history, this House meets to consider articles of impeachment against a President of the United States. This is a momentous occasion, and I would hope that, despite the sharp partisan tone which has marked this debate, we can approach it with a sober sense of the historic importance of this matter.

I believe that we need to get back to basics—the Constitution and what the impeachment power conferred on the Congress requires of us. Article II, section 4 of the Constitution says that a President ''shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.'' We have received testimony from some of the nation's leading legal scholars and historians who agree that impeachable offenses are those which are abuses of Presidential power that undermine the structure or functioning of government, or constitutional liberty.

Benjamin Franklin called impeachment a ''substitute for assassination.'' It is, in fact, a peaceful procedure for protecting the nation from despots by providing a constitutional means for removing a President who would misuse his presidential power to make himself a tyrant or otherwise undermine our constitutional form of government. To impeach a President, it must be that serious.

The history of the language is also clear. At the Constitutional Convention, the Committee on Style, which was not authorized to make any substantive changes, dropped the words ''against the United States'' after the words ''high crimes and misdemeanors'' because it was understood that only high crimes and misdemeanors against the system of government would be impeachable—that the words ''against the United States'' were redundant and unnecessary.

History and the precedents alike show that impeachment is not a punishment for crimes, but a means to protect the constitutional system, and it was certainly not meant to be a means to punish a President for personal wrongdoing not related to his office. Some of our Republican colleagues have made much of the fact that some of the Democrats on this Committee in 1974 voted in favor of an article of impeachment relating to President Nixon's alleged perjury on his tax returns, but the plain fact is that a bipartisan vote of that Committee—something we have not yet had in this process on any substantive question—rejected that article. That's the historical record, and it was largely based on the belief that an impeachable offense must be an abuse of Presidential power, a ''great and dangerous offense against the Nation,'' not perjury on a private matter.

We are told that perjury is as serious an offense as bribery, a per se impeachable offense. But bribery goes to the heart of the President's conduct of his constitutional duties—it converts his loyalties and efforts from promoting the welfare of the Republic to promoting some other interest. Perjury is a serious crime—and, if provable, should be prosecuted in a court of law. But it may, or may not, involve the President's duties and performance in office. Perjury on a private matter—perjury regarding sex—is not a ''great and dangerous offense against the Nation.'' It is not an abuse of uniquely Presidential power. It does not threaten our form of government. It is not an impeachable offense.

The effect of impeachment is to overturn the popular will of the voters as expressed in a national election. We must not overturn an election and remove a President from office except to defend our very system of government on our constitutional liberties against a dire threat. And we must not do so without an overwhelming consensus of the American people and of their Representatives in Congress on its absolute necessity. There must never be a narrowly voted impeachment, or an impeachment substantially supported by one of our major political parties and largely opposed by the other. Such an impeachment will lack legitimacy, will produce divisiveness and bitterness in our politics for years to come, and will call into question the legitimacy of our political institutions. The American people have heard all the allegations against the President and they overwhelmingly oppose impeaching him. The people elected President Clinton. They still support him. We have no right to overturn the considered judgment of the American people.

There are clearly some members of the Republican majority who have never accepted the results of the 1992 or 1996 elections, and who apparently have chosen to ignore the message of last month's election, but in a democracy, it is the people who rule, not political elites—and not members of political elites who were repudiated at the last election. Some members of the House may think the people have chosen badly, but it is the people's choice and we must respect it absent a threat to our democracy that would justify overturning the repeated expression of their will at the ballot box. Members of Congress have no right to arrogate to themselves the power to nullify an election absent that compelling case.

the Judiciary Committee also received testimony from some outstanding former prosecutors, including the former Republican Governor of Massachusetts, William Weld, who headed up the Criminal Division of Ronald Reagan's Justice Department, who compellingly explained why all the loose talk about perjury and obstruction of justice would not hold up in a real prosecutor's office—that the evidence we have been given would never support a criminal prosecution in a real court of law.

For those who demand that the President prove his innocence, without his accusers having to provide his guilt or even to state clearly the charges, the Judiciary Committee received answers from the President's Counsel, Mr. Ruff, and from the Committee's Minority Counsel, Mr. Lowell this morning, in which they meticulously pointed out, using Mr. Starr's own work, how the charges were not supported, and were indeed contradicted, by the evidence Mr. Starr's own office had assembled. In fact, Mr. Starr has stated in his referral to Congress, that his own ''star witness'' is not credible, except when her uncorroborated testimony conflicts with the President's, and then it proves his perjury.

We have received sanctimonious lectures from the other side about the ''rule of law,'' but the law does not permit perjury to be proved by the uncorroborated testimony of one witness. Nor does the law recognize as corroboration the fact that the witness made the same

statement to several different people. You may choose to believe that the President was disingenuous, that he was not particularly helpful to Paula Jones' lawyers when they asked him intentionally vague questions, or that he is a bum, but that does not make him guilty of perjury.

This House is not a grand jury. To impeach the President would subject the country to the trauma of a trial in the Senate. It would paralyze the government for many months while the problems of Social Security, Medicare, a deteriorating world economy, and all our foreign concerns festered without proper attention. We cannot simply punt the duty to judge the facts to the Senate if we find mere ''probable cause'' that an impeachable offense may have been committed. To do so would be a derogation of our constitutional duty. The proponents of impeachment have provided no direct evidence of impeachable offenses. They rely solely on the findings of an ''independent'' counsel who has repeatedly mischaracterized evidence, failed to include exculpatory evidence, and consistently misstated the law. We must not be a rubber stamp for Kenneth Starr. We have been entrusted with this grave and dangerous duty by the American people, by the Constitution and by history. We must exercise that duty responsibly. At a bare minimum, that means the President's accusers must go beyond hearsay and innuendo, and beyond demands that the President prove his innocence of vague and changing charges. They must provide clear and convincing evidence of specific impeachable conduct. This they have failed to do.

If you believe the President's admission to the grand jury and to the nation of an inappropriate sexual relationship with Ms. Lewinsky, and his apologies to the nation, were not abject enough, that is not a reason for impeachment. Contrition is a remedy for sin, and is certainly appropriate here. But while insufficiency of contrition may leave the soul still scarred, unexpiated sin proves no crimes and justifies no impeachment.

Some say that if we do not impeach the President, we treat him as if he is above the law.

Is the President above the law? Certainly not. He is subject to the criminal law—to indictment and prosecution when he leaves office like any other citizen, whether or not he is impeached. And if the Republican leadership allows a vote, he would likely be the third President in U.S. history, and the first since 1848, to be censured by the Congress

But impeachment is intended as a remedy to protect the nation, not as a punishment for a President.

The case is not there—there is far from sufficient evidence to support the allegations, and the allegations, even if proven, do not rise to the level of impeachable offenses. We should not dignify these articles of impeachment by sending them to the Senate. To do so would be an affront to the Constitution and would consign this House to the condemnation of history for generations to come.

Mr. Speaker, this is clearly a partisan railroad job, the same people who today tell us we must impeach the President for lying under oath, almost to a person, voted last year to reelect a Speaker who had just admitted lying to Congress in an official proceeding about abuse of the Tax Laws for particular purposes. The American people are watching, and they won't forget. You may have the votes, you may have the muscle, but you lack the legitimacy of a national consensus and the Constitution. This partisan coup d'etat will go down in the history of this nation in infamy.

Mr. SENSENBRENNER. Mr. Speaker, I yield six minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, a comment and a perspective from my point of view. Thus far the debate in this House I believe has brought honor to the House and is serving the American people well. Some of the rhetoric I disagree with, but that is what a debate is all about. I choose now to not use rhetoric, but to talk about the facts.

I will talk to you about Article IV, abuse of power, and the offenses against this institution, the Congress, by the President of the United States. It is the one article that is very similar to the Watergate impeachment of President Nixon. Article IV is very similar to Article III in the Nixon case, and I will talk about that just in a moment, but first a quick summary from my perspective of what brought us here.

What brought us here is not partisanship, but the conduct of one man who happened to be the President, who happened to be elected by the people and given the most solemn responsibility in the Nation, to be the chief law enforcement officer of the land, and he failed miserably in that responsibility and he deserves to be impeached based on what he did, not what I think about him, not how I voted, but what he did.

Article I, grand jury perjury. Mr. Speaker, remember the context in which the perjury occurred. The President several months before had given false testimony in a deposition. The President was begged by members of both parties in the House and Senate, ''Mr. President, do not go into the grand jury and lie again. Do not give false or misleading or perjurious testimony again, because you put your presidency at stake; you do a disservice to this country.''

Unfortunately, Mr. Speaker, based on the facts, not based on my feelings, based on overwhelming facts, the President of the United States chose in August, months after being warned not to do it, he chose to lie to a Federal grand jury. He abused the 23 citizens who were trying very hard to get it right. He abused the Federal court system. It was his fault, and no one else's.

Mr. Speaker, any President of the United States, regardless of party, that goes to a Federal grand jury in the future, let it be said by as many Members of the House that can say it, you are subject to being impeached if you do that.

Article II, who is the injured party? Consensual sex, this is colored by sex, but there is a moment in time, Mr. Speaker, where the allegations about sex were anything but consensual.

The day the President gave deposition testimony in the Paula Jones case, the allegations were far from consensual. They were rude and crude. He was put under oath, he was asked questions with a Federal judge sitting in front of him, and the injured party was Paula Jones, because he chose to lie in a sexual harassment suit. That is nonconsensual sex, the topic. He chose to deny a citizen their fair day in court. The President turned the justice system upside down on many occasions for his personal gain, and that is why we are here today.

Article III, the President of the United States, while being in a litigation matter against an average, everyday citizen, chose to go to witnesses and try to get them to lie and provide false testimony, chose to go and plant stories about witnesses that were false, that were malicious. The President of the United States tried to cheat a litigant out of a fair day and trial. Let it be said that at anytime, anywhere, regardless of party, in the future if you do that as president, you are subject to being impeached.

Article IV, who is the injured party? We are the injured party. Here is what happened in Article IV. This House by House Resolution 581, 360 votes, I believe, authorized the Committee on the Judiciary to inquire into the allegations against the President. Mr. Speaker, we can that.

Part of that inquiry, what we chose to do was submit questions to the President to flesh out the facts. Eighty-one questions were sent to flesh out the facts in this case by Chairman Hyde, and the President was asked under oath to give answers to those questions as part of our inquiry.

Mr. Speaker, unfortunately, the President lied in January to injure Paula Jones, he lied to the Federal grand jury to injure the Federal court system in this case, and I think the facts are overwhelming that he gave false, misleading and perjurious testimony to the Congress as part of our inquiry.

Let me tell you how that is similar to the Nixon case. Article III of impeachment against Richard Nixon, the article was based on the idea that Richard Nixon as president failed to comply with subpoenas of Congress. Congress was going through its oversight function to provide oversight of the President. When asked for information, Richard Nixon chose not to comply, and the Congress back in that time said, ''You are taking impeachment away from us. You are becoming the judge and jury. It is not your job to tell us what we need; it is your job to comply with the things we need to provide oversight over you.''

The day Richard Nixon failed to answer that subpoena is the day that he was subject to impeachment, because he took the power from Congress over the impeachment process away from Congress and he became the judge and jury; and the day that William Jefferson Clinton failed to provide truthful testimony to the Congress of the

United States is the day that he chose to determine the course of impeachment. He usurped our power, he abused his authority, he gave false information. That, to me, Mr. Speaker, is the same as giving no information at all. Actually, I think it is worse.

So I believe these articles will stand the test of time, they will stand a factual scrutiny that has to be done, and the only way to avoid impeachment is to leave your common sense at the door, defy the way the world works and ignore the facts and talk about something else.

We are the victim of Article IV. If you believe he committed grand jury perjury, I think it would be incumbent upon you to find him guilty of Article IV, because the underlying conduct that led to perjury in the grand jury was reasserted in the 81 questions, and he gave the same false, misleading, unbelievable answers. William Jefferson Clinton's impeachment is based on what he did, and no one else.

Mr. CONYERS. Mr. Speaker, I am pleased to yield three minutes to the gentleman from Wisconsin (Mr. BARRETT), perhaps our newest member on the Committee on the Judiciary.

Mr. BARRETT of Wisconsin. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a sad day. It is a sad day for our democracy. I cannot defend President Clinton's actions. He failed to tell the truth and he failed to cooperate. He must be held accountable. And although I cannot defend President Clinton's actions, I can and must defend our Constitution. Our Constitution does not allow us, no, it does not allow you, to remove a President from office because you cannot stand him.

That is not an unfair allegation. It is not an unfair allegation, because the vast majority of the people voting for impeachment today voted to reelect our Speaker, even though he had submitted information, false information, to the Committee on Standards of Official Conduct of this House, the judicial branch of this House. Even though the Speaker had submitted false information to the judicial branch of this House, the majority of people here voted to reelect him as Speaker.

It is not an unfair allegation, because when the Secretary of Defense under President Bush was duly indicted by a Federal grand jury for perjury and he was pardoned by the President of the United States, George Bush, the silence on this side of the aisle was deafening. There were no claims from this side of the aisle that this was injustice. There were no claims that somehow our military would be damaged. There were no claims that somehow the pillars of democracy were damaged by perjury by the Secretary of Defense.

There is one difference, and only one difference, between the false allegations submitted by Speaker GINGRICH and the perjury allegations against the Secretary of Defense and the President of the United States, and that difference is he is a Democrat. He is a Democrat, and so we are going to go after him.

I feel bad for this institution today, because I think it is acting unfairly. I trust that every member there is voting his or her conscience. I will give you that, because I trust the conscience of this institution.

But what is happening today is the conscience of this institution is being strangled. It is being strangled for the cause of raw partisan politics.

Every person here today knows that the American people believe the President should be held accountable. Every person here today knows that the appropriate remedy lies within this institution.

We can do it. We disagree, and there is an honest disagreement as to whether impeachment is the appropriate remedy or censure is the appropriate remedy, but it is the ultimate unfairness to deny Members on this side of the aisle and Members on that side of the aisle the right to vote their conscience for censure.

If we believe in the conscience of this institution, let us let the conscience of the institution display itself.

Mr. SENSENBRENNER. Mr. Speaker, I yield 45 seconds to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Speaker, I want to respond to the point that has just been made concerning the conduct of the Speaker of the House. It is inaccurate to compare the situation involving the Speaker of the House with a case that is now before us. It is admitted that the Speaker submitted inaccurate information, there is no question that that was admitted. But the Committee on Standards of Official Conduct did not find that the Speaker was guilty of intentionally submitting false information. That was a finding that was not made.

In the case before us, there is a critical distinction. In the case before us, there is overwhelming evidence that the President of the United States willfully, time after time after time, lied under oath. It is a very, very different case than the submission of inaccurate information by the Speaker.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. BUYER).

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

Mr. Speaker, the gentleman from Wisconsin (Mr. BARRETT) brought up the issue of censure to this House, and I would like to address it at this time. While I appreciate the intentions of the supporters of censure, I, nonetheless, urge Members to oppose it, because it is a fraud and assault upon the Constitution.

Censure is not an authorized alternative to impeachment. Congress has the express constitutional authority to censure its own Members for misconduct, but there is no expressed authority in the Constitution for Congress to censure the President. Impeachment is the only power in the Constitution granted to Congress to address presidential misconduct and dereliction in his executive duties.

The Founding Fathers set high standards for impeachment, and by also providing that conviction requires a two-thirds vote in the Senate to remove the President from office, the ensured impeachment would not become a method for Congress to harass executive or judicial officials.

A censure resolution would fly in the face of the separation of powers doctrine. Congress cannot make it up as we go along. Constitutional scholar Gary McDowell stated, ''Impeachment is the only power granted by the Constitution to Congress to deal with errant executives. Had the founders intended some other means of punishment to be available to your branch they would have said so, as Chief Justice Marshall once said, 'in plain and intelligible language.' That they did not do so should be your only guide in this grave and sensitive matter.''

□ 1145

The temptation to do anything possible to avoid exercising the awful constitutional power of impeachment is obvious and is understandably great. But such a temptation to take the easy way out by assuming a power not granted should be shunned by this House. And should President Clinton, as a result of bad advice or political pressure, agree to such unconstitutional punishment as censure by this House, that would be a breach of his constitutional obligations and his oath of office, as great as anything else for which he has been accused of by the Committee on the Judiciary. The great office he is privileged to hold deserves his protection against any ill-considered censorious assault from Congress.

President Andrew Jackson, one of our distinguished Presidents who is known as the Father of the Democrat Party, was censured by the Senate and after the election the Senate then expunged the censure.

President Jackson's words shed great light on our challenge today even though they were penned over 150 years ago. President Jackson wrote that the very idea of censure is a ''subversion'' of the powers of government and ''destructive of the checks and safeguards'' of governmental power. President Jackson rightfully claimed that censure was ''wholly unauthorized by the Constitution'' and is a ''derogation of the entire spirit.''

The framers of the Constitution purposely avoided granting the legislature power to impose nonjudicial punishments. Such bills are condemned in the Constitution because they represent a legislative encroachment on the powers of the judiciary. It is called a bill of attainder. It pronounces the guilt upon a party without any forms or the safeguards of a trial.

An integral part of the censure debate in the Committee on the Judiciary was whether the purpose of the censure that was offered was to punish the President. In answer to my questions on the intent, one of the authors, Mr. BOUCHER of Virginia, stated that it is not our purpose to have findings of guilt, it is not our purpose to punish the President. However, a close examination of the wording of the censure resolution appears that the explicit and the implicit purpose would be to shame the President, to voice disdain for his actions, which undermine the integrity of the Office of the President, to reprove his dubious, if not criminal acts, i.e., to punish.

The censure resolution offered in the Committee on the Judiciary uses such words and phrases as, ''The President egregiously failed,'' he ''violated the trust of the American people,'' he ''lessened their esteem,'' he ''dishonored his office,'' he ''made false statements, reprehensible conduct, wrongfully took steps to delay the discovery of the truth,'' and then therefore cites that he ''fully deserves the censure and condemnation of the American people.''

Mr. Speaker, these words and phrases are not remedial. On the contrary, the intent is to shame and condemn the President's misconduct and impugn his reputation and is, therefore, a prohibited bill of attainder. It is unconstitutional in its form, and the idea is clearly in violation of a bill of attainder.

Now, some Members of Congress are arguing that censuring the President is a better idea because it is ''what the American people want.'' I believe the American people want their elected officials to honor their oath, defend the Constitution in accordance with the laws of this Nation. Further, the American people want their elected representatives to take a stand on matters of national importance, such as the integrity of our judicial system and for Members of the House and the Senate to exercise their judgment in matters of statecraft based upon their intellect, not their emotions of the moment.

The facts and evidence in this case are overwhelming; the allegations are grave. Censure is not an alternative to impeachment.

While I appreciate the intentions of the supporters of censure, I nonetheless must oppose it because it is a fraud and an assault upon the Constitution. Censure is not an authorized alternative to impeachment.

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Impeachment is the only power in the Constitution granted to Congress to address presidential misconduct and dereliction of his executive duties. The Founding Fathers set high standards for impeachment by providing that conviction requires a two-thirds vote in the Senate, to remove the President from office. They insured impeachment would not become a method for Congress to harass executive or judicial officials. A censure resolution would fly in the face of the separation of powers doctrine. Congress cannot make it up as we go.

Constitutional scholar Gary McDowell testified:

> Impeachment is the only power granted by the Constitution to the Congress to deal with errant executives. Had the Founders intended some other means of punishment to be available to your branch they would have said so, as Chief Justice Marshall once said, ''in plain and intelligible language.'' That they did not do so should be your only guide in this grave and sensitive matter.
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> The temptation to do anything possible to avoid exercising the awful constitutional power of impeachment is obviously and understandably great. But such a temptation to take the easy way out by assuming a power not granted should be shunned. And should President Clinton, as a result of bad advice or political pressure, agree to such an unconstitutional punishment as a censure (by the House), that would be a breach of his constitutional obligations as great as anything else of which he has been accused. The great office he is privileged to hold deserves his protection against any ill-considered censorious assault from Congress.

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The Framers of the Constitution purposely avoided granting the legislature the power to impose nonjudicial punishment. Such bills are condemned in the Constitution because they represent ''legislative encroachment on the powers of the judiciary.'' A bill of attainder ''pronounces upon the guilt of the party, without any of the forms or safeguards of trial.''

An integral part of the censure debate in Committee was whether the purpose of censure is to punish the President. In answers to my questions regarding the intent one of the authors, Mr. BOUCHER of Virginia, stated: ''It is not our purpose to have findings of guilt. It is not our intent to punish the President.''

However, a close examination of the wording of the censure resolution appears that the explicit and implicit purpose would be to shame the President, to voice disdain for his actions which undermine the integrity of the office of the President, to reprove his dubious if not criminal acts . . . to punish.

The censure resolution offered in the Judiciary Committee used such words and phrases as ''egregiously failed,'' ''violated the trust of the American people,'' ''lessened their esteem,'' ''dishonored the office,'' ''made false statements,'' ''reprehensible conduct,'' ''wrongly took steps to delay discovery of the truth,'' and ''fully deserves the censure and condemnation.'' The use of these words and phrases is not remedial, on the contrary, the intent is to shame and condemn the President's misconduct and impugn his reputation. It is a prohibited bill of attainder and therefore unconstitutional.

Some Members of Congress argue that censoring the President is a better idea than impeachment because that ''is what the American people want.'' But I believe the American people want their elected officials to honor their oath, defend the Constitution, and act under and in accordance with the laws of their Nation. Further, the American people want their elected representatives to take a stand on matters of national importance, such as the integrity of our justice system, and for Members of Congress and the Senate to exercise judgment in matters of statecraft based on their intellect, not the emotions of the moment.

The facts and evidence in this case are overwhelming; the allegations are grave. Impeachment is the only power granted to the House to deal with the President's alleged criminal misconduct.

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

Mr. HOYER. Mr. Speaker, today's historic and tragic vote is not about whether any of us condone the private behavior of the President. It is, however, about whether we are committed to uphold the Constitution, the touchstone of our freedom and the articulation of the genius of our democratic government's separation of powers and adherence to the democratic transfer of power.

Nor is this vote about whether the President of the United States is above the law. He is not. Indeed, as has been amply demonstrated over the past 6 years, even the President, as must each of his fellow citizens, must respond to the demands of the law.

Moreover, it is clear that upon leaving office, the President could be held accountable in a court of law if charges were to be brought against him alleging the wrongdoing of which the Committee on the Judiciary Republicans have accused him of today.

Nor, as some claim, is this vote about process or simply moving this weighty matter from our calendar to that of the United States Senate: A Pontius Pilate-like act, presumably designed to rationalize the profoundly precedent-setting action that this House now contemplates.

Nor do I for one second believe that this vote is about setting a marker for the young on what conduct will be sanctioned or allowed to stand. Our Nation and our sustaining values will survive one man's failings. But our democracy will be threatened if we destroy the due process and high standard that the Founding Fathers established over 2 centuries ago.

The process that the majority has pursued in this matter has been partisan, driven, I believe, by animus, and exceedingly unfair. Like so many other acts of these last two Congresses, it has been unworthy of our duty and of our responsibility.

At the beginning of this Congress, after almost 30 years of House precedent, the Committee on House Oversight moved to allow a case to go forward to remove the gentlewoman from California (Ms. SANCHEZ), who had been

elected by the people of California to this body. They spent over $1 million to do so on the expressed theory that they were simply moving the process forward. It was my contention then that there was no case at the outset, and it was the irrefutable conclusion that there was no case at the end.

Later on, because the President defied them in 1995, they shut down the government. They threatened to do so again this year, if the President defied them. Today they seek to substitute, in my opinion, their judgment for the will of the American people and remove their nemesis from the position to which the American people, over their objection, elected him. If I believed that the conduct of this President had threatened our Nation's security or undermined the operation of our government, or put at risk the principles of our democracy, I would vote to impeach.

But I am absolutely convinced of the opposite. I have said that the President's conduct has defamed himself and his Presidency. But it has not amounted to treason. It is not a case of bribery. And, as so many scholars of all political and philosophical stripes have testified, it does not amount to high crimes and misdemeanors endangering our freedom or our democracy.

The President may well be accountable on another day.

But, today, I clearly see it as my duty, consistent with the oath that each of us took to preserve and protect the Constitution, and to the stability of our democracy for generations to come to reject and oppose these articles of impeachment. And, I shall, therefore, vote "no" on each of them.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ROGAN).

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

Mr. ROGAN. Mr. Speaker, I thank the gentleman for yielding.

First, I observe a bit of irony in the fact that our friends on the other side now are so quick to hurl charges of "shutting down the government" today, yet they ask us to shut down both the government and our constitutional process that obligates us to proceed.

The gentleman from South Carolina a few minutes ago was absolutely right. It is both false and unfair to characterize these articles of impeachment as relating solely to consensual sex. That is not the case. Lawyers did not just show up one day and begin to question the President's personal lifestyle. The President was a defendant in a civil rights sexual harassment lawsuit, and just like every other defendant in those types of cases around the country, he was ordered by a Federal judge supervising that case to answer under oath questions relating to his pattern of conduct as both governor and President with respect to female subordinate employees. That is the context in which the questions were asked, and that is the context in which perjurious answers were given.

Now, in a desperate last-ditch attempt to insulate this President from any constitutional accountability for his conduct, his defenders are forced to trivialize felony perjury. How trivial is perjury to the person who loses a child custody case or goes to prison because perjured testimony was offered as a truth in a court of law? What is the impact on our system of justice when perjury is marginalized or excused for embarrassment, inconvenience, or to insulate one's self as was done here in a sexual harassment case?

Listen to the words of the United States Supreme Court on the subject of perjury: "In this constitutional process of securing a witness' testimony, perjury simply has no place whatsoever. Perjured testimony is an obvious and flagrant affront to the basic concepts of judicial proceedings. Congress has made the giving of false answers a criminal act, punishable by severe penalties; in no other way can criminal conduct be flushed into the open where the law can deal with it."

Mr. Speaker, our Supreme Court characterizes perjured testimony not as trivial conduct, but as criminal conduct.

This Congress must decide whether we will turn a blind eye to allegations respecting the subversion of the courts, the search for truth, and the perjurious abuse of a young woman in a sexual harassment lawsuit.

If we allow perjury to be viewed as a sign of legal finesse, we will be responsible for setting the standard that any future President may lie under oath for any personal convenience and may do it without regard to constitutional consequences. Under this perversion of the law, any President may commit perjury for reasons of self-interest and thereby trample his constitutional obligation to ensure that our laws are faithfully executed. The Congress must not insulate from constitutional accountability those who repeatedly violate their sacred oath.

The evidence against the President on this score is overwhelming, and so too is Congress's constitutional obligation. We must keep faith with our founders' dream that a Nation could rise and be sustained where no person is above the law.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair announces that the gentleman from Wisconsin (Mr. SENSENBRENNER) has 9 minutes remaining, and the gentlewoman from California (Ms. WATERS) has 17½ minutes remaining.

The gentlewoman from California (Ms. WATERS) is recognized.

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN), a distinguished member of the Committee on the Judiciary.

Mr. MEEHAN. Mr. Speaker, as we approach the end of the House's role in this dreadful process, the words I want to leave with my colleagues are those of history. Here is how one prominent historian describes the impeachment of Andrew Johnson: "The impeachment was a great act of ill-directed passion, and was supported by little else. It was rather like an immense balloon filled with foul air, the most noisome elements of which were those most active."

I am sick at heart today, for I fear that the words used to describe the Johnson impeachment will come to characterize what this House is about to do. Impeachment based not on reason, but on rancor.

Yet it is not history's verdict alone that I fear. I also fear how our actions will shape history. Will the House now have license to engage in free-wheeling speculation about how a President's private wrongs bear upon his or her capacity to govern, and then to pursue the removal of those whom it deems unfit? If so, I fear for the very concept that Presidents are to be chosen directly by the people, not by the legislature.

Will the vote over whether or not to impeach the President of the United States now display the same degree of partisan division that our votes on school vouchers and environmental riders have?

□ 1200

If so, I fear that generations to come will view impeachment to be of no greater gravity than those lesser issues.

Will censure now be derided as unconstitutional? If so, I fear that that precedent will gag the House when it desires to express its formal opinion on another subject on another day.

Will an Independent Counsel's factfinding be the sole record upon which the House votes to impeach a president? If so, I fear for future presidents of either party whose tenure in office might be threatened by the sort of overreaching that we have all accused independent counsels at one time or another.

Will we now compel the ship of State in one direction while the rudder of popular opinion clearly points in the opposite direction? If so, I fear for the notion that consensus among the public counts for something when this House takes up the gravest of matters of State.

I fear for our Republic on this dreadful day. I fear for America today.

Ms. WATERS. Mr. Speaker, I yield 3 minutes and 10 seconds to the gentleman from North Carolina (Mr. HEFNER), the respected retiring member of the Committee on Appropriations.

Mr. HEFNER. First of all, Mr. Speaker, I would like to say that the 24 years that I have spent in this House has been the greatest experience of my life. The last vote that I will be called upon to cast in this House is the most troubling vote that I have made in the 24 years that I have been in this House.

It bothers me about the venom and the hatred, and the comraderie that is nonexistent in this House anymore.

Hate is a terrible thing. Hate is a cancer that eats at us. It shows in our face, it shows in our walk, and it is something you cannot treat with chemotherapy, you cannot treat it with any drugs. You have to treat it with compassion and love.

President Clinton is my friend, but the notion is that President Clinton has to go, because the word is, we have to get this done. There is no doubt about it, the President has to go. On the Committee on the Judiciary, I watched hours after hours of the Committee on the Judiciary. The members said the President has shown no contrition. He shows no contrition.

I do not know if Members saw the moment when the President of the United States stepped out from the meeting with the ministers at the White House. It was not a call thing, it was an annual thing that they have.

He stood before the entire world, before the microphones and the television cameras that were carried all over the world, and he stood by himself and said, I have sinned. The most powerful man on the face of the earth stood bare before the world and said, I have sinned, and I ask forgiveness from anyone that I have caused pain to. I ask forgiveness from Ms. Lewinsky.

I talked with him on two occasions after he made that statement. The man is contrite. I do not judge that he has had a talk with his maker, but I have tried to talk with the news media to express another opinion, and nobody wants to hear that.

If we turn on the newscasts, they start off either with the President saying, I never had sex with that woman, I never had sex with that woman, or hugging Ms. Lewinsky. I have yet to see one newscast where anywhere in it, or starting with it, that shows the President of the United States showing contrition; where he says, I have sinned, and I ask God's forgiveness. I have sinned, and I ask forgiveness for anybody that I have caused pain to. For those of us who believe in contrition and forgiveness, it is very important to us.

I think that this is wrong. There is no reason, there is no reason that has been explained to me, or to this House, why we cannot have a vote on censure; no reason. Vote to give us a vote to censure the President, not condemn him and do away with him.

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. DINGELL), the most senior Member of the House.

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

Mr. DINGELL. Mr. Speaker, what the President did was wrong, and what we are doing today is equally wrong. The process before us is unfair. The rights of the minority to offer necessary amendments or proper motions to recommit are being disregarded by the majority. It is an exercise of abuse of power by the majority on the rights of the minority.

We are taking here and creating a rule of law which does not exist. The rule of law says that we should exercise our proper conscience and do what is right. It says we should impeach the President if he has done that which is wrong, and which rises to the level of an impeachable offense.

Clearly, this is not an impeachable offense, because impeachable offenses were defined to mean great and dangerous offenses by George Mason, not ordinary offenses. They were attempts to, and again in the words of one of the Framers, subvert the Constitution. They constituted acts which were a danger to the office, a danger to the society, a danger to the Nation, a danger to the people.

Clearly that is not so. The President's behavior, as I said, is wrong; tawdry. The best thing that could be said, it is not a great event but it is a very small and small-minded set of events. This behavior should not initiate the impeachment processes.

There are a lot of points that need to be made today. They have historical and constitutional importance. Impeachment is for matters that involve a threat to the Nation, the Constitution, and the office.

Impeachment is a constitutional act of the House, referring to the Senate a finding of most serious misbehavior, as discussed above, which initiates a trial in the Senate, possibly resulting in removal from office of the person impeached.

Impeachment is primarily a political process. It is not a judicial or a legislative act. Impeachment participates in the character of an indictment by the grand jury, but impeachment is different and imposes different responsibilities on Members of the House.

Impeachment does not involve criminal consequences. It simply initiates a process to decide whether the officeholder shall continue in office or be removed. Impeachment is not a bar to subsequent criminal process, including indictment, trial, conviction, and punishment. While the President, under the Constitution, cannot be tried or indicted while in office, he may be subject and is subject to full process of the law upon leaving his office.

Mr. Starr, if he finds the events require indictment or action in a criminal court, may clearly take that action. I urge my colleagues to permit us to vote on something which is important, and that is censure. That is what the people want. That is what we should be doing today.

Mr. Speaker, the Constitution defines the basis for impeachment in the House, as . . . "The President . . . shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

The Framers of the Constitution, in the words of George Mason, one of the leaders of the Constitutional Convention, found impeachable offenses to mean "great and dangerous offenses" and "attempts to subvert the Constitution." In other words, they meant no ordinary offenses, but they referred to acts attacking the security of the Nation, the primacy of the Constitution, or the basic functions and well being of the office involved. They felt the behavior should be so inconsistent with the responsibilities of the office that the people required removal of the office holder for their well being, the proper conduct of the office, and the welfare of the Nation.

While the behavior which could trigger the impeachment process can be criminal, and although the actions may be criminal in character, it need not necessarily be so.

There are a number of points to be made which have constitutional and historical importance:

(1) Impeachment is for matters involving behavior which constitutes a threat to the office, the Constitution, and the Nation.

(2) Impeachment is a Constitutional act of the House referring to the Senate a finding of most serious misbehavior, as discussed above, which initiates a trial in the Senate possibly resulting in removal from office of the person impeached.

(3) Impeachment is primarily a political process, not a judicial or legislative act.

(4) Impeachment participates in the character of an indictment by a grand jury. But impeachment is different and imposes different responsibility on members of the House.

(5) Impeachment does not involve criminal consequences. It simply initiates a process to decide whether an office holder shall continue in office or be removed.

(6) Impeachment is not a bar to subsequent criminal process, including indictment, trial, conviction, and punishment. While the President may not, under the Constitution, be indicted or subject to criminal process while holding office, he may be subject to the full process of criminal law for misbehavior immediately upon his leaving office.

Parenthetically, Mr. Starr said in the Judiciary Committee impeachment hearings that there is no bar to such action in the case of the President, including the running of the sundry applicable statutes of limitations.

(7) The Founding Fathers, and Framers of the Constitution, tried to make impeachment difficult. They especially feared constraints on the institutional power of the President or impairment of the office, or loss of balance between the branches of government. They especially feared efforts by one party controlling the legislative branch to remove the President of a different persuasion.

The Framers of the Constitution were much concerned that the legislative branch not be empowered to easily upset an election where the people spoke and selected their President.

Under these principles then, it becomes plain the question before us is whether the behavior of the President, although clearly wrong, rises to the level of an impeachable offense or offenses.

I find that the offenses do not rise to the level of impeachable offenses.

The actions of the President are wrong, arrogantly stupid, and possibly involve criminal misbehavior.

The last question, criminal misbehavior, can and should be addressed in the appropriate time and fashion.

My friend, Mr. HYDE, Chairman of the Judiciary Committee, has made it plain in statements on this matter that an impeachment effort not supported by the people will not succeed. I agree.

We should not lightly set aside an election where the people freely chose their President. We owe it to the Founders, and to the future, to not impair the separation of powers, or the necessary and proper power, as well as the freedom, of the Presidency. We owe it to the people of the United States not to cavalierly set aside their choice of Presidents.

Lastly, I remind all that the President was elected, not once but twice, and by significant majorities.

Listen to the people. This is a political process. It was expected by the Framers of the Constitution that this same political process would function as such. Politics and political process requires involvement of the people and that we who hold this responsibility listen carefully and respectfully to their wishes.

Listen to the people of America. They do not believe impeachment is a proper remedy for President Clinton's misbehavior. The people do not approve of Mr. Clinton's behavior, but they do not believe that the President's action rises to the level of impeachable offenses. They find no basis for us to take such action.

My Republican colleagues disregard the Constitution. They fabricate a rule of law which neither exists here, nor imposes on this House the action they would require. Rather, the rule of law requires us to exercise one of our highest and most important Constitutional responsibilities, deciding on whether to impeach the President with the utmost attention to the Constitution as defined for us by the Founding Fathers.

We are not acting here as a mere grand jury. We are exercising a Constitutional trust and duty of the highest order. We are deciding whether there is enough grave wrongdoing to meet the test of ''high crimes and misdemeanors.'' This requires intelligence, attention, and discretion.

We are now deciding whether to precipitate a Constitutional crisis. We are deciding whether to create a great public controversy where the people will be divided by a process they do not want to go forward. We must now decide whether to put at risk the powers of the Presidency, not the well being a Bill Clinton.

All this is set against the wishes of the people who have spoken to us with clarity.

To my colleagues, I say, listen to the people. Look at your responsibilities, exercise your wide and necessary discretion, carry out your duty in voting no.

For the reasons above, I urge my colleagues to join me in voting no on the impeachment of President Clinton.

It is the right thing to do.

To my Republican colleagues and their leadership, I add, give us a process that is fair, that enables us to act with dispatch on matters the people want us to address.

The people want some action condemning the behavior of Bill Clinton. In a word they want censure of Bill Clinton for his serious misbehavior.

A careful but improper rewriting of both the Constitution and of the rules of the House by my Republican colleagues denies the people their right to have the Congress respond to their will.

Censure is a worthwhile and proper response by the House here to the situation and the will of the people. It is also possible under both the rules of the House and the Constitution. There are abundant precedents that Presidents have been censured before without any question of Constitutionality or anything else. President probably will be censured again.

Censure is a fair, proper, and a legal exercise of the power of the House. It does what the people want. It vindicates both the law and the feelings of the people. That cannot be said of the impeachment of Bill Clinton proposed by the republicans under a gag rule.

To the Republicans and their leadership, I say your behavior is unfair. It does you great discredit. It does not permit the House to choose among the most appropriate actions to be used here.

My colleagues, do what is right—allow a vote on impeachment, but allow, also, a vote on censure. Given a proper choice, the House can act properly and carry out both our Constitutional responsibilities and our duty to the people.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 4 minutes.

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

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

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

Mr. Speaker, I ask unanimous consent that during further consideration of House Resolution 611, the previous question shall be considered as ordered on the resolution to final adoption without intervening motion except: (1) debate on the resolution for a period not to extend beyond 10 p.m. tonight, equally divided at the outset and controlled by the chairman and ranking minority member of the Committee on the Judiciary, and one further hour of debate on Saturday, December 19, 1998, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) after such first period of debate, a motion to adjourn; and (3) one motion to recommit, with or without instructions, which, if including instructions, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

During consideration of a resolution appointing and authorizing managers for the impeachment trial of William Jefferson Clinton, President of the United States, the previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for a division of the question, except 10 minutes of debate on the resolution, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

When the House adjourns on Friday, December 18, 1998, it adjourns to meet at 9 a.m. on Saturday, December 19.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Illinois?

Mr. CONYERS. Reserving the right to object, Mr. Speaker, I shall not object. I want to indicate the cooperation and concurrence of this side with the proposal, and I want to thank the gentleman from Illinois (Mr. HYDE), the chairman, for the cooperation in both our staffs working this out.

Mr. Speaker, I withdraw my reservation of objection.

Mr. HYDE. Mr. Speaker, I thank the gentleman from Michigan and I thank the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SENSENBRENNER. Mr. Speaker, was all that taken out of my time?

The SPEAKER pro tempore. It was not taken out of the gentleman's time, and the gentleman may proceed for 4 minutes.

Mr. SENSENBRENNER. Mr. Speaker, we have heard a lot about the notion of censure.

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

Mr. SENSENBRENNER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would say to the gentleman from Michigan (Mr. CONYERS), by mutual agreement, I would demand a division of the question by article.

The SPEAKER pro tempore. The question is divisible and will be divided for the vote by Article.

Mr. CONYERS. If the gentleman will yield, I would tell him, yes.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) may proceed on his 4 minutes.

Mr. SENSENBRENNER. Mr. Speaker, we have heard a lot about censure. I think it is important to follow the constitutional and historical precedents of the House of Representatives in that censure is not an alternative.

We need look back in 1974, which was the last time the entire issue of impeaching the President of the United States came up. I would like to quote from the book, How the Good Guys Finally Won, Notes from an Impeachment Summer, by Jimmy Breslin, published by Ballantine Books in 1975.

This book quoted our former distinguished Speaker, Thomas O'Neill from Massachusetts, as follows:

> O'Neill went down the hall, picking his way through the tourists, to attend the meeting at which John Rhodes, the Republican leader of the House, gave it one last try for Nixon.
>
> Rhodes said he wanted the impeachment resolution recommitted with instructions that there should be a vote on censuring the President. ''I am bitterly opposed to that,'' O'Neill said. ''But you wouldn't be opposed to us having a vote on censure, would you?'' Rhodes asked. ''Yes, I would,'' O'Neill said.

I think that my friends on the other side of the aisle should listen to their former Speaker one last time, because on this one, he is right.

Mr. Speaker, today we enter the final stage of the impeachment process. For those of us who serve on the Committee on the Judiciary, this has been a difficult and exhausting time. We have

reviewed 18 boxes of evidence. We have heard the Independent Counsel present his case. Constitutional and legal scholars have provided opinions and historical perspectives. The President's lawyers have made their case in his defense, and the gentleman from Illinois (Chairman HYDE) offered them 30 hours in which to do so. They did not use it all.

After examining and weighing all of this evidence and testimony, I believe that the President lied under oath, obstructed justice, and abused the power of his office by providing false statements to Congress in response to questions submitted by the Committee on the Judiciary.

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On Wednesday of last week, I asked the President's very able attorney, Charles Ruff, a very simple question, did the President lie. Mr. Ruff could easily have said no. Instead, he split legal hairs, and that sealed my decision to support impeaching President Clinton.

Mr. Speaker, most Americans are repelled by the President's actions. The toughest questions I have had to answer have come from parents who agonize over how to explain the President's behavior to their children. Every parent tries to teach their children the difference between right and wrong, to always tell the truth and, when they make mistakes, to take responsibility and face the consequences of their actions. President Clinton's actions every step of the way have been contrary to those values. But being a bad example is not grounds for impeachment. Undermining the rule of law is. Frustrating the courts' ability to administer justice turns private misconduct into an attack upon the ability of one of the three branches of our government to impartially administer justice. This is a direct attack upon the rule of law in our country and a very public wrong that directly impacts the constitutional workings of our government.

Mr. Speaker, impeachment is not a tool to paralyze democracy. Instead, it is the only constitutional mechanism available to protect democracy when its institutions are threatened by a President's actions.

Today, based upon the evidence that the President lied, obstructed justice and abused power in an effort to prevent the courts from administering justice under law, I rise in favor of impeaching William Jefferson Clinton. I take no joy in this decision but I make no apologies either.

America will emerge from this dark period of our history a stronger Nation because we have demonstrated once again the resiliency of our democracy and the supremacy of our Constitution.

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

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me first thank our American troops who are now fighting for our liberty. The Declaration of Independence is the promise of that liberty and the Constitution is the fulfillment.

So today it is was with great humility and somberness that I rise on the floor of this House in strong opposition against the articles of impeachment and express my support for censure. Impeachment, Mr. Speaker, is final, it is nonappealable. And the Constitution is the only arbiter of that process.

Article II, section 4 is clear. Impeachment is for treason, bribery and other high crimes and misdemeanors. This President did not commit impeachable offenses under our Constitution, and today with such a vote these chambers will become the incinerator of the Constitution. There is no fairness in this process. There is no justice and there is no dignity.

The charges in these articles of impeachment are meritless and not proven. Perjurious remarks have not been proven. Misleading, evasive statements are not perjurious, per the rule of law of the United States Supreme Court under Bronston. Abuse of power has not been proven. Monica Lewinsky said the President did not ask her to lie. And obstruction of justice has not been proven because the President did answer the 81 questions sent to him by the Judiciary Committee.

In light of the revelations of the last 24 hours, I believe not one of us in these chambers, not one Member would ask for the resignation of a Member so charged. But as a woman, adultery is adultery. Nevertheless, the majority is recklessly attempting to make impeachable offenses purely private acts, in direct attack on the Framers' intent that impeachment was for great and dangerous offenses against the Constitution.

How do we heal this Nation? How do we find uncommon courage? The majority must allow us to vote on a free-standing censure resolution, constitutionally allowed, that acknowledges that the President was morally wrong, misled the American people and that the President, upon leaving office, will be subject to civil and criminal penalties. To do more lays the shredding of this Constitution at our feet.

Today with the vote for the articles of impeachment, we will use the ultimate weapon, we will use the ultimate political death blow, the removal from office of this duly-elected President for acts not against the Constitution or the government. Our censure resolution does not violate the Constitution. It is not a bill of attainder. It does not restrain the property or the liberty of the President. It is constitutionally sound.

Finally this day sunset falls on this House. And as we see it fall, today our vote leads us into the darkness of a vile attack on the Constitution. We leave here today void and empty because our President will have been toppled against the will of the people of the United States.

Mr. President, if you can hear me, do not resign. This is not a parliamentarian form of government.

Mr. Speaker, I say, to my colleagues you can heal our Nation. Rise and vote for censure. Do the just and right thing, for it is written, Mr. Speaker, judge not and ye shall not be judged. Condemn not and ye shall not be condemned. Forgive and ye shall be forgiven.

Vote for a censure resolution and end these unseemly proceedings against our President and the Constitution. Our Nation deserves no less!

It is written in Luke 6:37, ''Judge not, and ye shall not be judged: condemn not, and ye shall not be condemned: forgive, and ye shall be forgiven.''

Mr. Speaker, with great humility and somberness, I rise today in strong opposition against the Articles of Impeachment and express my support for a censure resolution.

However, before we even begin this debate on the merits let me say that we are engaging in this discussion while our American troops are in harm's way in the Persian Gulf. This is the worst time to have this discussion. We are talking about impeaching our President, our Commander in Chief of the Armed Forces while he has authorized troops to engage Saddam Hussein.

My colleagues are not correct in stating that American Troops were in Vietnam during a debate in these chambers on the Impeachment of a President that did not occur in 1974. No such debate took place. American men and women are fighting to uphold the Constitution and they expect nothing less from this body. It is imperative that we uphold and follow the Constitutional process for impeachment. Anything less would be dishonorable.

The Constitution, Article II, section 4, requires removal of the President from office on ''Impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.'' The Framers of our Constitution considered ''high crimes and misdemeanors as political crimes against the state. The critical element of injury in an impeachable offense was injury to the state. This element of injury to the commonwealth was the historical criterion for distinguishing a ''high'' crime or misdemeanor from an ordinary one. Impeachment is directed for ''great misdemeanors against the public.''

The purpose of Impeachment is to curb breaches and abuses of the public trust. The Framers realized that impeachment is final and non-appealable.

At the time of the Constitution's construction, the Framers were concerned with assuring individual freedom and avoiding governmental tyranny. Their intent was to create a viable government with sufficient power to fulfill its given responsibilities. As a result, the separation of powers doctrine was instituted to prevent unfettered authority in a single branch of government. Accordingly, each branch is vested with the power to check and balance the others.

Our debate is about the future of the Presidency, the Constitutional process required for the removal of a president and the importance of bi-partisan cooperation. I think every American, Republican or Democrat, or Independent,

should be concerned about the Articles of Impeachment and whether the allegations contained therein, rise to a level that would justify impeachment.

There is no concrete evidence to substantiate the allegation that President Clinton encouraged a witness to execute a false affidavit. No one should be hailed before a tribunal to answer allegations that are not supported by substantial and credible evidence or threatened with a potential prosecution for perjury because of the questioner's deficiency.

During the Watergate hearings, Mr. St. Clair, the President's attorney, stated in closing summation that ''a President cannot be impeached by piling inference upon inference.''

The Articles of Impeachment drafted against President Clinton do not comport with fundamental fairness nor substantial notions of procedural due process because the alleged perjurious statements lack specificity; an independent collaborating witness and materiality. The President is neither above nor beneath the law. The Constitutional safeguards contained in the Sixth Amendment govern these proceedings.

Monica Lewinsky's Grand Jury testimony clearly refutes an allegation that President Clinton encouraged her to give perjurious, false and misleading testimony: ''[N]either the President nor Mr. Jordan asked or encouraged me to lie.'' This statement by Ms. Lewinsky was made in her February 1, 1998, proffer to Office of the Independent Counsel. Let's take a moment to examine the correlation between the President's relationship with Lewinsky and the allegations put forth by Paula Jones. President Clinton's relationship with Lewinsky was consensual but morally wrong.

On the other hand, Ms. Jones was alleging sexual harassment. Lewinsky's relationship with President Clinton was a tangential collateral issue that was not relevant. Therefore, the probability of its admittance during the Jones trial was unlikely because it would not have ''any tendency to make the existence of any fact that is of consequence to determination of the Jones action more probable.''

It is axiomatic, that perjury requires a (1) volitional act on the part of the declarant (2) about a material matter in the case. Perjury is a specific intent crime. It requires that the declarant willfully and contrary to such oath subscribe to a material matter which the declarant does not believe to be true. More importantly, because perjury requires a specific intent on the part of the declarant, the law provides several defenses to perjury.

Truth is a defense to perjury. A defendant can not be prosecuted for perjury, if he truly believes that he ''spoke the truth'' when asked a question under oath. The defendant would not be guilty of perjury because although his testimony is freely and voluntarily given; he does not manifest the requisite mental state necessary for perjury, a specific intent crime. Restated, perjury requires that the defendant (1) set-out to deceive and (2) know that statement's he utters are untrue.

Another defense to perjury is materiality. The declarant's statement must be material to the matter before the tribunal. The third defense to perjury arises where the questioner's interrogatories are drafted in a manner that invites ambiguity. In the landmark case of *Bronston* v. *United States*, the United States Supreme Court stated:

> It is the responsibility of the lawyer to probe * * * if a witness evades, it is the lawyer's responsibility to recognize the evasion and to bring the witness back to the mark, to flush out the whole truth with the tools of adversary examination * * * A potential prosecution for perjury is not the primary safeguard against errant testimony.

Under our adversarial system of jurisprudence, a defendant is not required to assist a plaintiff in bringing her suit to trial nor is a defendant required under the rules of civil procedure to volunteer specific information that the plaintiff has not requested. This is our system of jurisprudence that we have utilized for over two hundred years. This really is adhering to the rule of law and the right to due process.

The President's actions were wrong and reprehensible but not impeachable because his conduct did not injure the state as required by the framers. Impeachment is a remedy of last resort, it is the atomic bomb of partisan politics.

In the Federalist Paper No. 65, Alexander Hamilton described impeachment as a mechanism to reach: ''[T]he misconduct of public men and abuse or violation of some public trust. Impeachable offenses are political, as they relate to injuries done immediately to society itself.

The Framers never intended impeachment or the threat of impeachment to serve as a device for denouncing the President for private misbehavior or for transforming the United States into a parliamentary form of government in which Congress can vote ''no confidence'' in an executive whose behavior it dislikes. The President is elected by the people of the United States and it is not the prerogative nor duty of the House of Representatives to undo that election because of partisan politics.

The records of the Constitutional Convention confirm that the Framers did not intend the President to serve at the ''pleasure of the Senate.'' In fact, it was suggested by Mr. Pinkney of South Carolina, a Framer of the Constitution, that ''if the President opposes a favorite law, the two Houses will combine against him, and under the influence of heat and faction throw him out of office.''

Hence, if we follow Mr. Pinkney's theory to its logical conclusion, a president could be removed for any transgression, however remote in time, which the Senate may decide in its discretion warrants removal from office. This unbridled authority could establish an atmosphere that manufactures impeachable offenses where they do not exist. We should consider Mr. Pinkney's words as we tread these dangerous waters. Therefore, it is essential that we utilize every constitutional safeguard to prevent the truth from being ''twisted by knaves to make a trap for fools.'' On February 8, 1798, Thomas Jefferson wrote a letter to James Madison about the impeachment of Senator Blount, stating, ''I see nothing in the mode of proceeding by impeachment but the most formidable weapon for the purposes of [a] dominant faction that ever was contrived. It would be the most effectual one of getting rid of any man whom they consider as dangerous to their views * * * impeachment has been an engine more of passion than of justice.''

The Constitution imposes a grave and serious responsibility on Congress to protect its fabric and integrity. It would have been a dereliction of duty if I failed to investigate the allegations contained in the Starr Report before I begin dealing with what has been called ''delicate issues of basic constitutional law.''

Imagine a justice system where a prosecutor can present charges to a grand jury, obtains an indictment and then proceeds to trial. During the trial, the prosecutor calls himself as a witness, to testify about the defendant's prior bad acts and his rationale for charging the defendant. While testifying, he admits that individually and collectively, the charges are insufficient to meet the standard of crime, but he believes the defendant has engaged in a pattern of abuse to obstruct justice.

Certainly, if this incident occurred in our home town, we would be outraged at the waste of financial resources. We would call for this prosecutor to end this charade, immediately because his conduct and abusive tactics would emasculate the system he is attempting to protect.

Independent Counsel Starr violated District of Columbia Rules of Professional Conduct Rule 3.7, entitled ''Lawyer as witness'' which provides a lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness and Virginia Code of Professional Responsibility DR5–102, entitled ''Withdrawal as counsel when the lawyer becomes a witness'' when he testified in front of the House Judiciary Committee.

Nowhere in the history of this Country's system of jurisprudence has a prosecutor had the ability to take the witness stand to ''vouch for the credibility'' of evidence presented during trial, to do so would be a miscarriage of justice. Likewise, allowing Independent Counsel Starr to testify for two hours ''about a pattern to obstruct justice'' eviscerates the purpose of the Independent Counsel Act.

Further, Sam Dash, Mr. Starr's ethics advisor resigned in opposition to Mr. Starr's inappropriate appearance before the House Judiciary Committee.

Section 595(c) authorizes the Office of the Independent Counsel to submit a referral to Congress to guarantee that its findings would not be thwarted by internal sources within that individual's branch of government. This concept is consistent with the separation of powers doctrine was instituted to prevent unfettered authority in a single branch of government. Accordingly, each branch is vested with the power to check and balance the others.

This Act was designed to provide a mechanism to prevent inherent conflicts of interest which could arise where the Executive branch of government must supervise or conduct an investigation of an individual associated with its office.

On October 8, 1998, the House passed H. Res. 581, which expressly authorized the committee to report: ''such resolutions, articles of impeachment, or other recommendations as it deems proper.'' Over the past two months, the Judiciary Committee has heard testimony from several witnesses about ''high crimes and misdemeanors'' and alternatives to impeachment. Censure is a viable alternative to impeachment that will quickly and judiciously resolve this national issue.

Censure is neither a substitute for a federal pardon nor is it a cover-up. Therefore, the President is still subject to civil and criminal punishment for any alleged crimes he may have committed by the court system after he leaves office. The United States Constitution does not prohibit Censure.

Several critics continue to suggest that censure is unconstitutional because there is no constitutional provision that expressly authorizes censure. This rationale is flawed and

without merit. If we follow this line of reasoning to its logical conclusion: postal stamps, social security, and public education are unconstitutional because there is no explicit reference to these programs in the Constitution.

Furthermore, the Constitution does not prohibit Congress from acting because of its silence. Many powers and individual rights not expressly stated in the Constitution have been recognized by this body politic. For example, the right to privacy, the right to bodily integrity and the Executive power of removal. Our Constitution is a ''living and breathing'' document that requires continuous interpretation by the Supreme Court to address the problems facing our Nation.

Further, there is an historical precedent for a censure resolution. A censure resolution was considered against President Nixon during the Watergate investigation because of the allegations involving his abuse of Presidential authority and misuse of the Justice Department. Richard Nixon resigned from office. In 1834, the United States Senate censured President Andrew Jackson because of actions interpreted as contravening the rule of law. More importantly, censure would not violate the Constitution's substantive restraints against the use of federal power.

Censure is a sensible historically proven solution for addressing the President's disturbing behavior. It is time for America to move forward; it is time to put this unsettling controversy and divisiveness aside; it is time for the business of the American people to take first priority. It would benefit the entire country if the President could return to focusing on the issues at hand, as opposed to this scandal. The time to close this dishonorable chapter in our Country's history has come.

There are millions of Americans who want their voices heard on a censure resolution. It is our obligation, as their duly elected representatives, to ensure that their views be heard.

Censure is a window of opportunity for this body politic to display a bi-partisan atmosphere during these alarming moments. We must exhibit a united front for our Nation and our troops. It is time for national unity.

In all things that are purely political we can be as separate as the fingers, yet one as the hand in all things essential to the mutual progress of America and democracy.

It is imperative that we bring this chapter to a close in a reasonable judicious and equitable manner. It is time to move forward; it is time to focus our energy on securing our shores from foreign enemies.

The Bible, Ecclesiastes Chapter 3, Verses 1 through 8 states, ''[T]o every thing there is a season, and a time to every purpose under the heaven: a time to heal; a time to break down, and a time to build up; * * * a time to love, and a time of peace.'' At the end of day, we should move forward, prepare for tomorrow and America's business.

I will vote ''No'' on these Articles of Impeachment; for to vote ''yes''-does subvert the Constitution! I still hold hope for the opportunity to vote for a Censure Resolution which will break this partisan divide and appropriately rebuke and reprimand the President, and finally by our collective good judgment—Heal this nation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind all Members to address their comments to the Chair.

The Chair will recognize managers from the Committee on the Judiciary on either side of the aisle, endeavoring to maintain equality between the two sides in the consumption of time available and at the prescribed hour will determine where we are and then we will move on from there.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BLILEY).

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

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

This is a sad day, sad day for this country. We should not have to be here. Had the President done what he should have done, we would not be here, and admitted wrongdoing right from the start.

We have heard said in this body, Mr. Speaker, that this is different from Watergate, but really, is it? In Watergate, the President lied to the American people. This President lied to the American people. In Watergate, the President did not commit perjury. This President, in my opinion and the opinion of the overwhelming majority of the people of this country, did commit perjury.

Either we are a Nation of laws or we are a Nation of men. If we are a Nation of laws, then the highest and the lowest are subject to the same law. There is no preferential treatment, and we and our Constitution grant none.

The President, in my opinion, obstructed justice. He attempted to cover up. To say this is just about sex is to say that Watergate was just about a third-rate burglary. Nothing is further from the truth. This President sought to cover up a crime. And if we allow this to stand without the ultimate punishment which is afforded the Constitution, which charges us as the people's body to make, we have not done our duty and history will so remember.

I would like to quote and paraphrase in closing the words of our colleague, the gentleman from South Carolina (Mr. GRAHAM). He said earlier in the proceedings, 25 years ago, we had Watergate and the American people today think that Congress reached the right decision. I hope that 25 years from this day, people will think that we made the right decision.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

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

Ms. DEGETTE. Mr. Speaker, Article II, section 4 of the Constitution states that the President shall be removed from office on impeachment for and conviction of treason or bribery or other high crimes and misdemeanors.

We have heard a lot today and in the past weeks about the rule of law, but that is not the standard for impeachment. We are all sworn to uphold the rule of law, and there is still a remedy in this situation for the President's action under the rule of law: Criminal prosecution.

The President lied to us, but this vote is neither about absolution or punishment. The only question we face is whether the President's actions, regardless of how wrong or potentially criminal, rise to the standard our constitutional forefathers set for us.

We have been told by the majority of constitutional scholars that the President's actions do not fall within the meaning of high crimes or misdemeanors but yet we persist. We have divided this House with partisan politics, sewing mistrust and exposing the darkness in our own hearts. It started with the first vote of the 105th Congress to censure the Speaker, and it has continued to this day to the vote to impeach the President.

With all of the lost opportunities in between, it is no wonder we are losing the public's trust. After today, when the impeachment frenzy subsides, we will survey the damage to our own political system, we will have unnecessarily crippled the presidency for a generation to come. We will have wantonly weakened this House of Representatives reaching a new low in partisan rancor. We will have substantially subverted the Constitution which was designed to reflect the will of the people in a republic, not to promote a political party in what is slipping towards a parliamentary system.

We will intentionally have ignored the business of the American people both at home and abroad, and we will have changed the political climate where decency, privacy and civility have been sacrificed on the altar of political greed, cynicism and shame.

This vote is unworthy of our institution. We will pay for it in the years to come. We will undermine the ability of the next generation of American Presidents to lead us through the enormous challenges that face the 21st century, just as we did after the last impeachment of a President over 100 years ago.

While this President must answer for his actions, history will judge us for our actions, too. As legislators, as representatives and as citizens, we have an enormous responsibility, and I fear that we are on the brink of disgracing the public's trust.

I urge Members to vote against impeachment on principle, mindful of our oath of office, understanding our duty to our constituents, to the Constitution and to the future.

□ 1230

Mr. MCCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Speaker, I thank the gentleman for yielding.

Some of our friends on the other side have indicated that perjury is not an

impeachable offense under the Constitution. I remind them of the testimony of the former Democratic attorney general of the United States, Griffin Bell, who came before the House Judiciary Committee. General Bell referred to the legal authorities relied upon by our founders, such as Blackstone, in drafting the Constitution.

General Bell testified that Blackstone identified a series of crimes that were called ''crimes against justice,'' and those crimes included perjury. General Bell concluded, ''I am of the opinion, my conclusion, is that those crimes are high crimes within the meaning of the impeachment clause.''

Mr. MCCOLLUM. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. GALLEGLY), a member of the committee.

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

Mr. GALLEGLY. Mr. Speaker, this has been a very trying time for all of us, for the President, and for the country. But there are few things more important than standing up for the Constitution of the United States and for the rule of law.

There are three points I will make this morning in support of the articles of impeachment. First, I am a member of the Committee on the Judiciary. And based on months of review, it is clear to me that President Clinton repeatedly lied under oath, intentionally and willfully, during a civil deposition and before the Federal grand jury. He also attacked the integrity of Congress by lying under oath in response to the 81 questions submitted by the Committee on the Judiciary.

Our legal system, which protects the rights and liberties of all citizens, is dependent on telling the truth, telling the truth under oath. The President is our chief law enforcement officer and our chief magistrate. When he lies under oath, he undermines the integrity of our judicial system and threatens the right and liberties of every one of us.

Second, lying under oath after swearing before God and country to tell the truth, the whole truth and nothing but the truth is, and my fellow members I believe I know what ''is'' is, is an impeachable offense.

Our legal system is dependent on people telling the truth, telling the truth under oath. Lying under oath undermines the rule of law. By lying under oath, President Clinton has also violated his presidential oath of office.

Third, this is not about sex. It is about the rule of law. It is about lying under oath before a Federal judge and a Federal grand jury. Every citizen must obey the law, period. A society without laws is anarchy. Societies that ignore their laws are condemned to violence and chaos. We must state directly and strongly that the integrity of the judicial branch must not be violated. We must make it clear that all Americans are equal under the law.

After much painful soul searching, I have reached the conclusion that impeaching the President for repeatedly and willfully lying under oath is necessary to protect the rule of law which is the foundation of our republic.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WEXLER), a distinguished member of the Committee on the Judiciary.

Mr. WEXLER. Mr. Speaker, this Congress is on the verge of a tragic mistake that will reverberate for centuries and alter the course of American history.

Impeachment is not the ultimate censure. Impeachment is devastating. Impeachment is enduring. Impeachment is momentous. If we dumb-down impeachment and make it easier for future Congresses to impeach presidents, we will forever weaken the institution of the presidency.

The Founding Fathers knew this. They could have said a president could be impeached for any crime, but they chose to designate crimes only of the gravity of treason and bribery. To impeach for anything less than the highest of crimes is a distortion of the Constitution and hands a tremendous weapon to our present and future enemies who will point to a weakened president and ultimately a weakened nation.

That is why the Founding Fathers knew that low crimes should wait, that the strength of our national leader, the sovereignty of our Nation trump all but the gravest of charges, those which subvert our government.

If my colleagues have even the slightest doubt as to whether this President's actions rise to the level of high crimes and misdemeanors, then they do a tremendous disservice to our Nation and to our standing in the world if they vote to impeach.

So do not think for one moment that this is a free vote, that the Senate is the real player in the impeachment drama. We have the power to stop this travesty, to pull the curtain on this theater of the absurd.

This impeachment vote is bigger than Bill Clinton. It is bigger than all of us. I implore my colleagues, do not weaken the presidency in an effort to punish this President. This is about that delicate balance of power that is the bedrock of our democracy. It is about due process and fairness. It is about safeguarding our privacy and curtailing the intrusiveness of government. It is about nothing less than our humanity.

What have we become when we impeach a president over an extramarital affair and the lies to conceal it, when we lose all sense of proportion? What have we become when we enter a new era of sexual McCarthyism, when the boundaries of people's private lives are no longer respected? Have we no sense of decency? What have we become when our partisan warring does not stop at the water's edge but spills over and bestows upon Saddam Hussein the hope of a divided America? What have we become? I fear, our own worst enemies.

Mr. MCCOLLUM. Mr. Speaker, I yield 4½ minutes to the gentleman from California (Mr. CAMPBELL).

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

Mr. CAMPBELL. Mr. Speaker, I have been here since the debate began, and no speaker has refuted the facts. The facts are that the President did not tell the truth under oath on August 17 and on other occasions, but specifically on August 17.

Let me address why that matters so much and why that rises to the level of high crimes and misdemeanors. The August 17 incident does rise to that level because it undermines my ability to trust this President whenever he says anything to me or to anyone else, if it is in his interest not to tell the truth. And that is what takes this conduct above the level of a common violation of law and to the level of a high crime and misdemeanor, because it incapacitates him from effectively serving as our President.

He raised his hand, he promised to God he would tell the truth. He had his attorney by his side. He had seven months' advance notice. He could have interrupted the August 17 proceedings at any moment. The reason that humanity might allow us to understand the President's not telling the truth earlier in January, namely to hide the truth from his wife and daughter, no longer was the case in August. He had already told them the truth. And having taken the oath to God and having seven months' advance notice, and having the right to stop the proceedings if it was difficult, and, unlike any other American citizen, having his attorney by his side if a question required the advice of counsel, this President chose not to tell the truth. I cannot trust him again.

Today we are engaged in war in the Persian Gulf. I was assured by Secretary Cohen and by the Director of our Central Intelligence Agency that the timing was justified. Those two are honorable men. And because of their testimony, I believe the timing was justified. But I do not believe it was justified on the basis of what President Clinton has said, because I can no longer believe him. If it is in his interest not to tell the truth, he will not tell the truth.

Now, there are some who say that I should not draw that conclusion because this merely dealt with sex; and so, perhaps, I should only doubt the President's ability to tell the truth in the future—even if he is looking me in the eye, even if he has sworn to God to tell the truth—because he will only fail to tell the truth if it deals about sex.

I cannot tell you how deeply that wounds me, because of the importance I have always attached throughout my public career to the fair and equal treatment of women. And to say that it only deals with sex is to denigrate, to

put at a lower level, the seriousness of the offense felt by virtually every woman in our society at least once in her working career.

Sexual harassment is not just about sex, and to say that sexual harassment and denying the truth to a plaintiff in a sexual harassment case is somehow less important is to denigrate the harm that women in America feel every day when they go into the workplace and they are treated less because they are women. No, sexual harassment is not less than any other offense.

The President raised his hand, promised to God to tell the truth, and did not. On behalf of my five sisters and my wife, I cannot say that sexual harassment makes this less. On behalf of my own oath to God, I cannot look the other way.

Mr. Speaker, I yield to my colleague, the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding.

I just wanted to respond briefly to the gentleman from Florida (Mr. WEXLER), who preceded my colleague, who argued that we were lowering the bar from impeachment by submitting articles of impeachment on perjury.

I do not believe we are lowering the bar. In fact, I have no problem in setting a standard for future presidents in official court proceedings that would jeopardize their office for repeated intentional acts of perjury. That is what we are doing, is maintaining a standard.

On the other side of the coin, if we fail to act, then we are lowering the standard of conduct that we expect from the chief executive officer of our land not to commit perjury in official proceedings.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New Jersey (Mr. ROTHMAN), a distinguished member of the Committee on the Judiciary.

Mr. ROTHMAN. Mr. Speaker, this vote today is about one thing, the sanctity of the Constitution of the United States.

The Founding Fathers were clear. They created a strong presidency where the executive was elected for 4-year terms. They did not want a parliamentary system where the Congress could remove the people's choice unless the President's conduct had threatened the very stability of the country.

The founders specifically rejected proposals to allow impeaching the President for poor character or for morally bad behavior. They said it clearly. The President can only be impeached for treason, bribery, or other high crimes or misdemeanors against the state.

This high bar for presidential impeachment has served our country well for 210 years, so well in fact that only one president in our Nation's history has ever been impeached by this House. Now, driven by their hatred and loathing of Bill Clinton and his policies, the Republican Party is about to take our constitutional balance of powers and permanently and irreparably and forever damage it.

The constitutional punishment of impeachment was not meant to substitute for the punishment of the civil and criminal courts. Impeachment was meant to address presidential behavior that threatened the republic so gravely as to require the removal of the President in the middle of his or her term.

We can all agree that the President's acts, lying to the American people and having an affair in the White House with an intern, were reprehensible. The President should be censured for his wrongful action. But violations of these kinds of civil or criminal laws should be handled like any other Americans, in the civil and criminal courts.

The first three words of the Constitution are, ''we the people.'' And in this case the views of the people are well-known, censure the President but do not impeach him. But we cannot. The Republican Party will not let America's elected representatives either vote for or even debate censuring the President. It is a blatant abuse of the Republican Party's majority power in the Congress.

This Republican juggernaut, driven by the right wing of their party and aided and abetted by the so-called Republican moderates, will forever damage the constitutional balance of power in America.

□ 1245

Every future President will be looking over his or her shoulder wondering if future Congresses do not like the President's veto of a controversial bill or do not like the President's policies or lifestyles, will that future Congress controlled by a different political party appoint a special prosecutor and spend $40 million in 4 years investigating that President's private life. If this Congress impeaches the President on these grounds, today will go down as one of the saddest days in American history for our country, for our Congress and for the institution of the American presidency.

I beg the Republican majority, the one that the people put in power and that the people can remove from power, censure our President for his wrongful conduct, let the civil and criminal courts punish any of those offenses, but do not damage our Constitution by impeaching the President on these grounds.

Mr. MCCOLLUM. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I simply want to respond to one of the comments the gentleman from New Jersey (Mr. ROTHMAN) just made about the level to which it has to be for before we impeach a president of the United States. It certainly does not have to be presidential powers only. If the President of the United States committed murder, if he committed a lot of other crimes, it seems to me that those would be perfectly impeachable, and if we are talking about perjury which rises to the virtual level of bribery, in fact under the Federal sentencing guidelines has a greater amount of sentencing in our court system, a higher level of it than bribery, which is, as my colleagues know, treason, bribery and other high crimes and misdemeanors, it seems abundantly clear that perjury is impeachable.

Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I also would like to respond to the previous speaker, the gentleman from New Jersey (Mr. ROTHMAN).

While admonishing the trial court to be sensitive to demands on the President's time, the U.S. Supreme Court recently unanimously ruled that he had the same obligations as every other citizen in the Nation's courts. Testifying truthfully under oath is one of those obligations. The President maintains he did this. I believe beyond a reasonable doubt that he repeatedly committed perjury.

I do not believe our President should be held to a lower standard of accountability than other citizens who perjure themselves.

If anything, he should be held to a higher standard because of the trust proposed in his office and because he is the chief law enforcement officer in a Nation whose very foundation is the rule of law. Other Federal officials, including three judges, in the last dozen years have faced removal from office after committing perjury. So should our President.

Therefore, Mr. Speaker, I will vote to refer articles of impeachment to the Senate.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. WATERS), the chairwoman of the Congressional Black Caucus and distinguished member of the House Committee on the Judiciary.

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

Ms. WATERS. Mr. Speaker, how must our American soldiers feel to have their Commander in Chief under attack while they are engaged in battle? They have the right to feel betrayed and undermined. Today we are here in the people's House debating the partisan impeachment of the President of the United States of America while the Commander in Chief is managing a crisis and asking world leaders for support.

This is indeed a Republican coup d'etat.

Mr. Speaker, Americans all, the Republicans will couch this extremist radical anarchy and pious language which distorts the Constitution and the rule of law. Bill and Hillary Clinton are the real targets, and the Republicans are the vehicles being used by the right wing Christian Coalition extremists to direct and control our culture. The rule of law has been violated

in denying the President notice of charges, by the abuse of power in the collecting of so-called evidence and the denial of the presumption of innocence.

President Clinton is not guilty of the trumped up charges presented in these four articles of impeachment. Yes, Bill Clinton is guilty of certain indiscretions in his private life. However, he did not commit high crimes and misdemeanors. Rather the President is guilty of being a populist leader who opened up government and access to the poor, to minorities, to women and to the working class. President Bill Clinton is guilty of not being owned by the good ole southern boys or the good ole eastern establishment. Mr. Speaker, President Clinton is guilty of being smart enough to outmaneuver the Republicans in the budget negotiations, electoral politics and the development and implementation of the people's agenda.

Mr. Speaker, I am an African American woman. I am accustomed to having to fight and struggle for fairness and justice. Ken Starr, I know and recognize abuse of power when I see it; he is guilty. However, I am greatly disappointed in the raw, unmasked, unbridled hatred and meanness that drives this impeachment coup d'etat, the unapologetic disregard for the voice of the people.

Mr. Speaker, I say to my Republican friends what they do here today will long be remembered and recorded in history as one of the most despicable actions ever taken by the Congress of the United States of America. I dare the Republicans of this House to allow themselves to move just one inch and give me and my colleagues the opportunity to vote for an alternative. I dare them to be fair. I dare them to allow us to vote for censure.

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. BONO), a member of the committee.

Mrs. BONO. Mr. Speaker, I rise in support of the articles of impeachment. I want to speak about this difficult issue not only to my colleagues but also to the American people. Although there is much disagreement on this issue, most Americans agree that we must resolve this matter as soon as possible. I strongly believe that our troops overseas must be reassured that the business of our Nation will not be interrupted by the actions of a tyrant who will not heed the will of the international community despite the clear and convincing evidence that the President of the United States committed perjury before a grand jury, before a Federal grand jury, lied to the American people. The decision was not an easy one for me or, in my belief, any of my Committee on the Judiciary colleagues. Yet I firmly believe that we would not be fulfilling our oaths of office as United States Representatives if we do not follow our duty as stated in the Constitution.

We need to be realistic about what is at the heart of this vote. The central issue is whether the President is above the law and whether sexual harassment in civil rights laws remain viable in effective protections for all Americans. Despite record numbers of women working to support their families, women are all too vulnerable in our society to sexual harassment. If Congress turns a blind eye to the President's behavior, then we are turning our back to those victims of sexual harassment.

Every person, including Paula Jones, is entitled to certain rights under our Constitution. This includes truthful testimony from all parties, and that is why we are here, because the President thought he could provide untruthful testimony to obscure the truth first in his deposition in the Jones case and later in his testimony before a Federal grand jury.

Mr. Speaker, the President of the United States is not above the law. I am deeply disappointed that the President failed to uphold the public sacred trust and his own oath of office, but I am also saddened by the need for this Congress to arrive at this moment. As we debate this issue some will argue that impeachment is too harsh a punishment or too inconvenient for our Nation; however, it is the only appropriate remedy given to us by the framers of our Constitution.

As a member of the Committee on the Judiciary, I must say a final word in recognition of the chairman, the gentleman from Illinois (Mr. HYDE). I know that no one could have given the President a fairer hearing.

So I appeal to every American to look deep into their conscience and weigh the consequences for our system of justice if we allow the President of the United States to commit felony acts and not be held accountable for his actions.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FAZIO), a departing member of our leadership.

Mr. FAZIO of California. Mr. Speaker, this is the final moment in my 20-year career here in this House I love so much, and it is by far the saddest one. I am sad that a reckless President and a Republican Congress driven by blind animus for him have brought us to this moment in history. This is a moment where legalisms reign over human understanding and acknowledgment that we are all sinners before our Lord, and it is even more unfortunate that this debate takes place when our troops are in harm's way.

My instinct is to stand here and plead with my colleagues to consider the ramifications of what we will do, but I fear this vote is a forgone conclusion. Sadly it seems to have more to do with our political affiliations and loyalties than anything else, and it must be said that what we do here today is to some degree driven by revenge.

Some of my colleagues obsess about Slick Willie in the same way that those on my side of the aisle used to about Tricky Dick. Robert Bork, Clarence Thomas, Jim Wright, on and on; we do each other in in personal terms. Each one of us has been given a most precious gift, the right to represent some 600,000 American citizens in the House of Representatives, and yet when it comes time to be here for them we seem to lose track of the fundamental issues of our times and instead focus far too much on petty and partisan battles. This vote and this time will either unite us and show the country that we are above partisanship and legalistic word games, or it will lay the foundation, I believe, for a growing permanent divide in this Nation where there is a left and a right while those in the center, the great majority of our people, do not seem to matter.

It is much more difficult to govern here now, to do what is right for this country at this time, to look not to legalisms and parsed interpretations so valued on all sides, but to place the actions of our President in the proper context, to censure those actions without undeniably and irrevocably harming our democracy by lowering the threshold of impeachment. But we will not allow that vote here today.

Many here have suggested that this is not about sex. That is a very convenient decision for some to make. If it is not about sex, then we might think it is less hypocritical to sit here in judgment of this President.

I might add this Nation and its people have suffered greatly from the partisan battles that have only grown stronger in recent years. Jerry Ford, upon assuming the presidency after Watergate, said our long national nightmare is now over, and when resigning his speakership Jim Wright called upon his colleagues to end what he called mindless cannibalism. But today we find our nightmares continue and political cannibalism thrives and grows stronger. Sadly it was the late Vince Foster who recognized in Washington peoples' lives are destroyed for sport.

I ask my friends to put aside the partisanship, the legalisms and, yes, the late hypocrisy. The American people deserve a clean slate for the next Congress to build upon and renew its trust and public confidence. This is our chance. Let us unite this country with a vote against impeachment today and put an end to this open-ended and mindless process of destroying the lives of good and decent people who, yes, are flawed and all too human.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BRADY).

(Mr. BRADY of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRADY of Texas. Mr. Speaker, some Americans are not watching these proceedings. Instead in hushed courtrooms across this country families slashed apart by violent crime and innocent people wrongly accused are staring intently at a witness stand, and they are praying. For many their best

hope, perhaps their only hope, for justice depends upon that witness telling the truth, the full truth, under oath. Truth does matter, and if it is no longer the duty of the President to tell the truth under sworn oath, can we require it of any American? The answer is no which is why justice, hope and the Constitution demand that today we vote ''yes.''

After carefully studying all the facts, there is strong and sufficient evidence to warrant a trial in the United States Senate. I intend to vote ''yes'' on each of the four articles of impeachment of the President that were forwarded by the House Judiciary Committee.

In making this decision, I upheld my constitutional responsibility to act as a fair and thoughtful juror. I weighed the evidence against the charges and cast my vote without regard to polls, party or conjecture about any future presidential race.

I am sad for the Nation because none of this needed to occur. It is only the second time in our Nation's history that a vote to impeach the President of the United States has taken place on the floor of the House of Representatives. Unfortunately, this pain could have been prevented had the President simply conducted himself decently and within the law as do most Americans.

It is the duty of the President to tell the whole truth under sworn oath, as it is for every American. This truth is no less than the foundation of our justice system, as important as the constitutional rights of the accused.

If the President is held to be above the law, the ultimate and predictable consequence is that achieving justice in America's legal system will become significantly more difficult. The necessity for the truth is reflected by the appropriately severe punishment for those who willfully refuse to provide it—which is up to five years imprisonment for each Federal violation.

Nobody has a more sacred obligation to obey the law than those who make and discharge them. To its credit, America continues to strive to preserve equality under the law as a self-evident truth. It is essential to the common consent of citizens who must abide by these laws.

I am proud to represent the impressive new George Bush Presidential Library and Museum which is located on the Texas A&M University campus in College Station, Texas. Engraved on the southern exterior wall of the library, engraved high enough to catch the late afternoon Brazos Valley sun each day, is an appropriate quote from our former President whom I deeply admire and respect.

It is from his 1991 inaugural presidential address, and I take inspiration from it as I deliberated on this matter: ''Let future generations understand the burdens and blessings of freedom. Let them say we stood where duty required us to stand.''

Duty requires us to stand here today. The burdens of freedom demand we uphold the Constitution regardless how tiring, how distasteful, how difficult.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. KENNELLY), a departing member of our leadership.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to oppose these articles of impeachment, and I do it secure in the knowledge that this is the right decision. This is the last issue I will address after 17 years in this body, after thousands of votes, only a very few of which I regret, and I do not want to regret this incredibly important vote. That is why I have taken it so seriously.

When John Quincy Adams after his term as President of the United States ran and won a seat in this House, he was criticized by his friends because this was ''beneath'' his status as former President. He explained it is always the highest honor to serve in the House of the People.

Mr. Speaker, no honor will rain on this House today if we vote to impeach. Let us be honest with ourselves: A vote to impeach on the basis of the vexing materials assembled by the Office of the Independent Counsel is a vote to lower, dramatically and unalterably, the bar to future impeachments.

Until now, the House has very much held a high standard for impeachment, keeping with the Constitution dictum that impeachment be reserved exclusively for high crimes and misdemeanors.

There is so much discussion now about what is a high crime. Let us think about what was not. Remember President Reagan and Iran-Contra? Four laws, serious laws, broken; remember Harry Truman, taking over the steel mills, sending troops into Korea without letting the Congress telling him it was okay; Herbert Hoover and what happened there with the Federal Reserve funds.

But there was no impeachment, Mr. Speaker, because, as serious as these allegations appeared at the time, impeachment never became a serious proposition. Collectively, our predecessors in this body understood fully both the necessity of impeachment as the ultimate bulwark against the potential tyranny of the executive, but also the very real threat impeachment presents to the structure of our government if improperly or too readily used. Impeachment was the means of last resort.

Mr. Speaker, we should not vote to impeach today because it is neither necessary nor in step with precedent. Voting to impeach today is to participate in an assault on the institution of the presidency and our delicate system of checks and balances.

I will vote ''no'' on all articles of impeachment for the sake of our posterity, and I urge my colleagues to do this today, for the future of the country, for the future of the United States of America.

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. HULSHOF).

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

Mr. Speaker, if the President of the United States simply committed adultery, then that indeed is a matter that should be reserved to his family. If, on the other hand, the President of the United States committed perjury or other illegal acts, then that matter must necessarily be reserved to this Congress.

I agree that the private failings of a public man deserve neither debate nor reprimand from this body, and yet public misconduct committed by that same official deserves punishment of the fullest measure.

Based upon my solemn review of the evidence and historical precedents, I am firmly convinced beyond a doubt that William Jefferson Clinton used every conceivable means available to him, including perjury and obstruction, to defeat the legal rights of another citizen who claimed she had been wronged and who sought redress from our justice system, and, in that way, the President's private indignities became indignities against the Constitution by which we are governed.

Our third branch of government has rightly said no individual is above the law, no single citizen can determine or judge the merits of another case, save those clothed with the cloak of judicial interpretation, and yet the President, under penalty of perjury, bore false witness under oath, and Ms. Jones' rights to due process were violated.

That result, Mr. Speaker, is bad enough in itself, but I believe it reached constitutional proportions when the denial of a civil rights of another citizen is directed by the President of the United States.

Mr. Speaker, what we say here today will be but paragraphs, perhaps even footnotes, in the pages of history yet to be written by those to come. What we do here will be indelibly imprinted upon the American tradition.

Let not this House grant a pardon to the President for his criminal offenses. Let not history look back on this day and say there, on that date, America surrendered the rule of law. There can be no presidential executive privilege to lie under oath.

Regrettably, my oath of office, my sacred honor, requires from me a vote of ''aye'' on the resolution before this House.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from California (Ms. LOFGREN) a member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Speaker, the Republican Party in this House has made a tragic decision for the Nation and a decision that will permanently damage our constitutional democracy.

The President of the United States had a sexual affair. That was wrong. Then, like many others who misbehave sexually, he tried to hide the affair. That was wrong too. But then the greater wrong occurred. The majority decided to give into the worst within themselves, their abiding hatred of this President. The majority has decided to discard our history, to damage our Constitution and to threaten our future to get the President, all the while pompously pronouncing they are doing the opposite.

When the Founders wrote our Constitution, they provided for the rare remedy of impeachment that the Legislative Branch could utilize if the elected President should engage in conduct that would threaten our constitutional government. Only once in our 211 years has Congress voted to impeach a president, and, in that era of 1868, it was also radical Republicans who misused the tool of impeachment.

Much of the country is watching what we do here with anger, sorrow, fear and disbelief. I share with my constituents the feeling of unreality about these proceedings. The country is waiting for grownups to walk into this Chamber and stop this madness, but, alas, those Republicans with the maturity and judgment to ask that censure be utilized as an alternative, such as former President Ford and former Senator Dole, have been ignored by the majority in this House.

The outcome appears clear: The Republicans will vote to impeach the President, whom they could not defeat at the polls, for reasons that do not add up to treason, bribery or other high crimes and misdemeanors. As a consequence, the Senate and the Supreme Court will be tied up for most of next year.

The President will not be able to resign, no matter how you may urge it, because to do so would further destroy the precedents that have protected our country for over two centuries.

This is not fair to the President, but that should not be our main concern. It is not fair to the minority in this House, but that is not the main problem either. This is unfair to the American people.

By these actions, you would undo the free election that expressed the will of the American people in 1996. In so doing, you will damage the faith the American people have in this institution and in the American democracy. You will set the dangerous precedent that the certainty of presidential terms, which has so benefitted our wonderful America, will be replaced by the partisan use of impeachment. Future presidents will face election, then litigation, then impeachment. The power of President will diminish in the face of the Congress, a phenomena much feared by the Founding Fathers.

Our constituency in this matter includes not just the voters of today, but the future grandchildren of my own children. We have an obligation to generations not yet born to preserve and protect our wonderful system of government. In that obligation you fail your country today.

Some in the majority have told me they are entitled to their opinion about whether or not the President's misconduct meets the constitutional standard. Some Americans believe aliens will arrive in spacecraft, but it does not make it so. You say the President's deception about sex has destroyed our system of government. Some of you have actually convinced yourselves that is true.

The capacity for self-deception is an amazing phenomena, but the public can see clearly what you are doing here today. You say that the President's dishonesty about sex has destroyed our constitutional form of government, but the people do not agree. They think that it is you who threaten our country by this cynical and political distortion of impeachment. As is generally the case, the American people have it right. It is not too late to listen to them. You would honor your own oath of office by doing so.

Mr. MCCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Speaker, I must respond to the claim that there are those of us who contend that the acts of the President have destroyed our system of government. That is far, far from the truth.

The question is not whether the President has destroyed our system of government. We know that that has not happened. That is obvious. The question is whether by his conduct he has undermined the integrity of the law; whether by his conduct he has undermined the integrity of the high office that has been entrusted to him; whether he has subverted the rule of law; whether he has acted to set an example which is harmful to our system of government.

Mr. MCCOLLUM. Mr. Speaker, I yield three minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, above the entrance to the Supreme Court are four powerful words: ''Equal Justice Under Law.'' Yet there can be no equal justice without a judicial process capable of reaching to the truth. That is why when one raises their right hand and swears to tell the truth, the whole truth and nothing but the truth, each one of us must do it. That is why perjury is a serious crime. It strikes at the heart of the only process that protects each one of us from false accusations.

I will vote for impeachment, not because the President has human frailties, but because he has committed perjury repeatedly and willfully. Marital infidelity is not an impeachable offense. Even lying to hide sexual indiscretion is not impeachable. But the President does not have the right to lie under oath, to commit perjury.

No one is above the law, not even the President. I believe perjury does meet at least the definition of high misdemeanor. In my mind, it certainly meets the measure of high crime.

In my judgment, our democracy is far more capable of surviving a transition in power than surviving an erosion of fundamental obligations such as that to tell the truth under oath and to treat all citizens equally under the law.

Mr. CONYERS. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. KENNEDY).

(Mr. KENNEDY of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Massachusetts. Mr. Speaker, what we are doing here on the floor today and throughout the night is just wrong. It is wrong for a lot of reasons, but most fundamental is the fact that, yes, the President made mistakes; yes, in fact he misled his family, he misled the public; and, yes, he in fact tried to trick even maybe a grand jury. Whether it is perjury or not is a different question.

But at its core, at its core, this is about an individual, a man in our country, who had a wrongful affair. He lied about that affair, and he has asked for forgiveness. What is incredible is the American people have looked into their conscience and found that forgiveness; people from all walks of life, from every different corner of this country, have found forgiveness.

There is only one group of people that I can find that cannot find that forgiveness, and that is people that had been locked in struggle over so many questions dealing with the future of this country against President Clinton's agenda over the course of the last four years, and that is what this is all about.

□ 1315

Now, I know that there is a lot of talk about morality today, and I think that is good, I think that is healthy for our country. I think we ought to talk a little bit about morality. But I do not think that the only moral standard in America ought to be about sex. I think there is a lot of moral things about our country; there is a lot of immoral things about our country. And I look around our Nation today and I see little children that do not have enough food in their bellies at night, and when we talk about balancing the budget, what do we do? We cut the food stamp program. When we talk about trying to stand up and make sure that we have decent schools in our inner cities, we have a hellacious debate on the floor of this House. And yet, our schools are still terrible.

We make pronouncements about these wonderful new changes that we have made in laws, but at its core, the truth is that there are too many people in poverty, there are too many kids that do not have access to health care; there are too many families that do not have enough food in their stomachs, and those issues do not receive even close to the amount of time and effort and energy that we are now putting into trying to impeach the President.

The President has put the wood to the Republicans time and time again. The President has put the wood to the Republicans time and time again. He has taken away the issue of crime, he has taken away the issue of taxes. He has taken away so many of the issues that my colleagues in the past have had leadership roles on, and so they get angry at him. That is okay, they can get angry at him. But to dumb down the impeachment process and to allow

this to be used not just by my Republican colleagues, but by people that will serve after me certainly, and people that will serve after everybody in this institution and allow this to be utilized in a partisan critical manner is an immoral act on the part of the Republican Party.

I am so sorry that the final vote I cast here on the House floor is going to be over an issue that is so partisan in nature. Let us come together and let us find the forgiveness that the American people have found for President Clinton, that his own family has found for him, so that many millions of people across this planet want him to have. Give him forgiveness. He recognizes he did something wrong. He is trying to right it. Find in your hearts the forgiveness that he asks for.

Mr. MCCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. SMITH), a member of the committee.

Mr. SMITH of Texas. Mr. Speaker, I thank my friend from Florida for yielding me this time.

Mr. Speaker, let us return to the Constitution. Members of this House of Representatives have a solemn task specifically assigned to us by the authors of that Constitution. Whatever happens today, whether the President is impeached or not, our Nation is going to endure. We are a strong people and we have a Constitution that works.

A quarter of a century ago, we arrived at a similar point. President Clinton's defenders say this is not Watergate. They are right to the extent that the underlying behavior does not involve the bungled break-in of a campaign headquarters; rather, it involves a reckless relationship in the White House itself with a young employee that the President hardly knew.

President Nixon did not lie repeatedly to a Federal judge and then to a grand jury of citizens charged with discovering the truth. President Clinton did. But President Clinton, like President Nixon, did obstruct justice by encouraging others to lie, and both abused their offices by violating their oath to uphold the laws of our country.

The President has escaped accountability for his actions time after time. His intelligence, pleasing personality and way with words have saved him, so far. Perhaps the most accurate description of his pattern of behavior is a campaign slogan used by a New York senatorial candidate against his opponent this year: ''Too many lies, for too long.''

Last week I listened to the President's most recent apology, and I agree with him. I cannot imagine a greater agony than being ashamed before one's family and friends. But emotions cannot change the evidence or the facts, nor should they control our actions.

If the President will not resign, we must go forward. Our entire justice system rests on the rule of law. Without it, we would not enjoy a civilized and democratic society. To carve out exceptions for anyone, particularly the chief law enforcement officer of the United States, would be to undermine this rule of law.

For the benefit of our country to set an example for our children, our grandchildren and future generations, we must maintain our high ideals. That the President has failed to meet the standard does not mean we should lower it.

Our constitutional duty in the House is to decide whether to impeach or accuse the President of wrongful actions. The Senate's duty is to render judgment and decide punishment. So if a sanction other than removal from office such as censure is ever considered, it should be initiated by the Senate. And, ultimately, any outcome must be supported by the American people.

This is not a decision to go forward because of a ''private relationship.'' It involves the most public of relationships, that between a citizen and the justice system, and that between the President and the American people. It is about honor and telling the truth. It is about respect for the law, respect for the office of the presidency, respect for the American people, respect for the officers of the court, respect for women, and ultimately, our own self respect.

During this difficult but necessary impeachment process, I've relied on several people for their helpful ideas. Although they shouldn't be held accountable for my views, I do want to thank my perceptive wife, Beth Schaefer, and special friends, Judge Cyndi Krier, John Lampmann, and Judge Tom Rickhoff, for giving me the benefit of their wise counsel.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. BONILLA), my friend and colleague.

Mr. BONILLA. Mr. Speaker, I thank my friend from San Antonio for yielding to me.

Mr. Speaker, this is a Nation founded on rules and laws. We are a young country, but we are the greatest that has ever existed. America is strong and gets stronger because we are passionate about our laws, of which no one is above. If one is a mayor, a police officer, a Senator or a President, one must obey the law, just like any other citizen.

American law and our system of justice relies on truth, truth presented by witnesses sworn before God. Those who have appeared before grand juries in this country know it is a daunting experience, knowing that if you stumble, if you lie, you could commit perjury and maybe wind up in jail.

Thousands of Americans have been prosecuted and have criminal records because they perjured themselves like the President. The President's own Justice Department regularly prosecutes Americans for perjury, and yes, they are prosecuted for perjury in cases of sexual harassment.

We are not talking politics here. In politics, a President may lie to the American people on television, in town meetings, and even in political ads. I think that is wrong, and so do most of my colleagues. But that is not against the law and that is not a reason to impeach. Voters are the ultimate judges in those cases. But here we are talking about the law.

As we search our conscience today to cast our votes, let us remember the rules and laws on which our Nation was founded. No one is above the law. Let us vote to uphold that American principle today.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today with a solemn, fearful and heavy heart as I face the stark reality that this House and lame duck Congress is going to disregard the will of the American people and, to quote this week's Hill Newspaper, ''unleash the awesome power of impeachment in a blatantly partisan manner for what hardly measures up to high crimes and misdemeanors.''

It is what this body is about to do, while we are at war, that comes closer to meeting that constitutional standard than anything our President is charged with. How will the sober hand of history judge us?

My colleagues, the American people overwhelmingly continue to oppose the impeachment of their twice-elected President. They are no fools. They recognize the blatant unfairness of the process, and while they do not condone what the President did, they understand that he has committed no impeachable or constitutional crime.

But we do not have to just go by popular opinion. More than 400 historians and constitutional scholars have opined that the allegations put forth in the Starr report ''do not cross the threshold of high crimes and misdemeanors warranting impeachment under the Constitution.''

I agree with the comments I have heard as early as this morning that this is not about the President's behavior with Monica Lewinsky, but neither is this about so-called legitimate charges of perjury, obstruction of justice, or abuse of power. It has been clearly shown time and time again that none of that occurred.

What this is about is a purely partisan attack on Bill Clinton, the man; on Bill Clinton, the people's President; and make no mistake, it is also about a very popular First Lady.

By his own admission, the President has sinned. He was contrite and has asked for our forgiveness and the forgiveness of the American people. It is time for us to come together as a Nation, support our troops in the Middle East, and put this matter behind us. The American people want and need us to get back to the work on the issues that will improve their quality of life.

This is a season of peace. I hope against hope that my words and the words of others who have called for forgiveness and healing at this time can soften the hearts of my colleagues who

would seek to throw our Nation into turmoil over politics. I urge my colleagues to heed the wishes of those who sent us here to tend to their concerns. Make real and true the claim of conscience and constitutional responsibility. Do not lower the bar for impeachment. Reject this partisan impeachment process. We should have a censure vote, but if that will not be allowed, then vote for the Constitution, vote for this country. Vote ''no'' on impeachment.

PARLIAMENTARY INQUIRY

Mr. ARMEY. Mr. Speaker, I rise to a point of parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state it.

Mr. ARMEY. Mr. Speaker, I will be very brief.

Mr. Speaker, as I understand the Rules of the House as it governs the discourse in the House, it is very clear, and it has been a time-honored tradition that has served this House well, that we not, in House debate, make disparaging remarks or characterizations about the motives of other Members of the Chamber. I must say I am very saddened to report, Mr. Speaker, I have been listening to several speakers, and that I have seen frankly quite caustic and harsh characterizations of the motives of the Members.

We ask each Member to look into their heart and each Member that does so knows that only God can do so also, and I would ask the Speaker, would it be appropriate, Mr. Speaker, for me to ask on behalf of the dignity of this Chamber to exercise the authority of the Chair to remind Members of these protocols and respects, and perhaps if necessary enforce them so that we on this side may not find ourselves compelled to raise it as a point on the floor during the debate. I thank the Chair.

Mr. McCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. BACHUS).

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

Mr. BACHUS. Mr. Speaker, Congress has arrived at the time when we and the Nation must look beyond the polls, the media, and beyond the political rhetoric and consider the grave matter of voting on the impeachment of the Nation's President. We stand at a moment of defining action, one that will require each of us to state for the RECORD our commitment to the principles involved in this case.

As the gentleman from Florida, a member of the minority said earlier, our decision is not about Bill Clinton, it is not about personalities, it is not about partisanship, it is not about Republicans or Democrats. Popular opinion and polls cannot dictate our course of action. Duty, honor, and obligation must. Ageless principles must.

On this solemn occasion, I will vote for impeachment. People, politics, and polls change. Presidents come and go. Fundamental principles do not. My vote is based on the following principles: The first, a commitment to the truth. It is essential to a just society. A commitment to the truth is the foundation of our democracy and our freedom.

□ 1330

The second is, actions and behaviors matter. Only God can search and sift the soul. Because we cannot read the heart, we must rely on actions and behaviors. Certain actions and behaviors are inconsistent with the office of President.

Third, forgiveness does not absolve one of responsibility for actions, nor relieve one of the consequences of those actions.

Earlier I asked for unanimous consent, and at this time I will submit for the RECORD an article out of the Wall Street Journal entitled ''Religion Should Not Be Used as a Political Tool,'' signed by 85 religious scholars.

In that, it says, ''We challenge the widespread assumption that forgiveness relieves a person of further responsibility and serious consequences.'' I commend this article to all my colleagues and introduce it here.

The material referred to is as follows:

[From the Wall Street Journal]

RELIGION SHOULD NOT BE A POLITICAL TOOL

The following statement—''Declaration Concerning Religion, Ethics, an the Crisis in the Clinton Presidency''—was signed by 95 religion scholars, including Paul J. Achtemeier (Union Theological Seminary), Karl Paul Donfried (Smith College), Jean Bethke Elshtain (University of Chicago), Stanley M. Hauerwas (Duke University), Robert Peter Imbelli (Boston College), Max L. Stackhouse (Princeton Theological Seminary), and Harry Yeide (George Washington University):

As scholars interested in religion and public life, we protest the manipulation of religion and the debasing of moral language in the discussion about presidential responsibility. We believe that serious misunderstanding of repentance and forgiveness are being exploited for political advantage. The resulting moral confusion is a *threat to the integrity* of American religion and to the foundations of a civil society. In the conviction that politics and morality cannot be separated, we consider the current crisis to be a critical moment in the life of our country and, therefore, offer the following points for consideration:

MISUSE OF RELIGION

1. Many of us worry about the political misuse of religion and religious symbols even as we endorse the public mission of our churches, synagogues and mosques. In particular we are concerned about the distortion that can come by association with presidential power in events like the Presidential Prayer Breakfast on Sept. 11. We fear the religious community is in danger of being called upon to provide authentication for a politically motivated and incomplete repentance that *seeks to avert serious consequences for wrongful acts.* While we affirm that pastoral counseling session are an appropriate, confidential arena to address these issues, we fear that announcing such meetings to convince the public of the president's sincerity compromises the integrity of religion.

2. We challenge the widespread assumption that *forgiveness relieves a person of further responsibility and serious consequences.* We are convinced that forgiveness is a relational term that does not function easily within the sphere of constitutional accountability. A wronged party chooses forgiveness instead of revenge and antagonism, but this does not relieve the wrong-doer of consequences. When the president continues to deny any liability for the sins he has confessed, this suggests that the public display of repentance was intended to avoid political disfavor.

CENTRAL TO SURVIVAL

3. We are aware that certain moral qualities are central to the survival of our political system, among which are truthfulness, integrity, respect for the law, respect for the dignity of others, adherence to the constitutional process, and a willingness to avoid the abuse of power. We reject the premise that violations of these ethical standards should be excused so long as a leader remains loyal to a particular political agenda and the nation is blessed by a strong economy. Elected leaders are accountable to the Constitution and to the people who elected them. By his own admission, the president has departed from ethical standards by abusing his presidential office, by his ill use of women, and by his knowing manipulation of truth for indefensible ends. We are particularly troubled about the debasing of the language of public discourse with the aim of avoiding responsibility for one's actions.

4. We are concerned about the impact of this crisis on our children and on our students. Some of them feel betrayed by a president in whom they set their hopes while others are troubled by his misuse of others, by which many in the administration, the political system, and the media were implicated in patterns of deceit and abuse. Neither our students nor we demand perfection. Many of us believe that extreme dangers sometimes require a political leader to engage in morally problematic actions. But we maintain that in general there is a reasonable threshold of behavior beneath which our public leaders should not fall, because the moral character of a people is more important than the tenure of a particular politician or the protection of a particular political agenda. Political and religious history indicate that violations and misunderstandings of such moral issues may have grave consequences. The widespread desire to ''get this behind us'' does not take seriously enough the nature of transgressions and their social effects.

5. We urge the society as a whole to take account of the ethical commitments necessary for a civil society and to seek the integrity of both public and private morality. While partisan conflicts have usually dominated past debates over public morality, we now confront a much deeper crisis, whether the moral basis of the constitutional system itself will be lost. In the present impeachment discussions, we call for national courage in deliberation that avoids ideological division and engages the process as a constitutional and ethical imperative. We ask Congress to discharge its current duty in a manner mindful of its solemn constitutional and political responsibilities. Only in this way can the process serve the good of the nation as a whole and avoid further sensationalism.

EXTENDED-DISCUSSION

6. While some of us think that a presidential resignation or impeachment would be appropriate and others envision less drastic consequences, we are all convinced that extended discussion about constitutional, ethical and religious issues will be required to clarify the situation and to enable a wise decision to be made. We hope to provide an arena in which such discussion can occur in an atmosphere of scholarly integrity and civility without partisan bias.

Further, our children must have positive role models; someone has said, more now than ever. There is a standard of conduct below which our leaders must not fall.

In conclusion, I commend to Members the words of George Washington at the eve of the battle of Valley Forge: ''Let us raise a standard to which the wise and the honest may repair. The event is in the hands of God.''

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TONY HALL).

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to these articles of impeachment. The President is guilty of conduct unbefitting his office. However, despite his actions, I do not believe they rise to the level of high crimes and misdemeanors, which is the requirement the Constitution sets for removal from office.

Within this House, as throughout the Nation, there is a mood of anger and frustration and betrayal. Retribution through impeachment may feel right today, but the long-term harm it will cause our government outweighs filling the immediate satisfaction.

I also strongly object to the provision in the articles which disqualifies the President from holding any future office, and it goes on to say other things. What it essentially means is almost anything that is commissioned, that has any kind of Federal monies in it, XYZ commission, a nonprofit organization, he cannot fulfill that as a result of this particular clause.

This goes too far. It is a too severe. The House does not have the moral authority to judge that the President is forever unredeemable. A strong resolution of censure is the appropriate response by the House of Representatives. Let the House go on record condemning the President in the strongest terms.

Censure is a harsh enough punishment. It expresses the profound disappointment of the American people, and it will stay with the President for the rest of his life and throughout history. Censure will spare the Nation the agony of a Senate impeachment trial and the possible removal of the President.

I regret that the House leadership will not permit a censure resolution from coming to the House floor for a vote. This denies the House the opportunity to work its will. Impeachment is not the answer to the challenge the House faces in responding to the President's action.

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. KING).

Mr. KING. Mr. Speaker, I rise today in opposition to the articles of impeachment. My opposition to impeachment has nothing to do at all with Bill Clinton, but everything to do with the office of the presidency.

By setting a standard which goes beyond the Constitution, and, my Republican colleagues, beyond the historic position of our party, we are, however well-intentioned, continuing our spiral toward a government subject to the whims of independent counsels and based on the frenzied politics of the moment, rather than a government of immutable principles and transcendent institutions.

This is not a decision which came easy to me. It is not a position which I particularly enjoy. No one has a higher respect than I do for the gentleman from Illinois (Mr. HENRY HYDE). To me he is the conscience of this House, and it causes me great pain to in any way differ from him.

But I feel I have no alternative. I strongly believe that for a president to be impeached, a president of the United States to be impeached, for an election to be undone, there must be a direct abuse of presidential power. There must be a president abusing the CIA, abusing citizens with the IRS or the FBI, a crime comparable to treason or bribery.

I would say to my colleagues that my position, I believe, is rooted in Republican philosophy. I go back to the Watergate hearings of 1974, when President Nixon's most eloquent defender, subsequently appointed to the United States Court of Appeals by President Reagan, Congressman Charles Wiggins, came back and testified before the committee, and said that if he were a Member of Congress today, he would vote against impeachment.

But there is even a larger issue here: Where are we going as a Nation? Quite frankly, when I hear Members on the other side rise up in such opposition to this impeachment, I say, where were they during the times of Robert Bork, Clarence Thomas or John Tower?

But two wrongs do not make a right. We are a Nation consumed by investigations, by special counsels. We are a Nation consumed by scandal. We are driving good people from government. What we are talking about here in this case, the President's conduct, was illegal, it was immoral, it was disgraceful, it was indefensible, but the fact is, I don't believe rises to the level of treason or bribery.

The principle we are setting that in the future, all of us, anyone who assumes the office of the presidency, is subject to civil depositions, subject to lawsuits, and then to have that deposition examined and scrutinized by an Independent Counsel, how many of our former presidents would we have lost if this was the case, if this rule of law, if this principle, had prevailed in prior times, and prior times of crisis?

Also, I would ask my fellow Republicans, throughout the 1980s we saw the abuses of special counsels by Lawrence Walsh and others as they went against members of the Reagan and Bush administration. We saw good people like Elliott Abrams brought down on the flimsiest of charges involving lying. All of us knew it was wrong, and we railed against it. But today somehow we are willing to apply a different standard, a different principle. That is wrong.

This is a sad day for our country. It is a sad year for our Nation, because of the conduct of the President, but also because I believe that as Republicans, we have failed to rise to our obligation. As a matter of conscience I must vote against impeachment, and I rue this day.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MAJOR OWENS), an outstanding member of the committee.

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

Mr. OWENS. Mr. Speaker, I ask my colleagues to pardon my ignorance, but I am not a lawyer and I have not been impressed with the legal gymnastics of the Committee on the Judiciary hearings.

Like the majority of the American people, I watched and listened, and in the end I concluded that in any court of common sense, this is a case that would have been immediately dismissed. No man in America is above the law. The converse should also be true, no citizen, even a feared partisan enemy, should be denied the benefits of the law, of the due process and of equal justice.

Our defendant is an outstanding citizen who has done great service for his people, for his government. On the basis of the charges before us, what prosecutor anywhere in America would press forward with this case and a demand for such a harsh punishment?

Examining the extenuating circumstances related to the outstanding performance and the exemplary accomplishments of this defendant, what ordinary judge in any court, in any county in America, would allow the trial to go forward?

This defendant, this President, has been denied his basic rights. He is not a beneficiary of the rule of law. This defendant is a victim of organized partisan persecution. It is not fair, it is not just. The majority of the American people are angry, for good reasons. The voice of Shakespeare's King Lear is ringing in our ears: ''Fool me not to bear tamely. Touch me with noble anger.''

Consider the record of the defendant. This is the education President, who has gone beyond lofty rhetoric and done more for education than any President since Lyndon Johnson. In Haiti they have cheered him as the liberator. In the Middle East and Northern Ireland they have hailed him as the great peacemaker. In Yugoslavia, Bosnia, Sarajevo, they give him thanks as an angel of mercy who stopped the mass slaughter of innocent men and women and children. On Wall Street this President is celebrated as a master of macroeconomic policy-making.

In all endeavors where it has mattered most, this defendant has done

his duty well. Why is this defendant before us? Why is the political death penalty being demanded? Our posterity will spit upon us for allowing this madness to reach this level.

It is not too late for all Members to truly vote their conscience. Good men and good women can often be hypnotized momentarily by the collective fervor of the crowd. Today in this proceeding extreme punishment is the only item that is allowed on the agenda. The majority is demanding excommunication. The loud cry is for banishment. This is a political crucifixion. Responsible decision-makers have temporarily lost their reason.

I call upon every Member to break the spell. Forget we are under the glare of television cameras in Washington, and imagine that we are back home in a local courtroom. The defendant before us deserves equal treatment, equal justice. Let us be fair. Let us be reasonable. Let us consider the extenuating circumstances. Let us dismiss this case now.

Mr. MCCOLLUM. Mr. Speaker, I yield myself 9 minutes, and I yield to the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to respond very briefly to the commentary from the gentleman who preceded the gentleman from Florida in the well. The gentleman said that no reasonable prosecutor or judge would come forward on such an overwhelming case of perjury and bring this case before the court.

I have some authority to speak on this, having spent 10 years as a deputy district attorney in Los Angeles county and as a criminal trial court judge in Los Angeles county.

Under the Clinton Justice Department, since President Clinton became president, some 700 people have been tried and convicted for perjury and perjury-related crimes. As we speak today, Mr. Speaker, some 115 people sit in Federal prisons as a result of their conviction on perjury charges. Those are people that were prosecuted and convicted by the Clinton Justice Department.

In my own home State of California, since Bill Clinton became president, there have been some 16,000 prosecutions for perjury. So the suggestion that perjury charges would not be brought in an appropriate case is incorrect.

Further, the gentleman's comments go directly, once again, to the point that we are debating here: whether the standard that we set during Watergate, which was no person is above the law, will continue to be the standard for our Congress and our country, or whether we are going to make exceptions for people who happen to have high rank and privilege, and share one's party affiliation.

Mr. MCCOLLUM. Mr. Speaker, I think it is important today for us to understand some perspective on what we are debating.

First of all, those on this side of the aisle do not view this as a bipartisan issue. In fact, as Republicans it is not in our political interest to see the President of United States impeached and removed from office. The last thing in the world we would want politically, on a rational basis, is to see Mr. GORE, Vice President GORE, assume the presidency and be in the office for a while, and to have to combat that, and to have established that position for the year 2000 elections.

We do believe in principle. We are concerned about what is going to happen to our court system and what the message would be of failing to impeach. That is why we are so ardent about this, for no other reason.

Having seen what the President has done, the multiple crimes of perjury and obstruction of justice that I honestly believe he has committed, it would be an irresponsible act on my part to ignore it and to suggest that censure were an appropriate result and an appropriate way to address this.

Having said that, let us go over for a minute the facts of where we are with this. What we are dealing with is a President who was sworn into office, took an oath to uphold the laws of the Nation, then faced a lawsuit, a civil suit, in a civil rights sexual harassment suit by a woman named Paula Jones.

Long before that suit had any witness list published, he and Monica Lewinsky had an arrangement that they agreed to lie about the affair that they were having if anybody asked them. Then somewhere along the way, in December a year or so ago, there was a subpoena prepared and a witness list appeared for Monica Lewinsky.

The President called her and told her in a telephone conversation that she was on the witness list, and they talk about their cover stories that they had previously discussed about what they would say about what they were doing, so they did not have to reveal the relationship.

In that same phone conversation, the President suggested she could file an affidavit in order to avoid testifying. He suggested that, I submit, knowing full well that it was going to be a false affidavit.

□ 1345

What Monica Lewinsky said, and she said this under oath, and I believe very credibly, to the grand jury, she said, ''It wasn't as if the President called me and said, you know, Monica, you are on the witness list, this is going to be really hard for us. We are going to have to tell the truth and you will be humiliated in front of the entire world about what we have done, which I would have probably fought him on. That was different. And by him not calling me and saying that, you know, I knew what that meant.''

They knew that that affidavit was going to be false, and from that moment on is when the serious nature of this matter came before us. Because at this moment the President committed the crime of obstructing the law, obstructing justice. And the path was set for a scheme in which he engaged with Monica Lewinsky and others to conceal the truth from the Paula Jones case and deny Paula Jones her rights and then later to lie to the grand jury, to conceal the truth from a criminal grand jury as well as from the public.

What happened next is fairly straightforward. During the period of the month of December, there came up the issue of gifts because Monica Lewinsky had a subpoena to produce any gifts the President had given her in the Jones case. And the President and she had a conversation about that shortly after Christmas, in which she suggested maybe she should hide those gifts or give them to the President's secretary to keep. The President said, ''I don't know, I have to think about that.''

A couple of hours later the evidence shows that is before us, Monica Lewinsky received a call from Betty Currie. We have the President's secretary, we have a telephone record showing that call, even though Ms. Currie did not recollect that she made the call. She thought Monica made it to her. We have a record showing it came from Ms. Currie who said, according to Ms. Lewinsky, and I believe Ms. Lewinsky on this, that the President suggests that I call you to pick up something. And a little while later, Ms. Currie went over to Lewinsky's home, picked up gifts that Lewinsky packaged and put them under her bed. Another obstruction of justice.

Then in early January, in early January the President was talking to Vernon Jordan, who is his good friend and counselor, and arranged for Monica Lewinsky to have an attorney to prepare that affidavit we talked about. Along the way, in the process of preparing that affidavit, finally on January 7, she signed it. And Vernon Jordan testified he informed the President of that. What do you know, the next day, on January 8, for the first time Mr. Jordan, although asked much earlier often to help get a job for Monica Lewinsky by Monica finally made a call to the head of Revlon Corporation and secured a job for Monica and reported that fact back to the President.

And then what happens next? The President goes to testify. The President goes to testify in the deposition he gave in the Paula Jones lawsuit. And during that deposition, we all saw some of the television film of that deposition in the Committee on the Judiciary the other day. The President observed his attorneys referring to the affidavit that he knew was false and he affirmed the truth of that affidavit that he knew was false. He affirmed the fact that in that affidavit it said that he and Monica essentially were never alone, not just that they did not have particular relations. He went on to lie

then about the specific acts that he engaged in with her. He was given a definition. And even taking his interpretation of the definition the court in that case gave him and assuming that that rather far out definition was accurate, if you believe Monica Lewinsky, and she has been corroborated by 7 contemporaneously told friends and relatives who were witnesses in this under oath that what she said is correct, they engaged in sexual activity under the definition in that report and the court, and the President lied about. He lied about a lot of other things in that deposition.

He then went on after that, while he, in that deposition, referred often to his secretary Betty Currie, to then call Betty Currie to come over to visit him the following day right after he had left the deposition. And he talked to Betty Currie. Why did he call her up? He called her in his office and he said to her, to corroborate, he says, ''You were always there when she was there; right? We were never really alone. You could see and hear everything. Monica came on to me and I never touched her, right? She wanted sex with me and I can't do that.''

Well, Ms. Currie twice testified under oath the President said this to her. Any interpretation is ridiculous other than one that assumes the President expected her to be a witness, even if she wasn't on the witness list. That is a crime of witness tampering or obstruction of justice, and the list goes on.

The sad fact is, I do not want to be here any more than you do. I do not want to impeach this President any more than you do. This is not a happy day for me or anyone else here. But the President of the United States committed multiple felony crimes, not just one instance, not just having some relationship which we would have no business being concerned with on impeachment, but he committed multiple felony crimes of perjury, witness tampering, obstruction of justice. The evidence is very clear about it.

And to fail to impeach him would send an awful message to the countryside that we have a double standard in this country, that the President, who is the chief law enforcement officer, the Commander in Chief of the uniformed services of this country, is allowed to get away with perjury. I submit if we do not impeach him, we will send a message that will result in more people lying in court and committing perjury than they do already. And that is on the rise. It is a very, very serious matter.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. Speaker, will the gentleman yield?

Mr. JEFFERSON. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, the gentleman from California (Mr. ROGAN), a prosecutor, has indicated for the first time in all of our hearings that there were 16,000 cases of perjury in the State of California alone. I would beg him to supply at any time at his convenience any indication for the RECORD what source he uses for that statement. There are some that question whether there are 16,000 cases a year in all of our courts much less one State.

My friend, the gentleman from Florida (Mr. MCCOLLUM) has now brought forward a matter that has been aired sufficiently in the Committee on the Judiciary that he could not possibly have forgotten, that the cell phone incident occurred 1½ hours after the gifts were returned. Now, perhaps he has a lapse of memory. The record is clear in our hearings and why this would be introduced at this time is beyond this Member.

I thank the gentleman for yielding to me.

Mr. JEFFERSON. Mr. Speaker, at what point shall we expect the approach of danger? By what means shall we fortify against it? Shall we expect some transatlantic military giant to step the ocean and crush us at a blow? Never. All the armies of Europe, Asia and Africa combined with all the treasure of the earth in their military chests, with a Bonaparte for a commander could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years.

So spoke President Lincoln in 1838 about the power of America. But he coupled this declaration of our world dominance with a warning and admonition of how we could lose it, which is apropos here. He said then, at what point then is the approach of danger to be expected? I answer, if it ever reach us, it must spring up amongst us, it cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher.

I hope as Lincoln hoped against hope then that I am overwary today about the wounds we are inflicting upon ourselves, our Constitution and our body politic by this unfair rush to judgment against our President. Like Lincoln then, I worry now about the wild and furious passions aimed to bring this President down rather than an exercise of sober judgment to lift up the true meaning of our Constitution.

Like Lincoln, I worry that even though we are the preeminent power in the world today, that this grating, this chipping away at the high ideal of impeachment leads us further down the road to constitutional death by suicide of a free society. High crimes and misdemeanors, not all crimes and misdemeanors, is what our constitution holds as grounds for impeachment. There are no high crimes shown here. But there is a base and basic perversion of the rule of law into a rule of hot blood and a rule of political convenience by a majority bent on getting President Clinton.

Today you may have the votes but you do not have the high ground. But just remember, as we say in Louisiana, what goes around ultimately, unfailingly and always comes around.

Mr. MCCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I just want to respond to the gentleman from Michigan (Mr. CONYERS), who raised the issue about the corroboration of Monica Lewinsky's testimony in the cell phone call. In fact, Monica Lewinsky gave a statement 7 months after the December 28 incident concerning the gifts. And in her testimony she was asked how she knew that Betty Currie was coming over. She thought there was a cell phone or a telephone call, and it was my cell phone. The records were checked that corroborated the testimony of Monica Lewinsky even though it was 7 months later. The telephone call was about 3:37. I think there is documentary corroboration of her testimony.

Mr. MCCOLLUM. Mr. Speaker, I yield 6 minutes to the gentleman from Tennessee (Mr. BRYANT), a member of the committee.

Mr. BRYANT. Mr. Speaker, let me also respond regarding an inquiry that our colleague from California made on the statistics of perjury from that State. I too have seen those numbers. I think rather than an annual one-year listing of some 16,000, I think the more accurate statement would be that over the last 5 years some 16,000 people have been prosecuted for perjury in the State of California on a rising trend, unfortunately, for this country.

Also fortunate for this debate for the most part the facts of this case have been conceded. We have dwelt our time on higher things such as are these impeachable offenses. And that is a good statement; that is a good question. That is a good area of debate for us.

Had the President limited his conduct to the oval office and not stepped outside to participate in the cover-up, I would suggest, and I think most of my colleagues would agree on the House floor, that we would not be here today. Certainly we do not agree with what he did in the oval office, but that does not rise to the level of impeachable conduct.

This is not about sex. This is about what happens when you take a poll and that poll tells you whether or not to tell the truth. That poll tells you that they will not accept your perjury. And the President says, well, we will just have to win. And this case, this impeachment proceeding is about what occurred after that, the cover-up.

One of the charges in this article, series of articles is obstruction of justice. That concerns many of us who heard the evidence. That not only involved the President but that involved this President of the United States, the chief law enforcement officer of this country, bringing additional people into this, causing additional innocent people to commit crimes. I cite to you the filing of a false affidavit by Monica Lewinsky, the hiding of evidence, the

bringing of people, staff members, cabinet members into his office, telling them his version of the story, knowing that they would repeat that story when they were called to the grand jury. That is a serious charge, when you not only commit the crimes yourself but you bring others into that and cause them great, great distress.

Perjury is also very important in this case. This President did not have a lapse of judgment. On many occasions, through a pattern and practice he gave false testimony, in the grand jury, the deposition, in answering written interrogatories and to this very Congress in this very proceeding when he answered the 81 questions.

This President is a lawyer. He is a former law professor at the University of Arkansas. He is the former Attorney General for the State of Arkansas, and he very well knows how important people telling the truth is in our court proceedings, how it underpins our judicial system. Courts have agreed. And yet he continues to parse his words. And his own lawyers come in before the committee and say, yes, he misled, he evaded questions. He gave incomplete answers. That is their defense. He parsed his words. And the courts uniformly say that is not right. You cannot focus on the precision of a question and ignore what the defendant knows.

The law is clear that the perjury, the real perjury, the issue is you have to look to the defendant's intent to testify falsely and thereby mislead questioners, which has been the intent of this President consistently throughout this process.

It is unfortunate that we still have that perception of this President. Because of the very events we are involved in today, many people call into question, is he giving us complete answers about what we are doing over in the Middle East? Is he evading questions. Is he misleading? I do not know, but again that is the pattern and practice that we have had to deal with, and that is one of the concerns that brings many of us to this point where we feel it is necessary.

The office of presidency, the stature to which it is entitled has been eroded by this President and this involvement in this process, necessitated by the commission of his own conduct, not the Congress's conduct, but his own conduct with the United States Constitution.

□ 1400

If I might say, there is great stress and turmoil and angst on the floor today. There should be. This is a serious, solemn event, something that we all, all would rather not have occurred. But as a Congress, we cannot ignore our constitutional responsibility and turn our head and say let's just forget about this. We have to move forward within the authority we have, and our only authority is to decide whether to impeach or not to impeach, whether to charge or not to charge.

We have no authority to invent sanctions such as censure or reprimand. If anybody has that authority, it is the Senate. But we cannot do that. But let me assure all the Members of Congress, I think, of a fact that we all understand and others that are listening who are concerned about this debate. The office of presidency is bigger than any person that occupies that office for 4 or 8 years. This office will survive. This office will stand. And what we are doing today in debating this process is coming to the point of what conduct we will accept from the President of the United States, from the office of presidency.

We have heard a lot today about we do not want to dumb-down, we do not want to lower the standards for impeachment. I submit to my colleagues that the better question that we all ought to be concerned about as Members of Congress, as American citizens, do we want to dumb-down, do we want to lower the expectation of the conduct of the chief law enforcement officer of this country, the Commander in Chief of this country who sends our soldiers off to foreign lands in harm's way, the President of the United States? Do we really want to lower that expectation of conduct?

I say we do not. And I say at the end of this day, perhaps at the end of tomorrow's day that we vote, we will have made that final decision.

Since the inception of this inquiry, a division has been created as to what allegations rise to the Constitutional standards of ''high Crimes and Misdemeanors.''

To assist my own interpretation, I look to the words of Justice Louis Brandeis from 1928 which read:

> In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker; it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.

The intersectional collision of President Clinton's deplorable conduct with our Constitution has set in motion this Inquiry of Impeachment. Each member must now match his or her action with only the authority the Constitution delegates to the House of Representatives. No more, no less.

As such, we must not invent, for the purpose of expediency, a remedy which does not exist. The House can not and should not be able to reprimand, censure or fine the other two branches of government—the Judiciary or the Executive.

Rather, members must be prepared to vote their conscience on whether or not to impeach, that is to charge the President with an impeachable offense. This is our single role in this process.

Further, impeachment is not a part of the criminal law. It is not governed by the criminal rules of procedure, court precedents, nor necessarily, the rules of evidence. Impeachment is truly a unique Constitutional process combining elements of the legal and political systems.

Numerous scholars have come forward suggesting not every crime is impeachable. Likewise, it is clear that an impeachable offense does not require a criminal law violation. The distinguished Senator ROBERT BYRD from West Virginia stated, ''An impeachable offense does not have to be an indictable offense of law.''

Before we begin our evaluation of the charges, let's be clear that the standard that we must attain before we can impeach is not—I repeat—is not the same case as that against President Nixon's in 1974. Some intimate that Nixon is the magic threshold and anything less should not be considered for impeachment.

That is simply, as the President's legal team put it, ''a misleading statement.'' Analogize this situation to the prosecutor at law who fails to indict the bank robber who robbed five banks because the prosecutor had previously only indicted a robber of 20 banks.

As for our own evaluation, our first task is to ascertain the facts. The second task is to determine if the facts support an impeachable offense.

As for the facts:

President Clinton was sued by Paula Jones in a civil sexual harassment suit. In her case, Mrs. Jones tried to establish a particular pattern and practice of behavior by the President. This was not unique to her case, most sexual harassment cases establish such a pattern.

After former White House intern Monica Lewinsky was listed as a potential witness a series of illegal acts ensued. The evidence establishes the President engaged in the following misconduct, in an apparent effort to prevent Ms. Jones from recovering a monetary judgment against him and to protect his Presidency.

The facts surrounding these unlawful acts are:

Perjury. The President through a series of calculated lies over a period of months attempted to evade, mislead and provide incomplete responses to Paula Jones, the judiciary system and the American people.

Disregarding the recognized legal standard of a ''reasonable man'' used in all courts, the President repeatedly used verbal gymnastics to redefine words and phrases, such as ''alone,'' ''is'' and ''sexual relations.'' The latter interpretation, as admitted by his lawyer, results in the ridiculous conclusion that one party to a particular sex act may be involved in a sexual relation while the other party is not.

Obstruction of Justice. Once the question arose concerning an ''improper affair'' with Miss Lewinsky, suddenly there was another series of incidents to cover the tracks of this, including ridding the immediate area of evidence in the Jones case and Miss Lewinsky. While the President's ''fingerprints'' aren't clearly on these actions, almost by magic the President is benefitted by physical evidence disappearing from Miss Lewinsky's apartment and reappearing under his personal secretary's bed. Ms. Lewinsky lands her long-sought job with a New York Fortune 500 Company within 24 hours of signing a false affidavit supportive of the President in the Jones Case. How lucky can one man be?

Abuse of Power. Any claim the President had that this affair was a private matter, and at worst grounds for divorce, changed when he brought the powers of his high office into play. The facts show that in the President's zeal to keep this affair from the Jones lawsuit,

he allowed his government-employed White House Counsels, policy advisors, Cabinet members and communications team to defend him and perpetuate the lies. He continued to use his staff for a period of more than seven months to deny, stonewall and lie to those investigating his actions.

We must use a common sense approach to this evidence and look at the results of this series of calculations and incidents. Washington is a ''wink and nod'' community, where people do not need to say exactly what they want in order to get what they want done. Nor can we judge each act in a vacuum. The context—the big picture—must also be considered. Just look at the time line, look at the actions and the results would all benefit the one person who says he had nothing to do with anything,

Throughout this process, we have had the daunting task of determining whether these charges meet the standard of ''high Crimes and Misdemeanors,'' and whether the Rule of Law could be interpreted to include these criminal offenses.

Surely, one cannot seriously argue perjury and obstruction of justice are not impeachable. They are fraternal triplets of bribery which is spelled out in the Constitution. Each of these have the effect of thwarting the truth in our court system. As former Attorney General Griffin Bell has testified:

> The statutes against perjury, obstruction of justice and witness tampering rest on vouchsafing the element of truth in judicial proceedings—civil and criminal and particularly the grand jury.

Professor Jonathan Turley of the George Washington Law School told Congress that:

> The allegations against President Clinton go to the very heart of the legitimacy of his office and the integrity of the political system.

For those remaining few who persist that this is merely private or trivial conduct, I draw your attention to the testimony before this committee of John McGinnis, a Professor of Law from the Benjamin H. Cardozo School of Law at Yeshiva University, who said:

> Integrity under law is simply not divisible into private and public spheres. . . . It would be very damaging for this House to accept a legal definition of ''high Crimes and Misdemeanors'' that created a republic which tolerates ''private'' tax evasion,'' ''private'' perjury and ''private'' obstruction of justice from officials who would then continue to have the power to throw their citizens into prison for the very same offenses.

In addition, Stephen B. Presser, of the Northwestern University School of Law stated:

> They are not trivial matters having to do with the private life are thus impeachable offenses. The writings and commentary of the framers show that they would have believed that what President Clinton is alleged to have done, if true, ought to result in his impeachment and removal from office.

Harvard Law professor, Richard D. Parker, also stressed the Rule of Law in his testimony saying:

> Now, consider another hypothetical situation: Suppose the President were shown to have bribed the judge in a civil lawsuit against him for sexual harassment, seeking to cover up embarrassing evidence. As bribery, this act would be impeachable, despite its source in the President's sex life. What is the difference between that and lying under oath or obstructing justice in the same judicial proceeding—to say nothing of before a federal grand jury—for the same purpose? By analogy, both sorts of behavior would seem grossly to pervert, even to mock, the course of justice in a court of the United States.

And finally, when one wants to blame Congress for all of this, I issue the reminder that it was President Clinton and only President Clinton whose consistently made wrong choices instead of the right choices who has brought us to the point of national exhaustion.

Also, remember the additional words of Professor McGinnis about our forefathers' paramount concern with the integrity of our public official:

> They recognized that the prosperity and stability of the nation ultimately rest on the people's trust in their rulers. They designed the threat of removal from office to restrain the inevitable tendency of rulers to abuse that trust.

Since these allegations were brought to the attention of the Committee, my office has been inundated with phone calls and mail. In my office, I have received an overwhelming number of calls in support of impeachment, however, I understand the concerns of both sides. I look forward to the end of this debate and getting back to the important issues of social security, health care and others. But I want my constituents to understand, I do not relish this vote or this position our President has put us in. This will be the toughest vote I will make as a Congressman and I only wish I never had to make it.

There are no winners or losers here today. America has truly suffered. The facts remain, our President has placed himself before the law and the nation.

As such, I join the more than 100 newspapers and numerous other Americans to call upon the President to do the right and honorable thing—resign from the Office of the Presidency.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MANTON), a distinguished attorney and Member of the House.

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

Mr. MANTON. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I rise in opposition to the articles of impeachment before the House.

Mr. Speaker, after 14 years representing the citizens of the 7th Congressional District of New York, these will likely be my last votes that I cast as a Member of the House of Representatives. They will, ironically, certainly be the most significant and the ones which will garner the most attention from historians.

Mr. Speaker, there is no question that what the President has done is reprehensible. No one condones his actions. No one excuses his conduct. We all wish that he had conducted himself in a more responsible manner. We all want him to be more forthcoming in confronting the charges against him. We cannot, however, vote to overturn the two national elections and impeach the President simply because of a perceived lack of contrition on his part.

Mr. Speaker, we must take into consideration the consequences of our actions and weigh them against the purported misdeeds of the President. While I do not agree with the President on each and every issue, I believe he has done a good job as our country's steward over the past 6 years.

Mr. Speaker, I for one am particularly proud and humbled by his unceasing efforts to bring peace to Northern Ireland and the Middle East, succeeding where many before him have failed or did not even attempt to act.

In closing, I turn to the words of one of our Founding Fathers, Thomas Jefferson, who said, ''Common sense is the foundation of all authorities, of the laws themselves and of their construction.'' I put to my colleagues that to vote for impeachment flies in the face of common sense and good judgment. We should avoid a dangerous precedent and vote against these articles of impeachment.

Our descendants would be ill served by an impeachment vote which alters the standard for removing a president. In the end we must remember that the perfect can be the enemy of the good. The right decision, the just conclusion is a vote for censure.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. MCHALE)

Mr. MCHALE. Mr. Speaker, it is difficult, perhaps impossible, to salvage any sense of nobility in reviewing the allegations before us. But there is one truth. The most basic rights of the people will be preserved only so long as public officials at every level of government tremble before the law.

As a deeply disheartened Democrat, I will be voting yes on impeachment articles I, II, and III.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from California (Mr. LANTOS), a dear friend of mine from the old Government Operations Committee.

Mr. LANTOS. Mr. Speaker, I want to thank my friend from Michigan (Mr. CONYERS) for yielding time to me.

Mr. Speaker, I rise as the only Member in the history of the Congress who has lived under and fought against both fascism and communism. Every day I enter this hall I do so with a feeling of humility and pride, as one who has suffered the pain of living in a police state and now enjoys the exhilaration of living in a free society.

The question I want to raise today is, what distinguishes this Congress from the legislatures of despotic countries? It certainly is not the taking of votes. Because there are always votes, plenty of them, in totalitarian parliaments. Nor is it the eloquence or the erudition or the IQ level of Members. Mr. Speaker, what distinguishes this House from

the fake parliaments of police states is procedural fairness.

What we ask is the opportunity to vote on censuring the President in addition to the opportunity to vote on impeachment. Democracy not only means the rule of the majority, it also mandates respect for the minority. If our Republican colleagues allow a vote on censure and even if that vote fails, they will give respect and legitimacy to these proceedings. Should a censure vote prevail, they will allow the voice of the true majority to triumph.

Some of my very best friends sit on the other side of the aisle and I would defend their right to vote their conscience with my life if necessary. I find it unbelievable that they want to limit my right to vote my conscience.

The censure vote we are seeking is supported by our former Republican colleague, the former Republican President of the United States of America, Gerald Ford, who is renowned for his fairness. The censure vote we seek is supported by the former Republican leader of the United States Senate and the Republican candidate for President in 1996, Senator Bob Dole. The censure vote we seek is supported by the large majority of our fellow citizens.

Mr. Speaker, compromise is the currency of a free society. Self-righteous certitude is the antithesis of democracy. I respect all of my colleagues who will ultimately vote for impeachment, but I ask that they respect the right of those of us who wish to express our disapproval but who deeply believe that the impeachment and the removal of our President would be a travesty to the principle of proportionality, it would be unfair to him and to his family, and it would be damaging to our national interest.

When this debate is over, I hope they will allow all of us to feel that we have participated in a real vote of a real legislature. I ask that we have the opportunity to vote on a motion to censure the President. If the impeachment vote succeeds in this House, come January, President Clinton will be on trial in the Senate. But today, my friends, it is this House that is on trial.

Mr. MCCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding.

It is important to address that issue of censure. We discussed this in the committee and there were numerous constitutional experts that addressed this. Stephen Presser, professor of legal history at Northwestern University School of Law, wrote a letter to the gentleman from Massachusetts (Mr. DELAHUNT) disagreeing about censure and saying that censure would not be constitutional. He said, ''In my opinion, impeachment is the remedy for misconduct.''

We go to the University of London, a similar response by Gary McDowell noted that censure was not a proper constitutional remedy and would violate the separation of powers. And on to John Harrison, University of Virginia School of Law by a letter to the gentleman from Massachusetts (Mr. DELAHUNT) Saying that, ''My view at this point is that there are serious constitutional difficulties with congressional censure.'' And for that reason, because of the constitutional problems, that was not presented.

Mr. Speaker, I yield to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I appreciate my friend yielding.

The technicalities have been debated ad nauseum and ad infinitum.

Mr. HUTCHINSON. Mr. Speaker, reclaiming my time, I think the gentleman's point was also on fairness. And, as has been read earlier today, going back to 1974 on this House, the Democrat Speaker refused to allow a vote on censure in reference to President Nixon; and so, there is a precedent for what has transpired as well as constitutional consideration.

Mr. CONYERS. Mr. Speaker, I yield the gentleman from California (Mr. LANTOS) 1 minute.

Mr. LANTOS. Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, could I point out to my distinguished scholars and members of the Committee on the Judiciary, we are not trying to solve this problem within this debate. Let's bring up the motion and we can debate its constitutionality or its unconstitutionality. You surely must know that there have been censures in our American history.

Mr. LANTOS. Mr. Speaker, reclaiming my time, there is not a person in this body on either side who does not clearly understand that this body has every right to censure the President, and to hide behind these phony technicalities demeans this House.

My colleagues know as well as I do that a censure vote could be taken, would be legal, would be constitutional and would carry.

Mr. MCCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I appreciate the sincerity. But censure is being used in this case as a marketing tool to the American public to sell them on the idea that there is a simple, easy way to avoid our constitutional responsibility; and I think that we should stick with the Constitution.

Mr. MCCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Speaker, I just wanted to interject at this point in the debate, colleagues, that as part of my own personal deliberations, in the last 48 hours I have spoken to both former President FORD and Bob Dole. Both men emphatically told me, and of course both are former House members, that they would vote to impeach, that they felt it was the duty of the House, barring a public acknowledgement, an admission of the President that he had lied under oath and perjured himself, it was the duty of the House to vote for the articles of impeachment.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

Mr. Speaker, the argument has been made that lying about sex is different and does not qualify as a high crime and misdemeanor. I am not a lawyer, but I do not think that the law requiring us to tell the truth, the whole truth, and nothing but the truth means we can tell the truth that is convenient or the truth only about certain things.

A lie is a lie. A lie to a grand jury and a lie in a sworn deposition is equally a lie and equally a violation of the law, whether it is about sex or whether it is about national security.

Others who have lied under oath have been criminally charged. In the last 2 years, 3 people in my State of Utah have been charged, convicted and sentenced for lying under oath. They faced the consequences of their actions and they took their punishment. How can we now tell the American public that a lesser standard applies to the President of the United States, the chief administrator of the laws of this country?

Some have argued that by voting for impeachment we are lowering the bar for impeachment. I disagree. I think we are instead affirming democracy as truly the cornerstone of this great country. We are saying that the American people who have, as the gentleman from Illinois (Mr. HYDE) so eloquently put it this morning, believed, fought and sacrificed this past 227 years for the rule of law, believe that all are subject to that law, not just the poor, the minorities or those without affluence or influence, as some cynics have claimed in recent years, but all, including the man who holds the most powerful and influential office in this country.

□ 1415

To me that does not lower the bar for impeachment; it raises the standard for democracy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is a violation of the House rules.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. MEEK), who has waited patiently for her turn.

(Mrs. MEEK of Florida asked and was given permission to revise and extend his remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I stand to voice my dissent and my disagreement, and I rise to give my strong opposition to the articles of impeachment that have been brought before us today.

I know what has caused this to happen; I have watched it.

It took me 129 years to get to this Congress because of some folks interpreting the Constitution. I have heard a lot about the Constitution today. But the same people that are interpreting it wrongly today were obviously there long many years ago when it was misinterpreted and when some folks were left out.

How many more good people are going to have to lose their reputation because of what I am seeing here in this Congress? Good men are losing their reputation every day here. Who will be next because of this strive, this strive for gonadal agony?

We are going in the wrong direction here in this Congress. Because of this biased interpretation a man who has served this country very well is now up for impeachment.

Too many of my colleagues have a gotcha syndrome. They want to do their best to get Mr. President. I saw it from the very beginning with every kind of gate there was in government reform. There was a tailgate, there was a post office gate. Every gate imaginable was brought before that committee long before this impeachment started, but it was the beginning of impeachment of William Jefferson Clinton.

My colleagues have not liked him from the very beginning. I have tried to find out why. They dislike him, but they cannot get him in the manner which they tried before, so now they are going to use this gonad shriveling impeachment process to try and get him. It is unfair, it is tainted.

I have some familiarity with this unfairness and injustice that we see in this country. My colleagues cannot escape it. Every American knows that this impeachment process is partisan if they looked at the votes of the very good Committee on the judiciary hearings we had. I watched it. I read everything I could. It is partisan. It goes against the history of this country.

The Republican majority has chosen time and time again to exclude the Democrats. We are asking only for a chance for censure. That is what we are asking for. It does not mean we are going to win that, but at least they could give us that opportunity.

Mr. Speaker, our colleagues are out of touch with the people of the country, they are out of touch with the Constitution, and I say to the rest of them: Now is the time to try and give censure to a man who has given something for this country and give all of us who seek fairness and justice for this country. It was not only set out for certain people; it is for all the people.

Mr. Speaker, if my colleagues believe in the Constitution so strongly, they should act on it.

Mr. MCCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding this time to me, and I ask that a letter received from Senator Bob Dole dated today be placed in the record. I will read a part of that:

It is entirely appropriate for the U.S. House of Representatives to debate and vote on articles of impeachment at this time.

He later says, I also believe that quick positive action in the House could improve chances for a timely resolution of this matter in the U.S. Senate.

So to those on the other side who have been invoking the name of Senator Dole, I would point out that he believes that it is appropriate for us to take the action we are taking today.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, just before the November 3 election my 5-year-old grandson, Jake, asked his mother if we were going to be electing a new President, and upon being told, no, we already have a President, Jake replied: No, we do not; he lied.

As my colleagues know, such principle from the mouths of babes. As sad as this is for our Nation, this action is necessary so that all of us can continue to not only uphold but teach those basic truths and basic right and wrong in our houses and, most assuredly, in this House.

Yes, to err is human, but to lie and deny and vilify; rather than that we need to confess and repair and repent.

Just remember, the children are watching.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the gentleman from Illinois (Mr. JACKSON).

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Speaker, Republicans say the underlying issue is not about sex, it is about perjury. Democrats say the underlying issue is about sex, a private consensual relationship, and the President lied about it, possibly committing perjury in the process. But since lying about sex is not an act involved using his official position against the state as Nixon did, Democrats say Clinton's sins do not reach the constitutional standard for impeachment. That is the essence of the arguments we have heard presented by Members of Congress and the Committee on the Judiciary, but underlying the pending Clinton impeachment is neither sex, nor lying, nor perjury, but American history itself. Essentially the same economic and political forces that drove the presidential impeachment process against Andrew Johnson in 1868 are driving the impeachment process 130 years later. There has been a role reversal. The Republicans of 1998 were the Democrats of 1868, but the underlying issue is essentially the same:

Reconstruction. The first reconstruction was at issue in 1868; the second reconstruction is at issue in 1998.

It could not possibly be about the standard. Congress determined that Mr. Nixon's failure to pay taxes and his lying about failure to pay those taxes did not meet the constitutional standard while felonious. Mr. Clinton's actions, while potentially felonious, does not reach the constitutional standard. So we look to history for the answer.

People keep asking me every time I step outside of this Congress why does the African American community keep sticking with Bill Clinton? When legal slavery ended, this is why. There were 9 million people in the old Confederacy which was led by the Democrat Party. Then the Democratic Party was defined in exclusive terms, as slave holders protected by States rights governments. Four million people, southerners, were uneducated, untrained former slaves who wanted to be brought into the mainstream of America, that it include poor and working class whites who wanted to be brought in. The identification of Lincoln and the Republican Party with ending slavery led southern Democrats to refer to Lincoln as the black President and the Republican Party as the black Republican Party. Former Democratic confederates opposed and resisted the big centralized Republican federal government and wanted to get the government off of their States' backs so they could get right back to their old States rights ways. Senator Andrew Johnson was a Tennessee Democrat who had refused to join his southern Democratic Confederates and stayed with the northern Unionists. Lincoln's concern about preserving and re-unifying the Union, the Nation following the war led him to appoint that Democrat to become Vice. When Lincoln was killed, President Johnson focused on putting the Union back together but not on building a more perfect union for all Americans. And unlike Lincoln and the Republicans, he was willing to preserve the Union by leaving some Americans behind, sacrificing the rights and interests of the former slaves. This is why. As a result those northern angry Republicans investigated a vulnerable Johnson, who not unlike Bill Clinton had personal foibles, to try to come up with an excuse to impeach him. It was a partisan attack by Republicans on a Democratic President in order to preserve undertaking the Republicans' first reconstructive economic program. Today's conservative based Republicans' target is not Bill Clinton, it is second reconstruction, especially the liberalism of Democrat President Lyndon Baines Johnson, but also ultimately including the big government economic programs of FDR.

Let us not be confused. Today Republicans are impeaching Social Security, they are impeaching affirmative action, they are impeaching women's right to choose, Medicare, Medicaid, Supreme Court Justices who believe in equal protection under the law for all Americans. Something deeper in history is happening than sex, lying about

sex and perjury. In 1868 it was about reconstruction, and in 1998 it is still about reconstruction.

Republicans say the underlying issue is not about sex, it's about perjury. Democrats say the underlying issue is about sex—a private consensual sexual relationship—and the President lied about it, possibly committing perjury in the process. But since lying about sex is not an act that involved using is official position against the state, as Nixon did, Democrats say, Clinton's sins do not reach the Constitutional standard for impeachment.

That is the essence of the argument we heard presented by members of the House Judiciary Committee and voted on along partisan party lines to impeach President Clinton. That is what the current Republicans and Democrats are saying. What will history say?

Underlying the pending Clinton impeachment is neither sex, nor lying, nor perjury, but American history itself. Essentially the same elitist economic and political forces that drove the president impeachment process against Andrew Johnson in 1868 are driving the impeachment process 130 years later. There has been a ''role reversal''—the Republicans of 1998 were the Democrats of 1868—but the underlying issue is essentially the same: reconstruction. The First Reconstruction was at issue in 1868, the Second Reconstruction is at issue in 1998.

Congress determined that Mr. Nixon's failure to pay taxes, while felonious, did not meet constitutional standards. Mr. Clinton's action while potentially felonies, does not reach the standards so we look to history for the answer.

The end of the Civil War and the adoption of the 13th Amendment to the Constitution on December 18, 1865 ended legal slavery, Slavery, the Democratic Party, its geography and its ideology were all defeated. But Lincoln's assassination five days after Appomattox denied him and the Republican Party the opportunity to pursue a ''Big Federal Government'' policy of economic reconstruction and political enfranchisement for all Americans, leaving no American behind.

People keep asking me why the black community sticks with Bill Clinton.

When legal slavery ended, there were nine million people in the old Confederacy, which was led by the Democratic Party. Then, the Democratic Party was defined in exclusive terms—as slave holders with private property rights (slaves) which were protected legally by ''States' rights'' governments. Four million of the southerners were uneducated and untrained former slaves who needed to be educated, trained and brought into the economic mainstream and politically enfranchised with the right and ability to vote. That didn't include poor and working class whites who had similar needs and had been exploited, manipulated, misused and politically diverted with a focus on social issues (then, perpetuating the fear of interracial sex) by the slave owners to preserve and protect their elite economic system of special interests.

Just eight years earlier, in 1857, in the Dred Scott decision, the Court had ruled that blacks had no rights that a white man must respect and that Congress could not outlaw slavery anywhere in the U.S. The Confederacy—its economy, religion, family, social customs, mores and politics—was based and built on the institution of slavery. The Civil War ended slavery, but it did not create a more perfect Union because there were still two outstanding problems: (1) How to bring four million former slaves into the economic mainstream? And (2) How to politically enfranchise them? That was the goal of the First Reconstruction and it's goal has never been realized. Those twin problems have never been completely fixed!

The identification of Lincoln and the Republican Party with ending slavery led southern Democrats to refer to Lincoln as the Black President and the Republican Party as the Black Republican Party. So the Rep. J.C. WATTS' Republican Party has gone from being known as the Black Republican Party to one Black Republican. ''Former'' Democratic Confederates opposed and resisted the ''Big Centralized Republican Federal Government'' and wanted ''the government off of their states' backs'' so they could go back to their old ''States' Rights'' ways.

Senator Andrew Johnson was a Tennessee Democrat who had refused to join his fellow southern Democratic Confederates and stayed with the northern Unionists. Lincoln's concern about preserving and reunifying the nation following the war led our first Republican President to reward Johnson's loyalty by nominating him for Vice President in the 1864 campaign.

Lincoln fought a Civil War to preserve the Union and to end slavery. He defeated the southern slave forces militarily at a national cost of 620,000 lives and was prepared to reconstruct the nation with a Republican program of economic inclusion and political enfranchisement.

When Lincoln was killed, President Johnson focused on putting the Union back together, but not on building a ''more perfect Union'' for all Americans. Unlike Lincoln and the Republicans, he was willing to preserve the Union by leaving some Americans behind, sacrificing the rights and interests of the former slaves. As a result, angry northern Radical Republicans investigated a vulnerable Johnson—who was not unlike Bill Clinton in terms of his personal foibles—to try to come up with an excuse to impeach him. It was a partisan Republican attack on a Democratic President in order to preserve undertaking the Republicans' First Reconstruction economic program. It was in this context that the historically black colleges and universities were founded.

The struggle between these radical progressive northern Republicans and these radical conservative southern Democrats continued following the Civil War, and finally came to a head in the 1876 presidential election and Tilden-Hayes Compromise of 1877—which ended reconstruction. Rutherford B. Hayes, a Republican, was finally elected President by one vote in the House, but in exchange for pulling out Federal troops protecting the newly freed slaves in the South, and agreeing to appoint conservative Democrats to the Supreme Court. New Democratic Confederates, with the help of new ''black laws'' of discrimination, psychological intimidation, physical violence and murder, were now on their way back to being in power in the South.

By 1896, the Supreme Court appointments resulted in Plessy, which ushered in Jim Crow, and by 1901 the first Congressional Black Caucus was completely eliminated from Congress, not to return for three decades.

Blacks remained loyal to the Republican Party until 1936, FDR's second term. African Americans were attracted to his New (economic) Deal. Roosevelt defined a new more inclusive Democratic Party by offering an economic agenda that appealed to every American.

It is the same white elitist southern forces and their continuing anti-Federal government ideology—except today they are called Republicans—who want, this time, not to preserve but to undue the nation's effort at reconstruction, a Second Reconstruction begun in 1954 with Brown, continued with the 1964 Civil Rights Act and 1965 Voting Rights Act, affirmative action and majority-minority political districts. The southern Democratic Party, with the legacy of the Confederacy, generally found itself on the wrong side of history again in the 1960s. Governors George Wallace of Alabama, Lester Maddox of Georgia and Orville Faubus of Arkansas were all Democrats. Renowned segregationists like Senator Richard Russell of Georgia and Congressman Howard Smith from Virginia were Democrats. Today's Senators STROM THURMOND of South Carolina and RICHARD SHELBY of Alabama were originally Dixiecrats, but are now Republicans.

Today's conservative southern-based Republicans' target is the Second Reconstruction, especially the ''liberalism'' of Democratic President Lyndon Johnson's Great Society, but also ultimately including many of the ''Big Government'' economic programs of Franklin Delano Roosevelt's New Deal. The real underlying dynamic of this impeachment proceeding is not the removal of Bill Clinton, but the removal of the social and economic programs of the New Deal and the Second Reconstruction of the Great Society, a weakening of the Big Federal Government generally, and the destruction of liberalism as a viable political ideology in particular.

Whether these conservative anti-Federal government Republicans are successful or not will be determined by history. There will be a few pro-impeachment Democrats thrown in for good measure because, politically, they must factor in the old Democratic forces in the South, now controlled by the Republicans. The Republican impeachment strategy can only be measured by future elections. Will the American people be led astray again by the Republicans' new sex diversion or will a strong political leader be able to get them to focus on their real economic interests of full employment, comprehensive and universal health care, affordable housing and a quality public education? History—not President Clinton or the current crop of Democrats and Republicans—will render that judgment!

The political and ideological roots of this anti-reconstruction and anti-more-perfect-union crowd is in the South, though its tentacles have spread beyond the South. This Republican impeachment effort allows us to look at the roots, dynamic and current political structure of this conservative political movement.

Begin with the Judiciary Committee. Ten of the eighteen Republican members of the Judiciary Committee are ultra-conservatives from former Confederate states. In the middle of the impeachment hearings, one of them, BOB BARR of Georgia, was exposed for having recently spoken before a white supremacist group.

Move on to the House Republican leadership. The Speaker is NEWT GINGRICH (R–GA), whose history is laced with not-so-subtle new racial code words, and the Speaker-elect is

BOB LIVINGSTON (R–LA). There styles are different, but their substances is essentially the same. Both abdicated their leadership roles in the impeachment crisis only to have another southern conservative, Rep. TOM ''The Hammer'' DELAY (R–TX), fill the void. He is intimidating and forcing Republicans, not to vote against censure, but to vote with their party on a procedural vote—which, in essence, is a vote to kill a vote of conscience for censure.

In addition, call the roll of House leadership and committee chairmanships in the 105th Congress: RICHARD ARMEY (TX), Majority Leader; BILL ARCHER (TX), Ways and Means; BOB LIVINGSTON (LA), Appropriations; FLOYD SPENCE (SC), National Security; THOMAS BLILEY (VA), Commerce; PORTER GOSS (FL), Permanent Select Committee on Intelligence.

Add to that the 105th Republican controlled Senate: TRENT LOTT (MS), Senate Majority Leader; STROM THURMOND (SC), President Pro Tem (3rd in line to be President), Chairman, Armed Services; JESSE HELMS (NC), Senate Foreign Relations; John Warner (VA), Rules; Richard Shelby (AL), Select Committee on Intelligence. Today in Congress there are more people arguing on behalf of states' rights than there are people arguing on behalf of building a more perfect union.

But don't stop there. Look at who will preside as Chief Justice over an impeachment trial in the Senate—the ultimate conservative states' righter, Supreme Court Chief Justice William Rehnquist. Nominated to the Court by Nixon and elevated to Chief Justice by Reagan, this intellectually gifted conservative, when clerk for Justice Robert H. Jackson between 1952 and 1953, wrote a memorandum arguing in favor of upholding the ''separate but equal'' doctrine of Plessy v. Ferguson in preparation for the 1954 decision on Brown. As a conservative Phoenix lawyer, he appeared as a witness before the Phoenix City Council in opposition to a public accommodations ordinance and took part in a program of challenging African American voters at the polls.

From 1969 until 1971, he served as assistant attorney general for the Office of Legal Counsel. In that position, he supported executive authority to order wiretapping and surveillance without a court order, no-knock entry by the police, preventive detention and abolishing the exclusionary rule, that is, a rule to dismiss evidence gathered in an illegal way.

As a member of the Burger Court, Rehnquist played a crucial role in reviving the debate regarding the relationship between the federal government and the states. The consequences of Rehnquist's state-centered federalism surfaced dramatically in the area of individual rights. Since the 1960s, the Court had held that nearly every provision in the Bill of Rights applies to the states through the Due Process Clause of the Fourteenth Amendment. Rehnquist voiced his disagreement with such a method of determining the constitutional requirements of state action, particularly in the context of criminal proceedings, urging a return to an earlier approach whereby the states were not required to comply with the Bill of Rights but only to treat individuals with ''fundamental fairness.''

Likewise, Rehnquist narrowly construed the Fourteenth Amendment's mandate to the states not to deny any person the equal protection of the laws. He contended that all that the framers of the Fourteenth Amendment hoped to achieve with the Equal Protection Clause was to prevent the states from treating black and white citizens differently. The most important value for Rehnquist is his state-centered federalism, followed by private property and individual rights. In other words, his current views are consistent with the core of the states' rights legal philosophy a century-and-a-half ago, where the individual right to own property (slaves) was to be protected by a states' rights government!

To capture a new political base, Republicans abandoned the essence of Lincoln and decided to go after Dixie, using social issues as cover for their narrow economic interests. Barry Goldwater launched this modern conservative anti-Federal government movement with his 1964 presidential campaign. Ronald Reagan picked it up and sent the same signal by launching his southern campaign from Philadelphia, Mississippi in 1980, in the name of states' rights, where two Jews and a Black were murdered in the name of states' rights fighting for the right to vote. Now Republicans want to complete Mr. GINGRICH'S 1994 ''Revolution of Devolution'' by defeating and eliminating the twin evil forces of ''liberalism'' and ''Big Government'' in the 2000 election.

The Republicans know that if the President is impeached in the House, he will not be convicted in the Senate. They don't want him convicted and out of office, with President AL GORE given two years to solidify his hold on the White House. They want an impeached, but not convicted, President twisting in the wind for two years leading up to the 2000 election. This is a continuation of the November 3, 1998, strategy of the Republican hard liners to motivate and build their conservative ''social values'' political base as a dimersion from economic justic issues.

What the Republicans want out of this impeachment crisis is a ''family values'' issue for the 2000 presidential campaign. They want to say that Clinton's sexual misconduct is the result of the ''decadent values'' of the 1960's and liberalism generally. In other words, in some form, the Lewinsky matter will become a Republican ''wedge issue'' in the 2000 campaign. The fact that African Americans are so closely identified with both President Clinton and liberal ''Big Government'' programs fits perfectly with their consistent use of race to divide the electorate in presidential campaigns. They can send the subliminal race signal while publicly denying they are using race as an issue in the campaign. So far the Republicans have gotten away with it and they have not been impeached for lying about it.

The Republican goal in 2000 is to use this strategy to retain control of the House and Senate and to gain control of the White House. They can then appoint their hardcore conservative right wing friends to the Supreme Court after 2001. We will be treated to Kenneth Starr clones as nominees to the Supreme Court. Remember, Kenneth Starr's ambition before being sullied by the Lewinsky affair was to be appointed to the Supreme Court.

Republicans in control of the executive, legislative and judicial branches of the Federal government could turn the clock back to a twenty-first century version of the good old States' Rights days of the 1850s and the 1896 ''separate but equal'' days of Plessy v. Ferguson.

By putting impeachment in the legislative rather than the judicial branch of government, the Constitution deliberately made it a political-legal affair. Republicans have done in 1998, what Democrats did in 1868. They have used the political-legal nature of the impeachment process to turn it into a political—political affair to further their anti-Big Government aims.

Republicans are trying to impeach reconstruction. President Clinton risked all of that history of social and economic progress by lying about an issue of personal satisfaction. He has not committed treason as defined by the Constitution as an impeachable offense. His treason is against our cause of building a more perfect union.

After economic and socially conservative Presidents Nixon, Ford, Carter (an economic conservative, but more liberal socially), Reagan and Bush, a moderate-to-conservative southern Democrat, President Clinton, has helped to prepare an economic bridge which would allow us to again begin to work on some of the unfinished and unreconstructed tasks of the Civil War. Monica Lewinsky has now reduced the defense of that agenda to a defense of him.

Today Republicans are trying to impeach Social Security, affirmative action, the right to choose, Medicare, Medicaid, Supreme Court justices who believe in equal protection under the law for all Americans, public education for all over vouchers for some, universal and comprehensive health coverage over medical savings accounts for the few, affordable housing for all, versus mansions for a select few in an effort to win elections.

Clinton launched a dialogue to talk about race, but the real race dialogue is what could potentially happen to economic reconstruction in 2001 if this reactionary Republican strategy works. Clinton has worked hard to separate the race dialogue from the economic dialogue—joining with the Republicans in 1997, and ignoring his strongest liberal supporters today, by cutting a budget deal to balance the budget with the conservative Republicans. That deal assures that there will not be enough money to fix our historic problem. He has reduced his own defense to a personal defense instead of a defense of history.

Something deeper in history than sex, lying and perjury is at issue here—just as something deeper in history than the removal of a cabinet secretary was a stake in 1868. At stake in 1868 was the First Reconstruction. At stake in 1998 is the Second Reconstruction. The struggle taking place in Congress and nationally today is between those political forces who want to build a more perfect union for all Americans, leaving no American behind, and those who want to return an elitist economic program of more perfect ''States' Rights'' for the few. That is what underlies the impeachment crisis.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, this is the twentieth session in which I have been casting votes in legislative chambers in this status. I submit a statement on behalf of all four articles of impeachment for my side.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Speaker, there is much in the statement of the gentleman from Illinois (Mr. JACKSON) to which I could respond. I do

want to focus on one particular point that he made which we have heard repeated time and time again concerning the impeachment proceedings against President Nixon.

It is claimed that the Committee on the Judiciary decided that tax fraud by President Nixon was not an impeachable offense. The record simply does not bear that out. It is true that the committee rejected an article of impeachment based on tax fraud against President Nixon, but it is equally clear that the overwhelming majority of the members of the committee who expressed an opinion on that subject said that they were voting against that article because there was insufficient evidence to support tax fraud.

Mr. Speaker, I would like to quote what the subsequent chairman of the Committee on the Judiciary, Mr. Brooks, a Democrat, said in that context. He said that no man in America can be above the law. It is our duty to establish now the evidence of specific statutory crimes and constitutional violations by the President of the United States will subject all Presidents now and in the future to impeachment. No President is exempt under our U.S. Constitution and the laws of the United States from accountability for personal misdeeds any more than he is for official misdeeds.

I think that we on this committee in our effort to fairly evaluate the President's activities will show the American people that all men are treated equally under the law.

Now that was a view that was adopted by the gentleman from Michigan (Mr. CONYERS) also, who supported the tax fraud article, the gentleman from New York (Mr. RANGEL) and various other Members on the Democrat side.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HORN).

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

Mr. HORN. Mr. Speaker, censure did not change Andrew Jackson. We have heard a lot about censure during the Jackson administration. When the Supreme Court ruled in favor of the Cherokee Indians, Jackson was heard to say about the sitting Chief Justice, ''Well, John Marshall has made his decision, let us see if he can enforce it.'' Obviously the Court could not enforce the order. The Court does not have the Army. The Court does not have the Federal marshals. So much for censure.

Censure would have about as much effect on the behavior of Presidents as a parent yelling and shouting at a teenager. As we know, shouting does not usually change teenage behavior.

□ 1430

The other point that I would make is we have heard an awful lot of talk about the repeal of the 1996 election. We have heard a lot of talk in the Shays town meeting about a coup occurring in America. This is utter nonsense. After all, the President of the United States picked his Vice President in 1992 and 1996, and he picked him for issue compatibility, and certainly Vice President GORE would have that, should the Senate vacate the office of President. I would suggest that the ''repeal the 1996 election'' argument falls.

The President must subject himself to the rule of law that effects all of our citizens. This should be a warning to all presidents, that when you break the rule of law, you violate Federal laws—be it perjury, suborning witnesses, whatever it is—that you might endanger yourself with impeachment.

Let us do the right thing. Let us vote for the articles of impeachment.

Mr. Speaker, I include the following for the RECORD: my weekly column entitled ''Two Challenges for Our Country.''

TWO CHALLENGES FOR OUR COUNTRY

This week, our nation has been confronted with two crucial challenges—Saddam Hussein again has blocked weapons inspections in Iraq and the House of Representatives is preparing to decide whether President Clinton should be impeached. The collision of these events should reaffirm for us that we can unite in dealing with foreign threats even as complicated domestic matters are under consideration.

First, I strongly support our armed forces in current operations to reduce Saddam Hussein's ability to produce weapons of mass destruction. Although I believe we should have acted earlier, when Saddam repeatedly thwarted United Nations efforts, it is clear that we must deter Iraqi efforts to obtain nuclear, chemical and biological weapons.

On the domestic challenges before us, the American people, and their Representatives in Congress, are confronted with one fundamental issue: Are all Americans, including the President of the United States, equal before the law? My answer to that question is Yes, and so I will be voting for the articles of impeachment of President Clinton.

I have reached this decision after many weeks of reviewing all the evidence. I have also waited for the President to rebut the facts or take responsibility for his actions. However, the President has steadfastly refused to address these charges.

The impeachment of a President by the House does not remove him from office. The House judges whether or not there is ''clear and convincing evidence'' for the Senate to conduct a trial presided over by the Chief Justice of the United States. That was the standard used by Watergate-era Judiciary Committee Chairman Rodino in 1974 and by Chairman Hyde in 1998.

I have paid close attention to the telephone calls, mail, faxes, and e-mail. I have received thousands of communications—most of which come from organized groups outside our district. Within our district, the often passionate communications have been closely divided between those who favor and those who oppose impeachment.

Most Americans know there is powerful evidence that President Clinton deliberately testified falsely under oath in both a federal sexual harassment case and a federal criminal grand jury proceeding. They know there is substantial evidence that the President attempted to tamper with witnesses and obstruct justice.

What should be done in response to President Clinton's actions is, and should be, a matter of conscience. Despite news reports to the contrary, on this issue there has been no arm-twisting by either the White House or the Republican leadership. I respect the views of my colleagues who will vote differently, and those of my constititunts who will disagree with my position.

It would have been easy to vote against impeachment. According to the polls, a majority of the public is against it. Additionally, I have voted against a majority in my party a number of times—on such issues as protecting a women's right to choose, sensible gun control, the patients' bill of rights, campaign finance reform, and equal rights for gays and lesbians.

In this case, there is simply overwhelming evidence that the President has committed serious crimes such as perjury. I realize that the President is popular. But being popular does not excuse his breaking of the law. Any other person—a teacher, soldier, a businessperson, a newspaper editor—would long ago has lost his or her job for such actions.

The President refuses to take responsibility for his actions. That refusal has brought him, and all of us, to his point. There any many myths regarding the President's defense. Here are just a few of the main ones:

(1) ''These are Not High Crimes and Misdemeanors'' This is not Watergate. But, no committing watergate-style crimes should hardly be the minimum standard we ask of out Presidents. There have been only two other Presidents who have faced the serious prospect of impeachment, but other officials, primarily judges, have been impeached for actions, such as perjury, that had nothing to do with their officials duties.

(2) ''Censure is the Proper Punishment'' It has been said that instead of impeachment, the House should censure the President. First, the Contitituion does not provide for censure, and even many scholars who support President Clinton say that it would be unconstitutional for the House to do it. The House does not determine the ultimate punishment of those impeached. That is the Senate's role. Second, censure at this point really comes down to passing a meaningless resolution condemning the President either for unspecified bad behavior or for crimes that he refuses to admit. Censure would be like shouting at a teenager and thinking that loudness will change his behavior. However, if the Senate should decide on other measures short of removal, then censure might be proper. The role of the House is to ascertain whether there is enough evidence to have the Senate conduct a trial.

(3) ''It's a Coup Overturning the 1996 Election'' If the President should actually be removed from office by the Senate, then he would be succeeded by Democratic Vice President Al Gore, not losing Republican candidate Bob Dole. President Clinton picked Gore as his running mate in 1992 and 1996. He picked Gore because he felt that they would agree on public policy. To say that this ''overturns'' the 1996 election is no more accurate than saying that the forced resignation of Richard Nixon overturned the 1972 election. When President Nixon resigned, his own hand-picked Vice President, Gerald Ford, succeeded to the office.

(4) ''It's Just Sex'' What we should not forget is that President Clinton is accused, not of having an affair, but of lying in a sexual harassment case in an effort to defraud an American citizen of her rightful day in court. Plaintiffs in sexual harassment cases are permitted by law to inquire into the behavior of defendants in order to establish a pattern and practice of behavior (such as giving benefits for sex). If President Clinton is

permitted to lie, will every other defendant in a sexual harassment lawsuit be permitted to lie?

If we fail to hold the President accountable, we inevitably confront these questions: (1) Do we believe that the President is above the law? (2) Do we believe that such actions are acceptable and deserving of no more than a meaningless and nonbinding censure resolution? (3) Do we believe that the President should be held to a lower standard than anyone else in our society?

Our nation will survive this crisis, regardless of the ultimate fate of President Clinton. I am far more worried about our future if, as a society, we give the wrong answers to the above questions. By his actions, the President has answered Yes to all of these questions. By my vote, I will be answering each of them No.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), a ranking Member of the House.

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

Mr. OBEY. Mr. Speaker, I honestly believe this is the worst day for this institution in this century, and history will see it as such. The tool of impeachment was inserted in the Constitution to protect the country from irreparable harm, not to punish the President. Under our system, the proper institution to punish the President if he violated the law is the court system, a legal institution, not the Congress, a political institution.

The House Republican leadership has said that this is a vote of conscience. It is denying the right to cast that vote of conscience to those of us who believe that the proper course is to censure, not impeach. That decision dooms this House to go down in history as tragically lacking in both perspective and fairness.

To those who say censure has no bite, my response is this: I come from the State of Joe McCarthy. Tell him censure has no bite. It destroyed him.

Whether the President has committed perjury or not is a legal, technical question that can be decided by a jury and a judge and our court system at the proper time.

There is no question that the President has misled the country and the Congress. That is unacceptable. But, in my view, it does not rise to the level of an impeachable offense, because the lies essentially grew out of sex, not public acts. If the House ignores that distinction, it fails in its obligation to put the President's acts in perspective.

Mr. Speaker, the gentleman from Illinois (Mr. HYDE) said earlier in this debate that there cannot be one law for the ruler and one law for the ruled. I agree. But I would say, respectfully, that this House should not have one standard of judgment for truth telling for the leader of the Executive Branch, and another for the leader of this institution, who was found not to have told the truth to this House. In that case there was no removal from office; there was not even censure. There was simply a reprimand and then reelection by the Republican House majority to the Speakership.

Mr. Speaker, for the House Republican leadership to, in effect, predetermine the outcome of this vote by refusing to allow a conscience vote on censure in this instance is a massive failure of fairness. If the House leadership can only win this vote by denying any alternative, it will have failed the country as much as Bill Clinton has.

Mr. Speaker, because of time limits imposed on debate today I would like to extend my remarks at this point updating the thought on the issue that I expressed earlier in the year, to place my conclusion in full context.

Mr. Speaker, three months ago, as I tried to wade through my copy of the Starr Report, and as I came again and again to gratuitously graphic and voyeuristic descriptions of ''sexual encounters'' contained in that report, I reached the point where I could read no more. I had voted to release that report earlier that day, but I really began to wonder whether I would have done so if I had known it was so graphic. I say that because while reading the report I was continually asking myself what we had done to our own children, to the President's privacy and dignity (and that of Monica Lewinsky) and even to the dignity of the nation itself by the placement of that report on the Internet.

Putting down the report, I turned on the t.v. set to see, as an unreconstructed Cub fan, if I could find out if Sammy Sosa had hit another home run or not. The tube came on and within seconds I heard a CNBC reporter describing the Starr report, using language I never expected to hear on the nation's national news programs or what passes for them these days.

At that moment I reached the same conclusions that millions of Americans have probably reached. I have had it—not just with this story, but with something far more disturbing.

What I felt was a conclusion that has been building within me for months, even years. I was overwhelmed with the feeling that this report is a phenomenally gross verification that our society and our country is faced with nothing less than the accelerating failure of institutions that are central to our functioning as a decent society and as a democracy that works the way our Founding Fathers wanted it to work.

Please do not misunderstand. This is a great country. In many ways it is a good country. There is much that is good in our society, and we have had much good economic news in recent years.

Nonetheless, I believe that the most crucial institutions and institutional arrangements in this country and in this society are failing in their responsibilities. That failure is affecting our economy, our culture, our political system, our long-term environmental security, and even our own spirituality.

The evidence of the failure of our most important institutions is all around us—in this and in other events. At the moment that our nation is transfixed on the most pornographic document ever produced by government, global challenges face us everywhere.

The world's economy is in turmoil. We have almost no tool but persuasion to move the Japanese government off a course of economic and fiscal impotence and incompetence that threatens the economic health of all of Asia and indirectly threatens our own as well.

International financial institutions such as the International Monetary Fund are being overwhelmed by changes in the world economy, changes in currency relationships, changes in capital flows that each day weaken the ability of the major institution the world has to stabilize economic relationships between nations.

The nation with the largest arsenal of nuclear weapons that could possibly one day be arrayed against us (Russia) is experiencing political and economic chaos. Much of Europe is focused on that chaos, but here in America we give it only intermittent attention and analysis.

The most irrational, paranoid and dangerous government in the world (North Korea) is facing military, political, and economic instability that could easily threaten the lives of 50,000 American servicemen and women stationed in South Korea and hundreds of thousands of others.

Our ability to prevent the spread of nuclear weapons has been brought to the edge of failure by events on the Indian subcontinent and in Korea. And yet, the discourse in this country about how to deal with that issue is shallow and in some cases downright dangerous.

The best change in a generation for peace in the Middle East is slowly but surely sliding away.

This decade has produced the hottest known global temperatures in 200 years with huge potential consequences for worldwide agriculture, fisheries, economic dislocation, public health, and environmental stability. Yet commercial disputes about profit levels are threatening our ability to take even marginal action to minimize potential catastrophe.

On the home front, the Supreme Court, the institution that we, in the end, rely upon more than any other to preserve the balance of forces that protect our democratic processes and our liberty, has handed down two very different sets of decisions that have crippled the ability of our political system to function as a democracy should.

(1) The spectacularly myopic decision in the Paula Jones case that the government would not be distracted if that case went forward now rather than two years from now when the President was out of office and his private activities could be handled as a private civil matter rather than as a national governmental soap opera.

(2) The mind-bogglingly naive decisions that the constitutional rights of Americans to have a political system that functions for them would be protected by a series of naively libertarian decisions that equate money with speech, establish absurd legalisms about campaign financing that have no relationship to reality, that have turned politics into a money chase and political campaigns into the competition of dollars rather than ideas.

And other domestic institutions are also failing in their fundamental responsibilities.

Large sections of corporate America are making economic decisions, devoid of any values except the maximization of financial benefit to the management and investment elite of this country—in almost total disregard of the impact of those decisions on loyal workers, their families, and their broader communities which have nurtured them.

These decisions, and policy decisions by government, have together produced the greatest disparity between the economic well-

being of the wealthiest 5 percent of our people and everyone else in the modern history of the country. If we as a people are concerned with moral outcomes, should we not be just as concerned about how the nation deals with poor people and sick people as we are about how we deal with each other on matters of sexual intimacy?

The political elite has largely debased what passes for political dialogue on many crucial issues.

It has allowed its reliance upon the community of pollsters and consultants to produce lowest common denominator discourse in which winning and holding power drive out any consideration of the need to educate and enlighten the public on almost every front. We should ask ourselves: Are there no lengths to which we will not go to seize or hold power? Is there no amount of pain we will not inflict on each other for political gain?

More and more, individuals are entering Congress and other political institutions who see issues not as problems to be confronted, but concerns to be manipulated and toyed with around the margins in order to seize and hold power. So many debates are split along party lines and driven by ideological enforcers (the modern day American counterparts of Michael Suslov, the old guardian of the purity of Soviet Orthodoxy) that when bipartisanship does occur, we are almost startled by its appearance.

And the focus and limits of much of that debate are set by political elites in both parties who rub shoulders with the financial and economic elites of the nation far more often than they do with every day working people.

The press itself, with all too few lonely and valiant exceptions, has fallen into the same bad habits it legitimately criticizes in the politicians it covers. The press too (especially the electronic media) drawn by the realities of the marketplace, has often become little more than the public affairs entertainment division of profit making corporations who will do almost anything to preserve market share instead of responding to the public's need to understand the substance of issues before the country. The press, driven by market surveys and polls, produces story after story that portray politicians as gladiators and celebrities rather than problem solvers—responding to and strengthening some of the most unhealthy public biases on the landscape.

For every question I get from a reporter about the substance of an issue, I get five from other reporters about the politics of that same issue—reflecting both a laziness and a shallowness that the country cannot afford. And worst of all, some reporters cannot resist using any device to win a point, no matter how much damage they do to the country and innocent individuals in the process. One need look no further than the incident last Sunday in which a report from a Sunday talk show, during his interview with the President's lawyer, David Kendall, snidely asked Mr. Kendall what Mr. Kendall's wife's definition of sex was. That reporter owes his own profession, his viewers, and Mrs. Kendall a public apology for his inability to resist his ''Dennis the Menace'' impulses which have increasingly made that reporter a caricature of himself. Is there no length to which some segments of the press will go to humiliate other human beings in the name of ''news values''?

Even religious institutions have allowed themselves to fail the Nation in too many instances and have allowed politicians to manipulate religious concerns, more to find political advantage than to find spiritual answers.

Debates and discussions about the nature of humankind, our origins, our purpose, and our relationship with our creator are essentially conversations about the unknowable—at least in this life.

And yet the certitude with which some political and religious figures attack those who have legitimate differences of belief are disheartening and appalling and border on the sacrilegious. Too many political and religious leaders alike have allowed religion—or the superficial reference to religion—to be used for nonreligious purposes. They wrap political commercial and ideological preferences in religious ribbons and desecrate both religion and politics in the process.

The Ten Commandments represent a guide for living and for the treatment of others. God did not give them to us to provide a roadmap for human beings and politicians to destroy each other. They are not a political program or an economic platform. As Mario Cuomo once said, ''God is not a celestial party chairman.'' To the best of my knowledge, God has not yet taken a position on capital gains or other tax plans, but you would never know that by listening to some of the self-promoting political manipulators who pass themselves off as the ''Clergy of the Tube.''

Politicians have no special qualifications to judge the private lives of other people. In the end, only God can do that. The Nuns at St. James taught me a long time ago that we have enough to do worrying about the stewardship of our own souls to pass judgment on the private lives of others.

Neither do religious leaders have any special competence to judge the specific mechanisms by which elected officials in a democracy accomplish decent public ends. Those of us in public life owe due consideration to their opinions, but we have, after all, taken an oath to uphold the Constitution in accordance with the dictates of our own—not someone else's—conscience and that is our own sacred public duty under the Constitution.

We—religious and political leaders alike—have allowed debates about religious truths and values to be used all too often as weapons to inflict pain and gain political advantage rather than as tools to find moral answers that take decent account of the moral values of others as well as ourselves.

We have all too often allowed the substitution of moralizing for morality and have allowed the search for God to become a journey that develops hatred and contempt rather than love for our fellow searchers. Example: On abortion, perhaps the most agonizing, troubling, and divisive of all moral debates in the public realm, both sides have allowed their own certitude about the will of God or their dedication to unbending individualism, their desire for tactical advantage, to get in the way of their responsibility to recognize good intentions and honest nuances of conscience. And so that debate has become more and more a political manipulation of the legislative process rather than a search for areas of agreement that would reduce the world's acceptance of abortion at the same time that it recognizes the dignity of individual conscience.

All of these institutional failures are rooted in two shortcomings.

One, simply a lack of knowledge or understanding about how the world and institutional relationships are changing. The other is the triumph of a ''me-first'' rampant, materialistic individualism that prevents the leaders of almost all of our social, political, commercial, informational, and religious institutions from really focusing on the answer to one simple question: ''In addressing whatever decisions confront us, how can I, or we, take into fair account the needs, concerns, and interests of those who are not 'just like us' in social or economic standing, cultural outlook, or political or religious beliefs?'' We desperately need to address our key institutional shortcomings because institutions are the major tools available to any culture, to any nation, to any society to shape its future. Yet we continue to be transfixed on the Starr-Clinton-Lewinsky soap opera.

The nation has been moved to this focus because of two people:

(1) Mr. Starr: On a number of accounts Mr. Starr's report grossly represents the overreaching zealotry of a personally upright, but ideologically and politically partisan, individual who, before he was appointed special prosecutor, was already contemplating filing a court brief on behalf of Paula Jones and who had indicated that he was planning to join Pepperdine Law School, and institution financed in large part by a person who has contributed millions of dollars to try to bring down the President. Mr. Starr from all reports is a fine, upstanding human being, but a person of his partisan and ideological mind set should never have been appointed to a position that called for, above all, unquestioned fairness balance and judgement.

(2) President Clinton: Up to this point, he has been the most personally talented politician of his generation. He appears to be a person of good heart and courage who wants to do good things for the country. But his career has been both promoted and crippled by a tendency to manipulate language in ways that are technically in conformance with the truth, but often are designed to obscure rather than clarify!

For example: As frustrating as I feel the President's lack of candor to be in this episode, I'm even more unhappy about the lack of candor demonstrated by both the President and congressional leaders in jointly obscuring the real effect of the budget agreement they both sold to the nation last year on our ability to meet our domestic responsibilities in strengthening education, health, environment, housing, and social services. Why does that frustrate me more? Because the lack of candor in the first instance was meant to hide private, personal conduct, but the second was a public event which had direct substantive consequences for American citizens and their families.

After finishing reading Mr. Starr's submission of opinion and the response of the President's lawyers some things are clear to me and some things are not. I cannot really reach a final judgement on this depressing matter until I have had an opportunity to evaluate the thousands of pages of backup material which are still to be released. But my first impressions of what I read are these.

First, after four years and the expenditure of over $40 million since Mr. Starr was first appointed to review the facts surrounding the Whitewater land deal in Arkansas in the 1970s, we still have no finding of illegal conduct by the President in Whitewater, no finding

of illegal conduct by the President in the investigation of the White House travel office which Mr. Starr subsequently undertook, no finding of illegality by the President on the matter relating to the FBI file case. All we have is a document which is largely focused on what actions the President took to hide sexual conduct that had not even occurred when Mr. Starr was first appointed Independent Prosecutor.

There's no doubt that some conduct cited in the allegations is indeed troubling. Many other allegations clearly overreach.

Mr. Starr's allegation that the President acted illegally by misleading his own staff about his sexual activity is a real stretch as is his allegation that the President acted illegally by pursuing legitimate questions of Executive Privilege. Mr. Starr's active advocacy of impeachment, going so far as to draw up potential articles of impeachment, is, as the Washington Post has said, an ''arrogant'' act that claims for Mr. Starr a responsibility that is solely the prerogative of Congress. Mr. Starr's job is to lay out the facts in ''Joe Friday style''—as Mr. Starr himself has on occasion pointed out. It is not to reach a conclusion about what actions Congress should take. That is our job.

But, Mr. Starr's overreaching does not obscure the fact that the President appears at this moment to have provided information to the public in the Paula Jones suit and possibly to the grand jury that obscured the truth, even if it did not technically violate it. If that proves to be the case, the question we will then have to answer is: ''What is the proper action for Congress to take?''

The actions taken by President Clinton, regrettable though they may be, are far different from the actions President Nixon took in Watergate. The actions in Watergate involved burglarizing and wiretapping political opponents, attempting to use the IRS to intimidate political opponents, financial payoffs to defendants in criminal cases, and other uses of the levers of governmental power to subvert the very democratic process that underlies the essence of America.

In contract, this case is largely about actions taken by the President to obscure personal conduct. They are not in the same league as Mr. Nixon's.

That does not necessarily mean that some action by Congress may not be warranted. If it is, based on what we know now, the case of Speaker Gingrich may be instructive.

In the case of the Speaker, the House determined that the proper action for the House to take was to reprimand the Speaker for having misled the House in the ethnics investigation of his political activities. Because the essence of the charges against the President seem to be similar—that his actions also appear to have been designed to obscure the truth—a congressional reprimand or sanction of some sort, rather than removal from office, may prove to be the most appropriate action. It would be especially so if it allowed Congress to end this matter in a much shorter period of time so that the Congress and the Presidency can refocus our attention and our activities from the past private misdeeds of this President to the future public needs of the nation and the people we are supposed to represent.

I do not know how this sad chapter will end, but I do know that this episode and the way it has been handled by the leadership circles of our major institutions demonstrates a desperate need to examine how we can renew those crucial institutions.

In two years the millennium will draw to a close. This nation's institutions are simply not ready to lead this country into a new one.

I would never in three lifetimes call for a new Constitutional convention because this generation of political leadership is highly unlikely to improve on the work of the Founding Fathers; it is much more likely to muck it up.

But I do believe we need to have Millennium Conventions convened for the purpose of examining ways to reshape, redirect, and refocus almost all of our institutions—economic, corporate, political, communication, religious, and even our international institutions such as the IMF, the U.N., and NATO.

In the political area, we need special attention paid to the presidential nominating process to try to find ways to reduce the importance of candidates' media skills and increase the role of peer review by people who know them best, if both parties are to produce candidates with the qualities necessary to lead the nation.

I do not know how we can change the human heart, but we need to find ways to reshape the major institutions of this society so that there are more incentives to produce a new focus on selflessness. That is the major task that we each face as individuals on life's journey, and we need more help—and less hindrance—from the institutions that dominate our lives along the way.

Mr. MCCOLLUM. Mr. Speaker, I yield one minute to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, while I sincerely doubt that those who continue to bow down before the holy grail of censure will let the historical record of precedent interfere with their support for this notion of censure, I would direct those Members who still trust historical precedent, I would direct their attention to a communication from President Andrew Jackson, the last President who was censured, as he at great length and eloquently set forth in a communication to this body, printed in the official records of this body, ''Censure, although it may have a place in certain procedures in the Congress, it has no place if it is used as a substitute for impeachment.''

The precedent that applied back in the 1830's, in 1834 when that took place, which was the basis for its later expungement in the very next Congress, are just as relevant today. Censure is unconstitutional if in fact it is used or attempted to be used as a substitute for impeachment.

Mr. MCCOLLUM. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania (Mr. GOODLING).

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

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

Mr. Speaker, I am saddened that I am witnessing something very similar today that I witnessed 25 years ago when I first ran for this office, a Vice President forced out of office and a President forced out of office. But then I am also reminded of the beauty of our system. Nothing happened seriously. The system operated beautifully. Life went on. No crisis. But, again, we are back to something very similar to what happened then.

I began the day by reading an article in a New York newspaper, and I quote: ''Two more cops were arrested yesterday on Federal charges of lying when questioned by the FBI.'' They were not before a grand jury. They were two highly decorated officers.

Then I turned to the sports page from one of the Washington newspapers, and I read the following: ''A former Northwestern football player pleaded not guilty and denied lying to Federal grand juries.'' The article also said two other players have been charged with lying.

There are more than 100 people in prison today, in Federal prisons, for perjury. Some of those were prosecuted by this administration, and some of those dealt with sex. Our constitutional system of government cannot survive if we allow our judicial system to be undermined, and, again, giving you the three illustrations that I just gave, what are they to think? How are they to be treated differently than anyone else, even if it is the President of the United States?

This vote will be the most monumental I will cast in all 24 years of Congressional service. Our republic has weathered two centuries, a civil war, but it cannot weather corruption of its basic tenet, the oath of office. The oath of office is that invisible bond which links the people to their elected representatives, and, upon its strength, the virtue of this republic stands.

Similarly, the virtue of our legal system rests upon a simple oath, to tell the truth, the whole truth and nothing but the truth, so help you God.

I believe the President violated this oath, and, by violating the oath, Mr. Speaker, I think he has violated the oath of office, and we must proceed with these articles of impeachment. The Constitution clearly states the course for this body to follow, it clearly tells us what that course is, and it would be an abdication of our duty not to follow that course.

Our republic and its institutions must be defended, and this House must send the message that no man, not even the President, is above the law. Therefore, it is my duty to defend the rule of law and support the articles of impeachment.

Mr. CONYERS. Mr. Speaker, if I might, the requests on our side are so numerous, we still have over 40, I want to read the names of my colleagues, and, with apologies to some of the Members who have been waiting all morning, I would like to indicate that the next Members that will be recognized on this side of the aisle are Ms. SLAUGHTER, Mr. KILDEE, Mr. FILNER, Mr. MCGOVERN, Mr. KLINK, Ms. KILPATRICK, Mr. HASTINGS, Mrs. LOWEY,

Mr. WYNN, Mr. KUCINICH and Ms. PELOSI.

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

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

Mr. YATES. Mr. Speaker, I was elected to the House of Representatives for the first time in 1948 and 23 times thereafter. For that reason, I am frequently asked by the press these days whether this Congress differs from the early ones to which I was elected.

I answer yes—there is a difference. There is a difference in the ambience, in the relationship between Members of the two parties. I have the impression that in the earlier Congresses Members were friendlier than now and I regret that. And they were friendlier towards the Presidency.

Nobody thought of impeaching a President. In the 81st Congress, the Republicans did not like Harry Truman—they criticized him. They voted against his Fair Deal programs, they abused him for firing General MacArthur, they called him a tool of the Prendergast machine in Kansas City—but there never was one mention of impeachment.

But that was prior to the special prosecutor law. That changed things and now we have a special prosecutor, Mr. Starr, who investigated and found nothing to blame on Mr. Clinton on Whitewater, Travelgate, Filegate, his original charges. Then he stumbled on Monica Lewinsky. That gave him his chance.

Starr is determined to drive Mr. Clinton out of the Presidency—and in this bill, the Republicans are taking his recommendations to impeach him—as the Chicago Tribune said—for ''low crimes and misdemeanors.'' There are no high crimes and misdemeanors that either Mr. Starr or the Republicans can cite. It is unfortunate that the Congress should even consider the bill.

Yesterday, the Chicago Tribune, not a liberal newspaper, but rather the paradigm of Republican conservatism over the many years it has been in existence, published an editorial entitled, ''There Is No Case for Impeachment.'' Its arguments were sound and well-reasoned. Its excellent editorial concludes:

> But impeachment is a very different matter. It is a constitutional sword meant to be unsheathed only in the gravest, most unusual circumstances and to be wielded only to preserve the security and integrity of the republic.
>
> Use it in this instance, against Clinton and for these offenses, and it will instantly become one more tool, one more bludgeon, in the partisan wars that are turning our politics into a wasteland and turning our people off. Like the independent counsel law that has become Richard Nixon's revenge, the promiscuous political use of impeachment will be Bill Clinton's.
>
> There are no ''high crimes and misdemeanors'' in this case. There is no basis for impeachment. Let the House vote down these proposed articles, and vote up a stern, historically indelible resolution of censure.

Mr. Speaker, I regret very much that my last vote as a Member of this House should be on a bill like the bill under consideration. It should never have been approved in committee. It must be voted down by the House. I shall vote against the bill—there is no case for impeachment.

Mr. Speaker, I include the editorial from the Chicago Tribune of December 17, 1998, with my remarks.

[From the Chicago Tribune, Dec. 17, 1998]

THERE IS NO CASE FOR IMPEACHMENT

From the beginning, our editorial concern in the Clinton-Lewinsky episode has been to see a sense of proportion maintained. ''What's it worth to get Clinton?'' we asked repeatedly, as Independent Counsel Kenneth Starr hauled in Monica Lewinsky's mother to put the squeeze on her daughter, as he subpoenaed Secret Service agents, as he challenged the posthumous validity of the lawyer-client privilege.

The issue, in our view, was never simply what it was *legal* to do in pursuit of Clinton, but what it was *wise* to do. And too much that has been done, we regret to say, has been terribly unwise. But nothing that has been done to this point is as unwise as what the House of Representatives will do if it votes to impeach the president.

That we stand this morning on the verge of a presidential impeachment—for only the second time in our nations history—is evidence of how utterly the sense of proportion has been lost.

The first time a president was impeached—Andrew Johnson in 1968—it arose out of actions he took in the wake of the Civil War, actions having to do with the terms of Reconstruction and the political status of newly freed blacks and rebellious whites in the restored union. Even if the case ultimately was meritless, it at least was about a matter of real moment.

In the current instance, the impeachment turns on whether Bill Clinton, in a lawsuit of dubious merit but indubitably mischievous intent, lied about a tawdry, illicit—but consensual—sexual affair with another adult.

The issues in the two instances are not even close to being of the same gravity, and any member of the House who dares suggest they are deserves the contempt of his constituents today and of history in the future.

There still is time for the House to escape that judgment and for the nation to escape the descent into political hell that an impeachment vote in this instance would represent. But it will demand a measure of courage and statesmanship that so far has been conspicuously missing.

It has been missing most prominently in the House Republican leadership, which has refused adamantly to allow a vote on censure—the penalty most Americans say is appropriate for Clinton's offense, the alternative many GOP House members would like to have, the course recommended by such party elders as Gerald Ford—and insisted instead that the only allowable vote must be on impeachment.

In this regard, Robert Livingston, the speaker-elect of the House, already has failed his first great test of leadership—possibly the greatest test he ever will face. We must accept that Livingston is sincere when he says he believes that the House, which routinely passes resolutions praising everything from peanuts to Ping-Pong players and condemning bad actors from all over the world, is constitutionally barred from censuring Clinton. We accept Livingston's sincerity, but question his wisdom—and marvel at how neatly this judgment coincides with the rank, poisonously partisan nature of this entire proceeding.

Of course, we would not be in this fix if it were not for William Jefferson Clinton, as amazing a human being as has ever occupied the presidency. Brilliant, charming and immensely talented, Clinton also is a pathetic creature, slave of his enormous sexual appetite and addicted to lying. It is those last two attributes that have brought him to this current, perilous pass.

Whether or not it meets the technical definition of perjury, Clinton lied under oath—first in his deposition in the Paula Jones sexual harassment lawsuit, again in his testimony to a federal grand jury.

Without question, those are serious matters. Any attempt to subvert the justice system is serious, especially if made by the person charged by oath to ''take care that the laws be faithfully executed.''

But context is everything. Clinton lied to avoid deep personal embarrassment, not to seize, maintain or subvert the power of the state. His were the pathetic lies of a man caught in marital infidelity, not those of a traitor or a trader in government influence. His were *low* crimes and misdemeanors, not the high crimes and misdemeanors that the Constitution sets as the threshold for impeachment.

Again, it's a matter of proportion. When the House Judiciary Committee was considering whether to impeach Richard Nixon, it rejected an article citing Nixon's perjury in signing a fraudulent income tax return. That offense, the Democrat-controlled committee concluded, did not rise to the level of an impeachable offense. It ought to be likewise in this instance for Clinton and his sorry lies.

Three months ago, in the wake of the Starr report to Congress, we called on Clinton to resign—as a matter of honor. He has not, however, elected to oblige us and given his character, that's no surprise.

But impeachment is a very different matter. It is a constitutional sword meant to be unsheathed only in the gravest, most unusual circumstances and to be wielded only to preserve the security and integrity of the republic.

Use it in this instance, against Clinton and for these offenses, and it will instantly become one more tool, one more bludgeon, in the partisan wars that are turning our politics into a wasteland and turning our people off. Like the independent counsel law that has become Richard Nixon's revenge, the promiscuous political use of impeachment will be Bill Clinton's.

There are no ''high crimes and misdemeanors'' in this case. There is no basis for impeachment. Let the House vote down these proposed articles, and vote up a stern, historically indelible resolution of censure.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

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

Ms. SLAUGHTER. Mr. Speaker, most of us feel a surreal atmosphere here in America's capital. I envision the dome of this magnificent building swathed in black, because this is truly a day of mourning, and history will not judge us well.

The process that brought us to this point was so fatally flawed that no one can reasonably feel that justice has been done. The Independent Counsel's investigation has gone on for five years, although we find he did not personally participate in much of it. The investigation itself will be debated for years to come. The role of the perfidious friend, Linda Tripp, who worked in collusion with both the Independent Counsel and the civil case lawyers, shows how amateurish and unfair Kenneth Starr's stewardship was to the Office of Independent Counsel. The harm it has done to due process, the lawyer-client relationship. And the secrecy of

the grand jury. Will be lasting and destructive.

The Committee on the Judiciary did not fulfill its responsibility to independently hear from material witnesses to assess their credibility and to allow the President the opportunity to cross-examine them. Instead, it has brought to the floor this highly-charged partisan resolution.

Impeachment has always been reserved as a last resort as the check of an executive's abuse of power. It was not intended to be invoked lightly.

In the Federalist Papers No. 65, Alexander Hamilton warned that the prosecution of impeachments ''will connect itself with the pre-existing factions and will list all their animosities, partialities, influence and interest on one side or the other; and in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt.''

History tells us that Hamilton's fear was realized in the 1868 impeachment of Andrew Johnson, impeached because Republicans did not like his personal habits and his sympathy for the defeated Southern states. History records his real crime was disagreeing with the majority party.

I fear that history will view this 1998 impeachment inquiry similarly. A total control majority urges impeachment, not for treason, bribery or other high crimes or misdemeanors, but because they disdain this President for his moral flaws, ranging from military service evasion to flagrant infidelity.

Scholars disagree on whether the Constitution requires an indictable crime. But most agree that at minimum, an impeachable high crime or misdemeanor is one, in its nature or consequences, that is subversive of some fundamental or essential principle of government.

The allegations against President Clinton, even if proven, are not subversive of our government. The President is not accused of abusing the power of his office or attacking a fundamental freedom of any American. He is accused of lying about, and attempting to prevent the revelation of, his consensual activities with a White House intern. Were they wrong? Undeniably. Can they be punished through the legal system? Absolutely. Should he be impeached? No.

Mr. MCCOLLUM. Mr. Speaker, I yield two minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

(Ms. ROS-LEHTINEN asked and was given permission to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, our courts of law and our legal system are the bedrock of our democracy and of our system of individual rights. Lying under oath in a legal proceeding and obstruction of justice undermine the rights of all citizens who must rely upon our courts to protect their rights. If lying under oath in our courts and obstruction are ignored, or they are classified as merely minor offenses, then we have jeopardized the rights of everyone who seeks redress in our courts.

Lying under oath is an ancient crime of great weight because it shields other offenses, because it blocks the light of truth in human affairs. It is a dagger in the heart of our legal system, and, indeed, in our democracy. It cannot, it should not, it must not be tolerated.

We know that a right without a remedy is not a right, and if we ignore, allow or encourage lying and obstruction of justice in our legal system, then the rights promised in our laws are hollow.

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Our laws promise a remedy against sexual harassment, but if we say that lying about sex in court is acceptable and indeed, even expected, then we have made our legal harassment laws nothing more than a false promise, a fraud upon our society, upon our legal system, and upon women.

All that stands between any of us and tyranny is law. The rule is contemplated in our social compact and backed up by our courts. If we trivialize the role of truth in our judicial system by simply assuming that everyone will lie, then we trivialize the courts themselves, we trivialize the rule of law.

The office of the presidency is due great respect, but the President, whomever may hold that office, is a citizen with the same duties to follow the law as all of us, as all of our citizens. The world marvels that our President is not above the law, and my vote will help ensure that this rule continues.

With a commitment to the principles of the rule of law which makes this country the beacon of hope throughout the world, I cast my vote in favor of the four counts of impeachment of the conduct of the President of the United States. As a Representative in Congress, I can do no less in fulfilling my responsibility to the Constitution and to all who have preceded me in defending the Constitution from erosions of the rule of law.

Each of the impeachment counts concerns the public conduct of the President, including allegations of lying under oath in grand jury and civil judicial proceedings, obstruction of justice, and abuse of power. The supporting evidence is clearly sufficient to warrant impeachment. The Constitution, the rule of law, and truth should be our only guides.

These allegations of lying under oath, obstruction of justice, and abuse of presidential power are not about private conduct, but instead about public conduct in our courts of law and in exercising presidential responsibilities. Public duties and public power are involved—and therefore the matters are of the greatest public concern when those public duties are violated and those public powers are abused.

Our courts of law and our legal system are the bedrock of our democracy and of our system of individual rights. Lying under oath in a legal proceeding (whether criminal or civil in nature) and obstruction of justice undermines the rights of all citizens, who must rely upon the courts to protect their rights. If lying under oath in our courts and obstruction are ignored or classified as ''minor'', then we have jeopardized the rights of everyone who seek redress in our courts. Lying under oath is an ancient crime of great weight because it shields other offenses, blocking the light of truth in human affairs. It is a dagger in the heart of our legal system and our democracy; it cannot and should not be tolerated.

We know that ''a right without a remedy is not a right''. If we allow, ignore, or encourage lying and obstruction of justice in our legal system, then the rights promised in our laws are hollow. Our laws promise a remedy against sexual harassment, but if we say that ''lying about sex in court'' is acceptable or expected, then we have made our sexual harassment laws nothing more than a false promise, a fraud upon our society, upon our legal system, and upon women. Therefore, I must vote in favor of counts one, two and three of impeachment.

The greatest challenge of free peoples is to restrain abuses of governmental power. The power of the American presidency is awesome. When uncontrolled and abused, presidential power is a grave threat to our way of life, to our fundamental freedoms. Clearly improper use of executive power by the President to cover-up and obstruct investigations of his public lying in our courts cannot be tolerated. If not checked, such abuses of power serve to legitimize the use of public power for private purposes. Mankind's long struggle throughout the centuries has been to develop governmental systems which limit the exercise of public power to public purposes only. Therefore, I must, in exercising the public power entrusted to me, act to restraint the exercise of public power to public purposes alone; and I must vote in favor of count four.

In reviewing this grave matter of impeachment, we must seek guidance in first principles. These principles are all based on the recognition of the social compact under which we as citizens join together in the American Republic. Each of us have given up many individual prerogatives (use of force, private punishment, etc.) in return for promisers, the commitments, the elements of social compact. The central promise or commitment of our compact is that our laws will be enforced equally with respect to all, that our civil rights and civil grievances will be fairly adjudicated in our courts, and that the powers we give up to government will be used only for governmental purposes related to the common good.

When these elements of the social compact are violated, the legitimacy of the exercise of governmental powers is brought into question and the underlying compact itself is threatened. Each members of the compact—each citizen—received the guarantee, received the promise from his or her fellow citizens, that the compact would be honored and that the laws would not be sacrificed on a piecemeal basis for temporary harmony or immediate gain of some (even in a majority) over others (even a minority). None of us are free, for any reason of convenience or immediately avoidance of difficult issues, to ignore our promises to our fellow citizens. Our social compact does not permit the breaches of these commitments to our fellow citizens, and to do so would directly deprive those citizens (whatever their voting strength or numbers) of our solemn promise of the rule of law.

All that stands between any of us and tyranny is law—the rule as contemplated in our social compact—backed up by our courts. If we trivialize the role of truth in our judicial system by simply assuming that everyone will lie, then we trivialize the courts themselves, we trivialize the rule of law. In doing so, we trivialize the eternal search for justice for the weak under law, in place of exploitation of the weak under arbitrary private power of the strong. I will not be a party to such demanding of the most fundamental struggles of humankind—and I will not be a party to the attempt to escape the consequences of his public acts by the President through such trivialization.

The Office of Presidency is due great respect, but the President (whomever may hold the office), is a citizen with the same duty to follow the law as all of our citizens. The world marvels that our President is not above the law, and my votes will help ensure that this rule continues.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. HOLDEN).

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

Mr. HOLDEN. Mr. Speaker, I rise in opposition to the resolution.

Mr. Speaker, I rise today in opposition to this resolution—not because the President did not do wrong and should not be punished—he did do wrong and should be punished. But I do not believe this rises to the level of high crimes and misdemeanors our Founding Fathers envisioned. They talked about crimes against the country—that is why they specifically cited bribery and treason. This does not rise to that level.

I believe the President should be punished and should be censured.

Mr. Speaker, I have never made a partisan speech on the floor of the House in my six years in Congress. But today, I cannot believe that the Majority party has not given me the opportunity to vote my conscience by allowing a vote of censure.

It is wrong and it is unfair.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), a comrade.

Mr. KILDEE. Mr. Speaker, most Members of this House serve their country without ever being called upon to address two of the most awesome questions that could come before this body, and they are the question of war and the question of the impeachment of the President of the United States. During my time in this House, I have been handed both bitter chalices.

However, in our consideration of the Gulf War, this House rose to its very best. Full, fair and thorough debate took place, and no matter how one voted at the end of that debate, everyone agreed that it was one of the finest hours of this House.

Today, our deliberations lack that fundamental element of fairness. Most of us believe that the President's behavior and actions were wrong and deserve censure. Unfortunately, we are not allowed to consider and vote on a resolution of censure of the President of the United States. This unfair gag rule deprives us of the right to vote for the solution which the majority of our citizens support.

Someone quoted Tip O'Neill from Breslin's book. I want to remind my colleagues that that was a private conversation, not the rule of the House, a private conversation long before Tip O'Neill became Speaker. He became Speaker in 1977, the first vote I cast.

This unfairness in this rule, the unfairness in depriving us of the right to vote on censure is in sharp contrast to our moment of greatness when we debated the Gulf War in 1991. This House deserves better, and the American people deserve better.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EWING).

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

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

Mr. Speaker, I rise with a heart that is heavy and filled with concern for our presidency, concern for our system of basic justice, and concern for our great Nation. The charges against the President are serious, and they are substantiated. Perjury by lying to a Federal grand jury, perjury by lying in a deposition, obstruction of justice, abuse of power. The evidence in support of these charges is clear, overwhelming, and, for the most part, undisputed.

The Oval Office is a part of the people's House, which is the symbol of American honor, of America's dedication to what is right, and to justice for our people and all people throughout the world. Our President's conduct in many ways impacts our Nation, impacts the ability to lead at a time when leadership is needed, perhaps as much as ever in our history.

While I recognize that this country and yes, my legislative district in central Illinois is deeply divided on what we should do here, no thoughtful person who has visited with me about this grave question really questions the facts surrounding the President's conduct. But the decision is very difficult. How, then do I come to a decision in this matter?

Well, as I look into the eyes of my grandchildren or as I attempt to stand tall in the counsels of my own family with my adult children, I know that I can follow but one course. That course allows me to put aside all fear for my own political future or that of my party. I must vote for what I believe is right, what is fair, what is appropriate, and what is demanded to address the consequences of the actions of President Clinton. I must vote for impeachment.

Mr. Speaker, I rise with a heavy heart filled with concern for the presidency, with concern for our system of basic justice, and with concern for our great nation. Only once before in our history has this House been called to vote upon articles of impeachment against a President. That vote was some 145 years ago. We can find little guidance from that far away and very different time. Instead, we must rely on the Constitution, our system of justice, and our conscience.

Why are we here today? Because the Republican majority or the Democrat minority willed it? I believe not. Because the majority of American people desire this? That doesn't appear to be the case. For political, partisan advantage? I don't think so. No, there's only one reason for this national nightmare, and that's the actions and conduct of President William Jefferson Clinton.

No other person, party, group, or body can or should accept the responsibility for this day and the four articles of impeachment before us. No one else, especially the Members of this Congress, willed or wished for this ignoble day to dawn on this great land.

The charges against the President are serious and they are substantiated—Perjury by lying under oath to a federal grand jury; perjury by lying under oath in the deposition of the Paula Jones civil lawsuit; obstruction of justice through witness tampering, relocating of evidence, and frivolous claims of executive privilege; and abuse of power by misleading his staff, cabinet, and other operatives in an effort to destroy the reputations of innocent people.

The evidence in support of these charges is clear, overwhelming, and for the most part undisputed, notwithstanding an unprecedented attempt to confuse the issue and divide the country. Those who refute this evidence would have you believe this is only about a personal sexual dalliance between consenting adults, and that it has no impact on our country—and that this is a private affair. Nothing could be further from the truth.

This is not about some seamy sexual encounter in some remote part of this urban city, but it is about our Commander in Chief and his conduct in the Oval Office—conduct that included having sexual relations with a young intern while at the same time, having a conversation with a senior member of Congress about whether or not to send our young men and women into harm's way in Bosnia.

Just take a step back and think about that. What if this was your son or daughter, your husband or wife? If it was, would you still consider this conduct to be private?

The Oval Office is part of the ''People's House,'' which is the symbol of American honor, of America's dedication to what is right, and to justice for our people and all people throughout the world. This is far from a private affair. Our President's conduct in many ways impacts our nation, impacts his ability to lead at a time when such leadership is needed, perhaps as much as ever in history.

While I recognize this country and yes, my legislative district in the heartland of Illinois, are deeply divided on what we should do here, no thoughtful person who has visited with me about this grave question really questioned the facts surrounding the President's conduct. Most condemn his conduct and say it was wrong, wrong, wrong. Some question the penalty that is deserved for his actions.

Many would have us think first of what the political ramifications are for the Republican majority, the first Republican majority in over half a century to last for more than two years. Some believe it is vindictiveness against our President. Others say we should decide this question based on what is easiest or expedient, what's best for the economy, what's in

each Member's best political interest, or what the latest polls say. The answer is we should not allow any of these reasons to guide our thinking.

Instead, we must put America first, along with what's right for our people—no matter the risk, no matter what the polls say, no matter the most politically popular or expedient. We must support the rule of law, one law for all our people, no matter how powerful or popular. No one else in America could retain their position and status who have committed similar acts. In fact, most would face felony criminal charges. The honor of our judicial system is at stake, and it must be upheld for sake of future generations.

How do I come to a decision in this matter? As I look into the eyes of my grandchildren, or as I attempt to stand tall and just in the counsels of my own family, with my adult children, I know that I can follow but one course. And that course allows me to put aside all fear for my own political future or that of my party. I must vote for what I believe is right, what is fair, what is appropriate, and what is demanded to address the consequences of the actions of President William Jefferson Clinton.

As one of the leading newspapers in my district recently said, and I quote, ''President Clinton should be a model for law and order, not an exception. Due process needs to be carried out and the President should stand trial before the Senate.''

I know for myself, and I would imagine for many here, we have sought guidance through prayer and many others have prayed for us. There is no doubt as to the seriousness of our actions, in what certainly will be the most difficult vote of my political career. Yet I have been able to reach but one inescapable decison—that President William Jefferson Clinton has indeed committed high crimes and misdemeanors against our nation, and therefore I must support the findings of the House Judiciary Committee and vote for impeachment.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

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

Mr. FILNER. Mr. Speaker, I rise today to vote ''no'' on impeachment. In this way, I am voting ''yes'' to protecting our Constitution. It is we who oppose this travesty today who are in fact supporting our Constitution.

In the view of the Framers, impeachment is reserved for those who undermine the fundamental political and constitutional structure of our union. While President Clinton's behavior was both reckless and indefensible, it is not impeachable. It is this Congress that is subverting the Constitution by trivializing the impeachment process.

We have heard much today about the rule of law. All of us here today respect the rule of law, but the aim of the rule of law is justice, a word that I never, ever heard from the majority Members on the Committee on the Judiciary or here today. In this case, justice demands something in between no action and the national agony of impeachment. That something has been called censure, and it is a course of action supported by most Americans. It is a course of action supported by a majority of this House were we allowed to vote on it, yet the Republican leadership is so obsessed with getting this President, they will not even allow this alternative to be debated. Why do we not get our vote of conscience? Where is the rule of fairness?

Our vote today must not only produce justice, it must bring America together; it must heal America. The questioning of the President's motives in Iraq are only the beginning of a distrust and a suspicion that will engulf this Nation during a long impeachment trial.

We must bring closure to this sorry chapter in our history as quickly as possible so we as a Nation can move on to deal with our domestic and international problems.

I urge this Congress to immediately censure the President, begin the process to heal the breach of trust that engulfs us. Vote ''no'' on the impeachment resolution.

Ken Starr has already spent four years and $40 million investigating every aspect of the President's public and private life. It is irresponsible for this process to go any further and tie up our nation for who knows how long. The world economy is collapsing, our health care system needs major reform, our whole campaign finance system is corrupt—and we will be talking for months about who touched who where!

We've heard much today about ''the rule of law.'' All of us here today respect the rule of law. But the aim of the rule of law is justice—a word that I never, ever heard from the majority members on the Judiciary Committee or here today.

In this case, justice demands something in between ''no action'' and the national agony of impeachment. That something has been called ''censure''—and it is a course of action which is supported by most Americans. It is a course of action that is supported by the majority of this House—were we allowed to vote on it. Yet the Republican leadership is so obsessed with getting this President, they won't even allow an alternative to be debated and voted on. Why don't we get our ''vote of conscience''? Where is the rule of fairness?

Our vote today must not only produce justice, it must bring America together, it must heal America. The questioning of the President's motives in Iraq are only the beginning of the distrust and suspicion that will engulf this nation during a long impeachment trial.

We must bring closure to this sorry chapter in our history as quickly as possible—so we as a nation can move on to deal with our domestic and international problems. I urge the Congress to immediately censure the President—and begin the process to heal the breach of trust that engulfs us now.

Vote ''no'' on this impeachment resolution.

Mr. MCCOLLUM. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. COBLE), a member of the committee.

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

Two quotes of relevance, my colleagues. Wendell Holmes said,

> Sin has many tools, but the lie is the handle which fits them all.

Nearly a century ago, Theodore Roosevelt observed,

> We can afford to differ on the currency, the tariffing and foreign policy, but we cannot afford to differ on the question of honesty if we expect our republic permanently to endure. Honesty is not so much a credit as an absolute prerequisite to efficient service to the public. Unless a man is honest,

he said,

> we have no right to keep him in public life. It matters not how brilliant his capacity.

Some anti-impeachment proponents, Mr. Speaker, have accused those who plan to vote for the articles before us of hating the President. I have no hate toward President Clinton, but it is my belief that the President did, in fact, commit perjury, and we can ill afford to turn a blind eye to this offense. If we do so ignore it, what sort of precedent do we establish when subsequent matters involving perjury arise and must be resolved in a fair and impartial manner?

Much anxiety has been expressed, Mr. Speaker, about tying up the country if this matter is transferred to the Senate for adjudication. This, in my opinion, is not well-founded. If the House impeaches, the Senate has wider latitude and more flexibility than we in the House. The Senate is obliged to commence the trial, but it could terminate prior to conclusion. The Senate could impose a penalty, it is my opinion, without removal; or, the Senate could convict and remove. The Senate is capable of discharging the duty in one of several ways in limited time.

The people's House is the body charged with the duty of accusing, and this is the duty we will discharge. If the impeachment articles before us fail, it will have been the will of the House. If the impeachment articles before us are passed, the Senate will then discharge its duty. The process will have been well served.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I have spent most of my adult life dedicated to public service. Twenty-one years ago I began my work in the Congress, first as an intern in the other body for George McGovern of South Dakota, and later as a staff member for the gentleman from Massachusetts (Mr. MOAKLEY), and now as a Member of the House from Massachusetts.

I am proud to serve my country. I have enormous respect for this institution, and I consider it a high honor and a great privilege to serve in this body. I have tried, to the very best of my abilities, to uphold the great traditions of this Congress and the Constitution of the United States.

Unfortunately, those traditions and that Constitution are under siege today. They are victims of an ill-timed, unfair and partisan process that does a great disservice not only to the President of the United States, but to the people of this country.

The timing of this debate is wrong. It is wrong for this Congress to publicly and purposely attempt to weaken the Commander in Chief at the very moment the young men and women of our Armed Forces are engaged in battle. Waiting just a few days until the bombs have stopped falling would not have denied the Republican majority the opportunity to go after this President. But it would have meant a great deal to the soldiers half a world away who are putting their lives at risk for our freedom.

Mr. Speaker, every American is deeply disappointed with the President's behavior. There is no debate about that. But that is not the question before us today. The question is whether or not the President's misconduct warrants tossing aside two national elections, ignoring the will of the people we represent, and cheapening the Constitution. I believe very strongly that it does not.

I believe the President's behavior warrants a tough censure, but the leadership of this House, in a deliberate and cynical and partisan maneuver, has refused to allow Members of Congress to even consider a censure resolution. I want to vote my conscience, not the conscience of the political arm twisters and the Republican leadership.

Mr. Speaker, the American people want Congress to act on the real issues that face our country. A Patients' Bill of Rights, school construction, saving Social Security. Instead, the majority in Congress will continue their partisan drumbeat of scandal, scandal, scandal. They will use the impeachment vote as a weapon to try to force the President to resign. Their goal is not to conduct the business of this country, the goal is not the pursuit of justice; the goal is the elimination of Bill Clinton by any means, and that is wrong.

This destructiveness, this vindictiveness, this blatant partisanship has to end. This entire process, by its inherent unfairness, has brought out the worst in the Members of Congress. It has made the American people feel more cynical and frustrated and powerless.

Throughout our history, this Congress has risen to enormous challenges and acted with integrity. This is not one of those moments. The American people are angry because they know this process has not been fair. Regardless of their opinions of the President's actions, the people expect us to vote responsibly. Vote ''no'' on these impeachment articles.

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Mr. MCCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. TALENT).

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

Mr. Speaker, I do not think the question before the House is whether the President has acted in integrity in this matter. With all due respect, I think in our hearts we all know the answer to that. The question is whether we have the integrity to do our duty under the Constitution and laws, and to stand up for what is right, or whether by failing to do that we are going to become part of what is wrong.

Public officials commit private wrongs. We know that happens. The issue is whether, when they are called to account for it in some forum, they act honorably and live up to the consequences of what they do, or at least they act accordingly the minimum standards that we are entitled to expect and insist upon from people who occupy positions of trust.

Mr. Speaker, on this record it is impossible not to conclude that the President obstructed justice, that he perjured himself, that he flouted his oath of office, that he abused the powers of his office, that he manipulated other high officers of government, and that he did all these things, first to obstruct a sexual harassment lawsuit against him, and then to cover up the fact that he had committed perjury.

Impeachment is a hard thing, Mr. Speaker. But again, what is at stake here is our integrity. If we do not stand up for something that is clearly right when we have an inescapable obligation under the Constitution to do it, we become part of what is wrong. I am not going to vote for these articles because I want to, I am going to vote for them because I see no other honorable alternative for me to follow than to support these articles calling for the impeachment of the President.

Mr. MCCOLLUM. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, it is with great sorrow that I take to the floor to express my support for approving these articles of impeachment of the President, sorrow because we have come to this point in our fair and wonderful country where we have to debate these articles.

Mr. Speaker, we are bound together as citizens of this great Nation, and as citizens, we are all answerable to the same laws, including President Clinton. The President is more than America's chief law enforcement officer. He is also the trustee of the Nation's conscience.

It is a fact that sworn testimony can literally mean the difference between life and death. Should we betray the rule of law by sweeping the President's activities under the rug?

If the opponents of impeachment wanted to avoid this process, they should have mounted a vigorous, vigorous defense of the President by refuting the facts in the Starr report. The Minority Leader, the gentleman from Missouri (Mr. GEPHARDT) mentioned trust, fairness, forgiveness, and values. But I did not hear him mention the word ''truth.'' Those against impeachment have not contradicted one word of testimony contained in over 60,000 pages of sworn evidence, not one scintilla.

Those against impeachment should make their case based upon the facts. Are we to conclude that the actions outlined in these four articles of impeachment are permissible behavior for a chief executive officer? Any military officer, from general to private, would be court-martialed. Any private citizen would risk prosecution. Any church leader, CEO of a Fortune 500 company, high school faculty member, or community leader, would not face censure, they would be fired for similar conduct.

Impeachment does not determine the guilt or innocence of the President. We do not need to be convinced beyond a reasonable doubt in order to move forward. Our duty in the House is to decide if the available evidence indicates that the Senate should consider removing the President from office.

I believe that there is sufficient evidence to approve these articles of impeachment and to send this process to the next step. Through this vote, we shall announce how we stand on the Constitution and the rule of law. Are these outdated concepts to be ignored when convenient, or are they the guiding principles of our American civilization?

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), whose district borders my own and who has waited very patiently.

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

Ms. KILPATRICK. Mr. Speaker, on January 3rd, 1997, I stood in this Chamber, this wonderful House of Representatives, and took the oath of office to uphold the Constitution from both foreign and domestic aggression, I am happy to say to the Members as I stand before them, entering my second term, as I did in the Michigan legislature for 18 years of upholding the Constitution.

This act that we are doing today is unconstitutional. The Constitution is very clear. This is not a high crime or misdemeanor. It bothers me that some of my colleagues on the other aisle have said we are using a marketing tool by asking for censure. Most of the American people want the President censured. Most of the American people, nearly 70 percent, do not want him impeached. Why, then, do we, who represent the people of these United States, come before the House with four articles of impeachment? I think it is a travesty.

It is the wrong day. We have troops, young men and women under 25 years of age, risking their lives on foreign soil today for us to uphold justice for all of us. It is the wrong day that we are before the House with these articles of impeachment.

It is the wrong way. We are not even allowed to vote, to debate the issue of censureship. Is this a democracy, or are

we moving towards a totalitarian country, where our rights are taken away from us? This is a very serious moment in our history. Let us not be trivialized, or trivialize the process.

A marketing tool? I do not think so. Censureship is what we want the opportunity to debate, censureship is what we want the opportunity to vote on. Unfortunately, the Republican majority will not let us have that opportunity.

Mr. Speaker, I ask the Members to vote no. Vote no on this ridiculous, insane affront to our Constitution.

Mr. Speaker, I rise today in strong, adamant and stern objection to the articles of impeachment of our President, William Jefferson Clinton. This recommendation to overrule not one, but two democratic elections and remove the President from office for alleged ''high crimes and misdemeanors'' is one of the two most grave votes that a member of Congress must cast. As other Members of Congress have erroneously stated, this is not a symbolic gesture, an expression of moral sentiments, or a ''free vote'' with no consequences. This is the first of a two-part process that removes the President from office. The House should unequivocally vote no on these resolutions, and end, once and for all, what has been a sordid, tawdry issue. The American people deserve better than to have a Congress consumed with the personal, not public, behavior of our President. I oppose the impeachment of our President for the following two reasons.

THE ALLEGATIONS OF THE INDEPENDENT COUNSEL DO NOT RISE TO THE LEVEL OF IMPEACHABLE OFFENSES

First of all, many experts agree that the allegations made by Independent Counsel Kenneth Starr to not rise to the level of impeachable offenses. After spending close to $50 million over four years, Judge Starr found the President innocent of any wrongdoing in the Whitewater investment debacle; innocent of any wrongdoing in the so-called ''Filegate'' fiasco; and innocent of any wrong doing in the unfortunate suicide of former White House aide Vincent Foster. All of these allegations were reasons the special counsel was originally deposed. There has been no demonstration that the alleged wrongdoing by the President approaches the magnitude of ''treason, bribery and other high crimes and misdemeanors,'' as stated in our Constitution. Obviously, the framers of the Constitution intended that such ''other high crimes and misdemeanors'' must be in the nature of large scale abuses of public office such as treason and bribery. The President's admitted wrongdoing in his inappropriate relationship with a former White House intern simply does not measure up to this standard.

Historical precedent regarding impeachment clearly illustrates that for offenses to be impeachable, they must arise out of a President's public, not private, conduct. Former President Andrew Johnson was impeached for his public duty regarding the termination of a member of his cabinet, not for his private conduct of previously owning slaves.

THE PRESIDENT GAVE MISLEADING STATEMENTS, BUT THEY WERE NOT PERJURIOUS.

While I am not an attorney, I have reviewed the record as provided by the Independent Counsel and the House Judiciary Committee. From what I understand, in order to prove perjury, it must be proven that the President made a false statement about a fact that was ''material'' to an issue that is under question. In the House of Representatives, we call this ''germaneness.'' This means, for example, that I cannot bring up an agricultural issue when the bill in question or on the floor is a banking bill. If I make false statements about what is in the agriculture bill, that has nothing to do with what is in the banking bill. Just like the agriculture false statements are not germane to the banking bill, the alleged false statements about Ms. Lewinsky are not germane to the Jones inquiry.

Honestly and integrity are important, and vital, character traits of all public servants. The President has repeatedly admitted to this affair and to misleading the American public about it. The President has apologized to God, his family, and the American people for his misbehavior. Like my colleagues in the House and Members of the Armed Services, I have sworn to protect our Constitution against all enemies, foreign and domestic. I am in a fight to preserve what all Americans hold dear: the precepts and principles of the Constitution of the United States. I am not out to save President William Jefferson Clinton; I am out to save the Presidency of the United States.

Two of the most important things a Member of Congress can do are vote for war or overturn the will of the poeple by impeaching a President. The vote that is expected to take place on this is no window-dressing, glorified version of a censure. A vote on impeachment is not the end, it is the beginning. If this resolution passes, there will automatically be a Senate trial, which could lasts for months, paralzying Congress and our nation.

While the Republican leadership and majority in Congress were consumed by this issue, we did not finish the work of ensuring that people who need health care have it; that we have enough elementary schools to educate our children for the next millennium; that Social Security will be around to protect our nation's senior citizens; that health maintenance organizations protect patients, not profits. We need to be about the people's business, and the people have said that while they want the President to be punished, they do not want Congress to usurp their choice of leader.

Some of my colleagues have compared President Clinton's behavior with President Richard M. Nixon's actions during the Watergate scandal. Nothing could be further from the truth. This is not Watergate. This is not a case of the President directing the Federal Bureau of Investigation and the Central Intelligence Agency in a cover-up. This is not a case of the President lying about the diversion of Iranian arms-sales proceeds to the contras. This is simply about a President who made a mistake in his personal life and who tried to save his family and himself from personal embarrassment. That is all.

Again, in taking into consideration the weight of the President's actions, I am mindful that twenty-three months ago, members of the 105th Congress took our collective oaths of office. In that oath, we have sworn to uphold and defend the Constitution of the United States. As such, it is not our option but our obligation to the American people to deliberate the issues and information that is presented before us in hearings, Committee mark-ups, or during floor debate, and weigh them in an unbiased and clear fashion before voting the issue of the day. The Republican leadership did not allow this non-partisan, unbiased analysis of the evidence before the Members of the House Judiciary Committee and now, the entire House of Representatives.

Let me make clear that I do not condone the President's personal conduct. I must add, however, that it would be sheer folly not fo afford the leader of this great nation the same Constitutional protections afforded every other member of our society. Our constitution demands that we in Congress provide a fair and non-partisan venue for the consideration of impeachment. It was my sincere hope that we would have proceeded in the spirit of fairness so that we can focus Congressional attention to issues like education, Social Security and health care, issues which truly impact the daily lives of the American people. In the final analysis, we in Congress have let the American people down with these articles of impeachment.

I am adamently against impeachment. Impeachment is not mere punishment for Presidents who have behaved badly, behavior to which President Clinton has already admitted and apologized. Impeachment is a mechanism to protect our Republic against rogue Presidents who threaten our nation. For me, and for many Americans, the question is this: is our President a threat to our nation? The evidence gathered by the independent counsel, and the President's scintillating public record of achievement, overwhelmingly says no. Based on the merits of the case presented to the House Judiciary Committee and before the United States House of Representatives, I cannot vote in support of on any of these articles for impeachment before me today.

I only pray that the wisdom of our God prevails upon us during this trying time of judgment. It is my hope that the wisdom of Congress prevails in rejecting these unnecessary and overreaching articles of impeachment against our President, William Jefferson Clinton.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. McINNIS. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

Mr. Speaker, in this country we operate on what is called and our foundation is built upon what is called the rule of law. We all know our history. Our history says that we came to this country to go away from a king. Under the rule of law in this country, we say that the law is the king. The king is not the law.

We have one President. That position of President of the United States demands the highest public trust. Why the highest public trust? Because we have only one President.

I have read with interest the Democratic censure, and I quote parts from it: ''. . . that the President violated the trust of the American people, lessened their esteem for the office of the President, and dishonored the office for which they have entrusted to him.'' It goes on, ''The President made false statements concerning his reprehensible conduct with a subordinate, and took steps to delay discovery of the truth.''

And they say to me, after they draft that kind of document, that that individual now qualifies for the position of the highest public trust? Any of these people there that are going to stand up and vote against this, tell me what they would do in their community, what side they would stand on, what kind of letter or report they would give to a newspaper reporter if it were a local schoolteacher? There is not a schoolteacher in this country that would step into the classroom ever, ever again with this kind of conduct, with this kind of misleading inaccuracy.

Take it from a schoolteacher, or take a police officer. Some Members, show me, give me a demonstration, anywhere in this country. And those are positions of public trust, not positions of the highest public trust.

We owe it to our current generation and to future generations to retain the standards of the Presidency, and those standards rise far above an individual. Let us comply and stick with the rule of law. The law is the king, the king is not the law.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, this matter should never have been pursued by Ken Starr, it should never have been pursued by the Committee on the Judiciary, and it should never have reached the floor of the House of Representatives. This matter belongs in family court, not in the court of the United States Senate, with the Chief Justice of the United States presiding.

Yes, the President made a grievous personal error, to the detriment of his family. But no, it is not an offense against the State or our Constitution. We are now on the threshold of overturning the people's choice for President through a perversion of the Independent Counsel law, a runaway partisan investigation of the most intimate, private activity, having nothing, absolutely nothing to do with a real estate deal in Arkansas. Ken Starr has twisted and warped his task from one in which he was out to find the truth to one where he went out to get the President and First Lady of this country.

Now, Mr. Speaker, we are amending the Constitution of the United States on the floor of the House of Representatives here today. Make no mistake about it, this is a constitutional amendment that we are debating, not an impeachment resolution. The Republicans are crossing out the impeachment standard of high crimes and misdemeanors, and they are inserting the words ''any crime or misdemeanor.''

We are permitting a constitutional coup d'etat which will haunt this body forever. A constitutional clause intended to apply to a Benedict Arnold selling out his country will now be expanded to cover every personal transgression. Every future President, Democrat or Republican, will be subject to harassment by his political enemies, who can credibly threaten impeachment for the slightest misconduct.

This is wasteful, it is foolish, it is dangerous. When we talk to people in the supermarkets, on the streets, they believe that the high crime against the Constitution is their families being cheated out of their government's ability to work on things that affect their families: Medicare, social security, the democratization of access to jobs and education for every family in our country.

The ultimate Republican paradox is that they dislike the government, but they have to run for office in order to make sure that the government does not work. In 1995 and 1996, they tried to shut down the executive department. In 1997 and 1998 they shut down the Congress. Now they are going for a political triple play. They are going to shut down the executive branch, the legislative branch, and the Supreme Court of the United States simultaneously.

Mr. Speaker, we have become the laughingstock of the entire world because a sexual scandal is being allowed to consume our tax dollars, our media, our judiciary, and our opportunity to deal with the problems of ordinary families.

We must censure the President for what he did wrong. We should be given the right to vote to censure him, to put this matter behind us so that we can work on the problems of every other family in America. We have worried about the President's family for an entire year. It is about time we went back to the business of every other family.

GOP used to stand for ''Grand Old Party.'' Now it just stands for ''Get Our President.''

Mr. MCCOLLUM. Mr. Speaker, I yield myself 1 minute, and I yield to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I want to remind the gentleman from Massachusetts that it was the President's own Democrat Attorney General who appointed this Independent Counsel, believing there was credible evidence that needed to be investigated.

In regard to the high crimes and misdemeanors, the Constitution specifically mentions bribery. Perjury is a high crime and misdemeanor because just like bribery, perjury and bribery are unique threats to the administration of justice, and that affects our society. That affects our government.

Mr. MCCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. FAWELL).

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

Mr. Speaker, it may well be a myth that George Washington confessed to chopping down a cherry tree because he could not tell a lie. We do not know if Abraham Lincoln as a young man actually walked several miles to return a few pennies to a storekeeper who gave him incorrect change.

But Mr. Speaker, true or not, these stories of truth and justice hold a special and a very deep place in our Nation's heart and psyche. There is a gift, however, that accompanies the President's problems. It is the opportunity to now tell the truth about the violations of perjury and obstruction of justice laws. The truth-telling can resolve most of the factual controversies, and it can introduce the potential for healing as the impeachment resolution is forwarded to the Senate.

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I urge the President to tell the truth about his multiple perjuries and his efforts to obstruct justice, and I urge the Congress to deliver this message of impeachment to the Senate in the knowledge that we are all victims, including the President himself. I support the impeachment resolution. It was a tough decision for me. I do not know, however, otherwise how I can explain especially to my 8 grandchildren and to the younger generation of this Nation why the President's willful and wanton violations of perjury and obstruction of justice of laws can be ignored.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. KLINK).

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

Mr. Speaker, I have heard Member after Member get up on the other side and say this is not about sex. Let us make one thing very perfectly clear, the roots of this impeachment action are in fact in a sexual deed. I was reading Andre Maurois the other day, who said the path that leads from moral standards to political activity is strewn with our dead selves. There is a lesson in that for all for all of us.

This impeachment process is a partisan political activity. Do not make a mistake about it. What the President did was wrong. His conduct was reprehensible. It was appalling and, most of all, to those of us who have worked with him, it is disappointing. But just as every crime does not justify the death penalty, neither should impeachment, the political equivalent of the death penalty, be the punishment for every presidential misdeed.

The President of the United States had a consensual extramarital sexual relationship and did not want to divulge that to the public or to his political enemies. Is the President guilty of bribery or treason or other high crimes which threaten the future of our Republic? Absolutely, positively not. We all agree the President should not be above the law. However, just because he has been elected to the Office of President does not mean he should be below the law either. He should have the same treatment that every other American does. The President should face the same legal consequences anyone else does, and the rule of law should judge his actions as it would any other American.

Fairness should be our guiding force when we consider impeaching the President. Unfortunately, fairness has taken a back seat to partisan politics during this very serious one-sided debate. The overwhelming majority of Americans agree that the President deserves to be punished. But the majority of Americans also agree the punishment needs to fit the crime. The President's conduct, however reprehensible, is not an act of treason, bribery or other high crimes. In this, the biggest vote that Congress can take next to a declaration of war, Democrats and like-minded Republicans should at least be given the opportunity to make this punishment fit the crime. And we have been blocked there.

Let me just say, it was once said that the test of courage comes when we are in the minority; that the test of tolerance comes when we are in the majority. And I will say, this Republican Party has failed that test of tolerance. During this process comparisons have been made to the Watergate hearings 24 years ago. I see only one similarity between now and during the Watergate. Back then it was a Republican President who used subterfuge and criminal activities to gain control of a process as to who would decide who would be the President. And today it is a Republican Congress who is using their majority and their power to decide who is going to be the President of the United States. In the name of the millions who have died to protect the sanctity of the ballot box, I would say, may God have mercy on your souls.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

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

Mr. WHITFIELD. Mr. Speaker, while I am not a member of the Committee on the Judiciary, I came to this debate today with the great hope that the advocates for the President would spend considerable time addressing specifically the articles of impeachment. Instead I have heard a lot about the Iraqi war. I have heard about Ken Starr. I have heard about Medicare, Social Security, but I have not heard any evidence refuting the articles of impeachment.

Now we are not here today because of the political philosophy of any political party or an obsession to impeach the President. We are not here today because of the private sexual activities of anyone. We are here today because the President is charged with breaking criminal laws which for constitutional purposes are high crimes and misdemeanors. One of those crimes is perjury. And by committing perjury, the President harmed the integrity of our judicial branch of government, which is a central component of the government.

Since 1993, when President Clinton took office, the U.S. Department of Justice has prosecuted and convicted over 400 people for perjury. Many of those people are in prison today or under house arrest. We could go through a lot of individual cases. We have a psychiatrist at the Veterans Administration who was convicted of perjury for lying in a civil suit. She is under a jail sentence right today, and we could go on and on. But our Nation has one legal standard that applies to all of its citizens. We do not have one legal system for the President and a more harsh legal system for everyone else. High office does not allow anyone to be above or beyond the law.

For those reasons, I will vote for three of the four articles of impeachment.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the distinguished ranking member for yielding me the time.

I would like to say to the gentleman from Kentucky (Mr. WHITFIELD) and to the gentleman from Pennsylvania (Mr. GOODLING), our distinguished colleagues, that perjury is applicable to this President as it is to all people once he leaves office. So that confused argument of what political perjury is and what perjury is in a court of law needs to be distinguished.

Let me also make it very clear for you that if the President is charged with perjury when he leaves office, I predict for you that no one in this body can prove that he committed perjury. The gentleman, my distinguished colleague from Arkansas, who has been extremely studious with reference to these matters, indicated that censure was some kind of, and I apologize, some kind of fix he called it. I do not see it that way.

I would like for you to recall that in the very cases regarding judges that were cited to as examples, censure was used and also, as we know, for two presidents. Additionally, the majority whip, the gentleman from Texas (Mr. DELAY), proposed what amounted to censure of the President over campaign finance issues just this past May.

This House can work its will on censure and anything else. I was removed from office after being found not guilty, and here we are talking we cannot censure. Today we have reached the zenith of unfairness. Our military, under the aegis of our President, is attempting to downgrade weapons of mass destruction in Iraq and we are en masse as a body degrading the institution of the presidency.

It is not sad. It is irrational. I have appended to my remarks what I think would be helpful to this body so that you will understand the dynamics that take place in the Senate. The pleadings and motions stage, the trial preparation stage, a Senate trial, all of this certainly will take at least the 14 months that it took to remove me from office. And we are talking at least that amount of time, certainly as late as July, and probably all next year. And things regarding Social Security and matters that all of us want to take up for this Nation will be put on hold.

The President has done a good job, and you have seen it. Consider before you vote what you might be doing to tie this entire Nation up. Our Nation is divided, and the House tomorrow will exacerbate that division. We are being unfair and unwise. We are being harsh to the institution of the presidency, harsh to our troops in harm's way, harsh to each other as colleagues and extremely harsh to this great country of ours.

This is not a debate for the ages. Rather, it is a debate of the stages, partisan political stages. I ask you, how many of us have read this report that came to my office last night after the close of business? How many of us have read, other than Committee on the Judiciary, the evidence that supports the conclusion that the Republicans ask us to reach? Most of us will be voting in an uninformed, unintelligent manner. This Nation deserves better.

You may win today, but the Nation will lose today and tomorrow.

Mr. Speaker, I include for the RECORD the information to which I referred:

Ten years ago, on August 9th, 1988, this House voted to impeach a federal judge from the southern district of Florida. It was not until October 20th, 1989, fourteen months later, that the Senate voted upon those articles. By its vote ten years ago, the House decided to impose the burdens of Senate trial proceedings on a man. Today, the House must decide whether the charges and the evidence against the President warrant imposing the burdens of Senate trial proceedings on the Nation and the world. All Members should understand the nature and extent of the extraordinary burdens that a decision to impeach the President would impose.

Although other Members have served as one of the House managers in proceedings before the Senate, I am the only Member who has experienced the burdens of developing a defense strategy and participating in its implementation. I have borne the burdens and I have observed the procedures in Senate impeachment trial proceedings. Professor Terence J. Anderson of the University of Miami School of Law represented me in the proceedings before this House and before the Senate. He has direct knowledge of what the Senate did and did not do there. I asked him to prepare a schedule projecting how the proceedings in the Senate might unfold. I have reviewed the projections he prepared and believe that they are conservative. I have appended to these remarks a statement of the ''Projected Proceedings Before the United States Senate if the House Votes to Impeach the President.'' That Projection provides a more detailed schedule of the steps that would be required in this case. I report and discuss the conclusions here.

Under the best case scenario, the proceedings before the Senate are unlikely to be completed before late July and could extend until the end of the year.

The proceedings in the Senate would unfold in three stages—a pleadings, procedures, and

motions stage; a trial preparation stage; and a trial and judgment stage.

The pleadings and motions stage in my case lasted seven months—from August 1988 through mid-March 1989. That first stage would take at least three months here.

The second, the trial-preparation stage, took three-and-a-half months in my case; it would take three here.

A Senate trial in this case, the final stage, would last at least seven weeks and could last for more than fourteen.

The similarity between the way in which the House Judiciary Committee conducted the inquiry in my case and the way in which it conducted the inquiry here will require the Senate to accord to the President and his counsel, at a minimum, pretrial rights comparable to those that it accorded me and my counsel. The principal similarity between the two cases is that in neither did the House Judiciary Committee examine or cross-examine the witnesses upon which the articles of impeachment depended. In neither, did it call witnesses for the defense or seek documents that will be necessary to the defense. Instead, it relied primarily upon a report and materials transmitted by officials in another branch and upon the testimony of the author of that report, in my case John Doar and here Kenneth Starr. As a result, the Senate permitted my counsel to conduct limited discovery proceedings to obtain testimony and documents necessary to my defense. The Senate will, perforce, accord an accuse President liberal opportunities to use its subpoena power to depose witnesses and gather documents that his counsel seek as necessary for a fair trial.

The two cases would be different in ways that would also influence the conduct of the proceedings that the House seems prepared to launch today. In my case, the Senate appointed an Impeachment Trial Committee and delegated to it the power to control the pretrial proceedings and to conduct the evidentiary hearings. That would not happen in proceedings against the President. The Rules Committee might be asked to guide the pretrial proceedings, but either side would have the right to insist that any decision be reviewed de novo by the full Senate.

The Impeachment Trial Committee appointed in my case heard live testimony from fifty-seven witnesses and received more than 374 exhibits. Those hearings took eighteen full, eight-hour days. The Senate rules for the trial of an impeachment provide that the full Senate shall convene as a court of impeachment at noon during the trial of an impeachment; they, in effect, provide for half-day trial hearings. It is unlikely that the Senate could hear, on average, more than two witnesses a day. And it should be clear that witnesses such as Monica Lewinsky are likely to occupy the stand for several days.

The materials submitted by Mr. Starr identify more than 120 potential trial witnesses and some 390 trial exhibits. Those materials do not identify, as witnesses, the FBI agents or OIC staff members who participated in the investigation and whose testimony will clearly be necessary. For example, each of the OIC staff and FBI agents who participated in the initial and each subsequent interview of Ms. Lewinsky had the opportunity to influence and shape her testimony in ways that bear upon her credibility and the relevance of the so-called ''corroborating'' detail offered by the Independent Counsel Starr. Those materials give little indication of the additional witnesses and exhibits the President would present in his defense.

The debate in the Judiciary Committee makes it clear that the prospective House Managers would be unlikely to exercise restraint in presenting the case against the President. The presentations by counsel for the President have made it clear that the defense will be commensurately vigorous. Although the appended projections provide a more conservative estimate, it seems unlikely that the number of witnesses called to testify will be less that the 120 potential witnesses identified in the Starr report. If that occurred, the Nation and the world would watch for sixty days as the Chief Justice of the United States presided, while the House managers and counsel for the President examined and cross-examined witnesses presented audio and video tapes and other evidence before the Senate in what will appear to most viewers to be a tawdry, R-rated sex drama.

Those who would vote to impeach the President should consider carefully the consequences. Over the next eight months, the attention of the Nation, of the full Senate, and of the Chief Justice of the United States would be devoted to hearing the evidence and arguments in this tawdry affair on at least thirty-five days. For at least eight months, a sword of Damocles would hang over the Nation, indeed over the world.

Over the past two years, the Nation has seen its President play an active and intensive role in mediating a peace accord in Northern Ireland, in brokering the Wye accords, in working with the Congress to produce a balanced budget and reforming the welfare system, in protecting the Nation's economy and addressing the threats posed by collapse of economies elsewhere, and in acting to assure that Iraq's ability to make war against its neighbors is degraded.

Those who would vote to impeach the President should consider, before they vote, what might have, or have not, happened had the President, the Senate, and the American people been preoccupied with protracted impeachment trial proceedings when any of those events occurred. Those who would vote to impeach the President should consider, before they vote, what may, or may not, happen if all are similarly preoccupied for the next eight months or more.

PROJECTED PROCEEDINGS BEFORE THE U.S. SENATE IF THE HOUSE VOTES TO IMPEACH THE PRESIDENT

The proceedings in the Senate on the articles of impeachment that the House exhibited against then United States District Judge Alcee L. Hastings provide the most recent and comparable precedents to guide the Senate in the proceedings against President William Jefferson Clinton that will take place if the House adopts articles of impeachment. The following outlines projects how the proceedings against the President would unfold if the House impeaches him based upon the proceedings in the Hastings case and the materials released by the Judiciary Committee during its inquiry into the President's conduct.

I. Preliminary Proceedings	Weeks Min.	Weeks Max.
A. The First Step. The House Managers would exhibit its articles to the Senate and the Senate would issue a summons to the President requiring him to respond within fifteen to thirty days and would ask the Committee on Rules and Administration to consider and report issues that need to be addressed and special rules that should be adopted for the conduct of the proceedings	1	1
B. The Rules Committee. Since the Senate has not conducted proceedings against a President in the past century, the issues would be substantial. At least five steps would have to be taken before the committee could submit its report and recommendations to the Senate..		
1. The committee meets and authorizes the Chair and Ranking Minority Member to send a letter asking the parties to file memoranda addressing issues identified by the Committee and other issues that either believes the committee should consider, probably allowing twenty to thirty days for initial memoranda and ten to twenty days for responses	1	2
2. Each of the parties file memoranda	4	6
3. Each of the parties file memoranda responding to the other	6	9
4. The committee holds hearings on the issues raised	7	11
5. The committee deliberates and prepares its report and recommendations and any necessary resolutions	9	13
C. Pleadings and Motions..		
1. The President. It is hard to anticipate the defense strategy the President will adopt, but the House Judiciary Committee's proceedings and recommended articles of impeach suggest that counsel for the President would file:.		
a. *Answer and Affirmative Defenses.* Counsel for the President will raise at least one and probably two affirmative defenses—(i) the articles fail to allege facts sufficient to state an impeachable offense; and (ii) the misconduct of Independent Counsel Starr and the House's reliance upon the products of that misconduct require that the articles be dismissed	3	4
b. *Motion to Dismiss.* The motion would enable the Senate to consider whether it should dignify the President's improper conduct alleged in the articles of impeachment by classifying it as ''high Crimes and Misdemeanors'' under the Constitution	6	10

	Weeks Min.	Weeks Max.
I. Preliminary Proceedings		
c. *Demand for Bill of Particulars.* The majority on House Judiciary Committee appear to shoot themselves in the foot by refusing to specify the precise statements made by the President that they claim were perjurious. If the pending articles are adopted, counsel for the President will demand and the Senate will almost surely order the House Managers to provide a bill of particulars. The real effect of the lack of specificity will further delay	6	10
d. *Alternative Motion to Strike Particular Allegations.* If the Senate does not dismiss the articles in their entirety, counsel for the President are likely to ask that the Senate, after the bill of particulars has been filed, strike specific allegations in the article that remains	6	10
2. The House. The House managers would be required to file a Replication to the President's Answer and Affirmative Defenses and responses to the motions. If they opposed the demand for a bill of particulars, there would be a second round of briefing and further argument before the Senate after the House had complied with the Senate's order, adding an additional two weeks to the process	8	14
3. The President's Reply. Counsel for the President would file a reply and any supplemental memoranda made necessary by the House's bill of particulars	10	16
D. Proceedings Before the Full Senate. The Senate would be likely to set aside two days to consider and act upon the report from the Rules Committee and to hear arguments on and decide the pending motions	12	18
II. Trial Preparation		
In *Hastings,* the Rules Committee recommended that the Senate appoint an Impeachment Trial Committee to regulate the preparation for evidentiary hearings and to conduct those hearings. If the House adopts articles here, the evidentiary hearings will be conducted before the full Senate. It is likely that the Senate and the Chief Justice will agree that the trial preparation duties that were performed by the Impeachment Trials Committee should be assigned to the Rules Committee (or to a special impeachment committee appointed for that purpose). Although the counsel for the President would request that trial preparation be deferred until the Senate had ruled on the President's motion to dismiss, the Rules Committee might determine that necessary preparation should proceed concurrently with other trial matters. However those duties were exercised, the steps would likely be the same.		
A. Discovery Proceedings. The need for discovery would be far greater in this case than it was in *Hastings.* Here, as it did in *Hastings,* the House Judiciary Committee relied primarily upon the report and materials transmitted to the House by another branch and upon the testimony of the investigator who prepared the report. Here, as it did in *Hastings,* the committee did not call and subject to examination and cross-examination the fact-witnesses identified by the Starr referral or those who might testify on behalf of the accused or obtain from the Independent Counsel or elsewhere documents other than those included in the materials transmitted. It is hard to conceive that the Senate here would not afford the President the time and the use of its subpoena power to take depositions and obtain relevant documents. Based upon *Hastings* and the materials available here, discovery would proceed in three stages.		
1. Submissions by the Parties. If any articles remained after the motions to dismiss or strike had been decided, the Senate or a committee would have to decide whether and what discovery should be permitted.		
a. Counsel for the President would promptly submit a memorandum identifying witness and sources of documents that were likely to produce relevant evidence and explaining why the President should be permitted to subpoena each of the witnesses and other source to obtain that evidence. At a minimum, it seems almost certain that the counsel would seek to depose (i) lawyers for Paula Jones about their initial conversations with Linda Tripp and with members of the Office of Independent Counsel (''OIC'') staff; (ii) the members of the OIC staff and FBI agents who met with or interviewed Linda Tripp and Monica Lewinski; and (iii) other technical witnesses, such as those reconstructed materials from the hard drive in Ms. Lewinski's computer. It also seems certain that they would want access to the documents that the Independent Counsel did not transmit with his referral	12	20
b. The House managers would be directed to file a response agreeing with or objecting to the President's requests	14	22
c. The Senate or its committee would examine the president's request and the House's response and hold hearings and enter the appropriate order directing the issuance of appropriate subpoenas	16	23
d. Independent Counsel Starr, Ms. Jones's lawyers, or others subpoenaed might object to some or all of the subpoena, in which event time-consuming enforcement proceedings would be necessary, at least three months	.....	36
e. The depositions would be conducted and the documents produced and examined	16–24	36–44
B. Other Trial Preparation Proceedings.		
1. The House managers and counsel for the President would propose stipulations or submit requests for admissions. The Senate or its committee would encourage the parties to stipulate at least to the authenticity and/or admissibility of various documents and other potential exhibits. Responses would be exchanged and negotiations would proceed	12	20
2. The Senate or its committee would direct the parties to file and exchange ten days after the close of discovery, pretrial memoranda identifying witnesses each intended to call and exhibits each intended to introduce	25	45
3. The Senate or its committee would enter a final pre-trial order establishing the date for and procedures to be followed at trial	26	46
III. The Trial of a President		
Rules XII and XIII of Procedure and Practice in the Senate When Sitting on Impeachment Trials provide that, unless otherwise ordered, the proceedings shall commence at 12:30 p.m. on the first day and at 12:00 noon thereafter. In order to make it possible for the legislative and executive branches to tend to some of the government's business and to enable the Chief Justice to participate, in the oral arguments before the Supreme Court, it seems likely that the Senate would not schedule the evidentiary proceedings to begin before 12:30 or would permit them to extend beyond 6:30 p.m. on a regular basis.		
A. The Presentation of Evidence by the House Managers. The managers presented the testimony of thirty-seven witnesses in *Hastings.* Only twenty-seven appeared before the Impeachment Trial Committee. The managers were permitted to introduce transcripts of prior testimony for the other ten. The House managers are likely to call most if not all of the 120 witnesses whose statements or testimony are included in the materials transmitted by Independent Counsel Starr. Depending upon the success of pre-trial negotiations, it might have to call several more to establish necessary foundations and the like. Forty to fifty would appear to the minimum number necessary to support the allegations the proposed article have borrowed from the Starr Report. No prior testimony will be admitted. The videotaped deposition and the videotaped grand jury testimony will be shown in their entirety, and many of the Tripp tapes will be played given by the president. The examination and cross-examination of the twenty-seven witnesses the House presented in Hastings consumed more than ten full days. If the President is impeached by this House, the presentation of testimony and other evidence will consume twenty [if forty witnesses called] to forty [120 witnesses] partial trial days before the full Senate	27–30	47–50
B. The President's Case. It is impossible to project the number of witnesses that the President's counsel would call for his defense with any confidence. The Starr Report was not a balanced presentation of the available evidence. It seems clear that the number would be substantial and would include many of the 120 persons whom were identified in the Starr Report, but were not called by the managers. They would present all of the Tripp tapes that the managers did not introduce. They would call witnesses whose conduct might have influenced the testimony of Ms. Lewinski and other House witnesses and witnesses who had knowledge relevant to Ms. Lewinski's credibility. Twenty witnesses and ten days seems a safe minimum	31–32	51–52

I. Preliminary Proceedings	Weeks Min.	Max.
C. The House Rebuttal. Given the passion and vigor displayed by Republican members of the Judiciary Committee, it seems likely the House managers would want to try to rebut the President's case, no matter how tired and angry the American people may have become. Might we hope for only a day or two	33	53
D. Argument, Deliberations, and The Vote. Given the nature of the issues and the length of the projected trial, it seems likely that Senate would allot at least four hours to each side for closing arguments. Past precedent dictates that the Senate would close its doors to deliberate in executive session until its members have expressed their views. The vote would follow. With luck, the denouement might be completed in less than a week	34	54

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN).

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

Mr. HANSEN. Mr. Speaker, the sole responsibility for our actions today lies with the President. Only his actions, characterized by his own supporters, are wrongful and immoral, maddening and worthy of our condemnation. President Clinton has violated his constitutional duty to take care that the laws be faithfully executed by lying under oath in a duly convened judicial proceeding.

President Clinton has violated his Constitutional oath of office to preserve and protect the Constitution by obstructing the proper search for the truth and abusing the power of the presidency. His actions, deliberate and willful, have brought damage to the dignity of the office of the President and corrupted our sacred respect for the rule of law.

The question before us today is whether we, too, will turn away from our long heritage of the rule of law, the love of truth, and instead place our faith in the brutal role of power, the fickle winds of appetite and the manipulation of public opinion.

The circumstances of history have our Nation facing two grave issues, impeachment and war, at the same moment. President Clinton decided to unleash the awesome power of war. And why did he do this? One, because Saddam Hussein has lied to the United Nations. Another because Saddam Hussein has obstructed justice by blocking the work of the weapons inspector, and another one is he violated the rule of law in defiance to the cease-fire resolution of the Gulf War.

I support the President of the United States in his rightful action and pray for the safety of our troops. If we are willing to ask the ultimate sacrifice in defense of the international rule of law, how can we not act to defend its foundations at home? Our Nation is a strong one and our Constitution is sound. Our peaceful and deliberate defense of the Constitution and its foundation in the rule of law will send a strong and clear message, testifying to the power and resilience of our democracy. Tyrants, dictators and thugs around the world will see the strength of our Nation lies not in one man but in a vast people, united in liberty and justice.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to the resolution. Our Founding Fathers viewed impeachment as a mechanism of last resort to protect the Nation from a President who threatened the Constitution or the American people. Throughout our history, Members of Congress have appreciated the enormous gravity of impeachment and that is why, despite countless disputes, provocation, misdeeds and lies, the House has voted just once in its history to impeach a President.

Indeed the delicate system of constitutional checks and balances established by the founders works only insofar as each branch of government exercises its prerogatives responsibly. In the case of impeachment, that means applying the most rigorous test to the use of our authority. The Constitution gives this body the ability to undo our only national election, but we must use that authority judiciously and cautiously. To do otherwise imperils the stability of our democracy, replacing the orderly transfer of power with the constant threat of political upheaval.

A great Nation does not overturn two national elections and throw a President out of office because he denied having a consensual affair. Let us instead find a suitable punishment that fits the President's offense, censure. The President misled his family and his country and he deserves the reprimand of the Congress and the enduring judgment of history.

Unfortunately, in their zeal to impeach Bill Clinton, the GOP leadership has refused to allow this House to debate a tough motion of censure, a censure that is overwhelmingly supported by the general public over impeachment.

□ 1530

Unfortunately, there is a determined minority in America and in this Chamber who never accepted the legitimacy of this President. To them this episode is mere pretext to accomplish what they could not during two separate elections. The majority is not here today to give the President his fair day in court. They are here to oust him. And Kenneth Starr was their instrument.

By utilizing the vast prosecutorial powers of the government, Kenneth Starr abused his authority and broke his trust with the American people. His dangerous and misguided inquiry has been unparalleled in our modern life, and impeachment merely serves to validate his methods and goals.

And make no mistake, my colleagues, not all coups are accompanied by the sound of marching boots and rolling tanks. Some, like today, are wrapped in a constitutional veneer, softened by pious assertions of solemn obligation and duty. But the result is the same, defiance of the public will and rejection of the regular political process.

Mr. Speaker, what will impeachment mean? A trial in the Senate would only deepen the Nation's wounds. Imagine the spectacle of the upper Chamber of the world's greatest democracy, presided over by the highest judge in the land, gathered for weeks and months not to consider important affairs of state, but instead to hear the same tawdry testimony, the same tiresome details, again and again.

I am frankly amazed, Mr. Speaker, that the House stands poised today at the edge of a deep abyss. The American people, in their wisdom, have implored us to leave the slippery road of impeachment and pursue instead the measured course of censure.

Such a prolonged re-hashing, illuminated by television lights and augmented by a thousand talking heads, would further alienate a public that has already sent its representatives a clear message to end this disgraceful episode in our nation's life. It would seriously compromise our capacity to wrestle with serious policy challenges. And it would weaken our international leadership at a perilous moment in world affairs. It would shut our government down at a time when the American people are looking at us to solve the problems that affect their everyday lives.

Let us honor our Constitutional obligations, heed the call of scholars and historians, and above all, keep faith with the men and women we serve.

Mr. MCCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman for yielding me time.

The other gentleman from Florida (Mr. HASTINGS) brought up an interesting point a moment ago asking rhetorically who has indeed read the material and reviewed the evidence. It is interesting to note, Mr. Speaker, that in the more than three months that the independent counsel's material, some 60,000 pages, have been over at the Ford Building there remain, I believe, four members of the Democrats on the Committee on the Judiciary that have not spent one minute reviewing that material; and even though arrangements

have been made through the gentleman from Illinois (Mr. HYDE) to have other Members of both sides of the aisle not serving on the Committee on the Judiciary to review the material so they could answer any questions or look at the material firsthand, I believe there has been at most one Member on the Democrat side who has gone over to review the material.

So the answer to the question posed by the gentleman from Florida is, apparently, most Members on the other side are not interested in the evidence and, therefore, have not even reviewed it.

Mr. MCCOLLUM. Mr. Speaker, I yield 3½ minutes to the gentleman from Florida (Mr. CANADY).

(Mr. CANADY of Florida asked and was given permission to revise and extend his remarks.)

Mr. CANADY of Florida. Mr. Speaker, I want to respond to the point made by the gentlewoman from New York (Mrs. LOWEY), my good friend.

This is a process that we are following under the Constitution, and I am very disappointed that there has been a failure of those who are opposing these articles to focus on the facts of the case before us. Now these facts are inconvenient facts, they are very compelling facts pointing to a pattern of perjury and obstruction of justice by the President of the United States. But all the passionate argument about the independent counsel, all the passionate attacks on the process here in the Congress do not alter the stubborn facts of the case before us.

Now, I would also like to bring to the attention of the Members the report on ''Constitutional Grounds for Presidential Impeachment'' which was prepared in February of 1974 by the staff of the Nixon impeachment inquiry; and I would ask that all the Members consider this key language from that staff report describing the type of conduct which gives rise to impeachment.

The Democratic staff of the Rodino committee wrote, ''The emphasis has been on the significant effects of the conduct—undermining the integrity of office, disregard of constitutional duties and oath of office, arrogation of power, abuse of the governmental process, adverse impact on the system of government.''

Perjury and obstruction of justice clearly undermine the integrity of office. Their unavoidable consequence is to erode respect of the office of president. Such offenses are in obvious disregard of the President's constitutional duties and oath of office. Moreover, they are offenses which have a direct and serious adverse impact on the system of government.

Obstruction of justice is by definition an assault on the due administration of justice, which is a core function of our system of government. And as the first Chief Justice of the United States, John Jay, observed, no crime is more extensively pernicious to society than the crime of perjury.

The significance of the offenses committed by the President is not in any degree diminished by the fact that they do not directly involve the President's official conduct. Despite their argument that the President is immune from impeachment because of the underlying conduct which gave rise to his crimes was a private matter, the President's lawyers have themselves proclaimed, and I would ask that my colleagues listen to this, these are the words of the President's own lawyers, they said, and I quote, ''Any conduct by the individual holding the Office of the President, whether it is characterized as private or official, can have substantial impact on a President's official duties.''

Perjury and obstruction of justice, even regarding a private matter, are offenses that have a substantial impact on the President's official duties because they are grossly incompatible with his preeminent duty to take care that the laws be faithfully executed. Perjury and obstruction of justice are not private matters, they are crimes against the system of justice, crimes for which this President must be impeached.

In today's debate we have heard a convincing case made that the President engaged in a calculated and sustained pattern of perjury and obstruction of justice. The furious efforts of the President's defenders cannot alter the stubborn facts of the case against the President. The facts cannot be wished away, they cannot be ignored, they cannot be treated as trivial. But the President's lawyers have argued that even if the charges of perjury and obstruction of justice are true, the President's conduct does not rise to the level of ''high crimes and misdemeanors'' for which he can be impeached.

Although Congress has never adopted a fixed definition of ''high crimes and misdemeanors,'' there is much in the background and history of the impeachment process that contradicts the position advanced by the President's lawyers. Two reports prepared in 1974 on the background and history of impeachment are particularly helpful in evaluating the President's defense. Both reports support the conclusion that the facts before us make a compelling case for the impeachment of President Clinton.

There has been a great deal of comment on the report on ''Constitutional Grounds for Presidential Impeachment'' prepared in February 1974 by the staff of the Nixon impeachment inquiry. Those who assert that the charges against the President do not rise to the level of ''high crimes and misdemeanors'' have pulled some phrases from that report out of context to support their position. In fact, the general principles concerning grounds for impeachment set forth in that report indicate that perjury and obstruction of justice are impeachable offenses. Consider this key language from the staff report describing the type of conduct which gives rise to impeachment:

> The emphasis has been on the significant effects of the conduct—*undermining the integrity of office, disregard of constitutional duties and oath of office,* arrogation of power, abuse of the governmental process, *adverse impact on the system of government.* (emphasis added)

Perjury and obstruction of justice clearly ''undermine the integrity of office.'' Their unavoidable consequence is to erode respect for the office of the President. Such offenses are in obvious ''disregard of [the President's] constitutional duties and oath of office.'' Moreover, they are offenses which have a direct and serious ''adverse impact on the system of government.'' Obstruction of justice is by definition as assault on the due administration of justice—which is a core function of our system of government. And as the first Chief Justice of the United States, John Jay, observed, ''no crime'' is ''more extensively pernicious to Society'' than perjury.

The thoughtful report on ''The Law of Presidential Impeachment'' prepared by the Association of the Bar of the City of New York in January of 1974 also places a great deal of emphasis on the corrosive impact of presidential misconduct on the integrity of office:

> It is our conclusion, in summary, that the grounds for impeachment are not limited to or synonymous with crimes. * * * Rather, we believe that *acts which undermine the integrity of government* are appropriate grounds whether or not they happen to constitute offenses under the general criminal law. In our view, the essential nexus to damaging the integrity of government may be found in acts which constitute corruption in, or flagrant abuse of the powers of, official position. It may also be found in act which, without directly affecting governmental processes, *undermine that degree of public confidence in the probity of executive and judicial officers that is essential to the effectiveness of government in a free society.* (emphasis added)

The commission of perjury and obstruction of justice by a President are acts which without doubt ''undermine that degree of public confidence in the probity of the [the President] that is essential to the effectiveness of government in a free society.'' Such acts inevitably subvert the respects for law which is essential to the well-being of our constitutional system.

The significance of the offenses committed by the President is not diminished by the fact that they do not directly involved the President's official conduct.

The record is clear that federal officials have been impeached for reasons other than official misconduct. Two recent impeachments of federal judges are compelling examples. In 1989, Judge Walter Nixon was impeached and removed from office for making false statements before a federal grand jury. The conduct of Judge Nixon which occasioned his perjury before the grand jury was not official conduct. In 1986, Judge Harry E. Claiborne was impeached and removed from office for making false statements under penalty of perjury on his income tax returns. His misconduct was without doubt outside the scope of his official responsibilities. Should we today, as the opponents of those articles demand, set a lower standard of integrity for the President than we have set for federal judges?

There is nothing in the text, structure, or history of the Constitution which suggests that Presidents are subject to impeachment only for official misconduct. Greater harm to the system of government may in fact be caused by the criminal acts of a President committed outside the scope of his official responsibilities than by certain acts of official misconduct.

Despite their argument that the President is immune from impeachment because the underlying conduct which gave rise to his crimes

was a private matter, the President's lawyers have themselves elsewhere claimed:

Any conduct by the individual holding the Office of the President, whether it is characterized as private or official, *can have substantial impact on a President's official duties.* (emphasis added)

Perjury and obstruction of justice—even regarding a private matter—are offenses that have a substantial impact on the President's official duties because they are grossly incompatible with his preeminent duty to ''take care that the laws be faithfully executed.'' Regardless of their genesis, perjury and obstruction of justice are acts of public misconduct—acts which cannot be dismissed as understandable or trivial. Perjury and obstruction of justice are not private matters; they are crimes against the system of justice.

Soon after the adoption of the Constitution, Alexander Hamilton wrote that ''an inviolable respect for the Constitution and the Laws'' is the ''most sacred duty and the greatest source of security in a Republic.'' Hamilton understood that respect for the Constitution itself grows out of a general respect for the law. And he understood the essential connection between respect for law and the maintenance of liberty in a Republic. Without respect for the law, our freedom is at risk. Thus, according to Hamilton, those who ''set examples which undermine or subvert the authority of the laws lead us from freedom to slavery . . .''

President Clinton by his persistent and calculated misconduct has set a pernicious example of lawlessness—an example which by its very nature subverts respect for the law. His perverse example has the inevitable effect of undermining the integrity of both the office of President and the judicial process. The maintenance in office of such a President is inconsistent with the maintenance of the rule of law.

In light of the historic principles regarding impeachment, the offenses committed by the President demand that this House impeach William Jefferson Clinton. Our Constitution requires that this President who has shown such contempt for the law and for the dignity and integrity of the high office entrusted to him by called to account before the Senate for his high crimes and misdemeanors.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN), ranking member of the former Government Operations Committee, and ask that he yield to me briefly.

Mr. WAXMAN. Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I have just been advised that the chairman of the House Committee on the Judiciary has unilaterally permitted other Members other than committee members to visit the Ford Building to read other materials unbeknownst to me and we had not allowed any Democratic Members to go over there because we did not know that they were permitted to attend if they were not members of the Committee on the Judiciary. And I thank the gentleman from Georgia (Mr. BARR) for pointing that out to us. It is an incredible violation of our democratic rights, and I am deeply offended by it.

Mr. WAXMAN. Mr. Speaker, reclaiming my time, over and over again our Republican colleagues have called for the rule of law. Let me suggest that if the President has committed a crime, let him be tried in a court of law. There even he will have the protections of the law. Here in this House he is not getting the rule of law but the rule of politics.

This President has been subjected to an unprecedented and deliberate strategy to use taxpayers' funded money to investigate him in order to get him impeached. Millions of dollars have been spent, many reckless charges were investigated, investigated to death, and they were found to have no basis in fact.

As a matter of fact, a resolution of impeachment was introduced before anybody had ever heard of President Clinton's affair with Monica Lewinsky. There has been an impeachment in search of an impeachable offense. What has been presented to us today do not amount to impeachable offenses.

I call for the rule of law and the supremacy of the Constitution.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1¼ minutes.

Mr. SENSENBRENNER. Mr. Speaker, I think it is important to clear up the record as a result of what the gentleman from Michigan (Mr. CONYERS) had to say about access to executive session materials.

Just so that all of the Members are clear, when the House passed House Resolution 525 in September, immediately after the receipt of the independent counsel's report, only members of the Committee on the Judiciary had access to the executive session material. Section 4 of that resolution was effective during the review of the referral from Independent Counsel Starr.

Pursuant to section 1 of H. Res. 525, rules relating to review by the committee was effective until there was a further order of the House. Then in October, when we passed our inquiry resolution, that superseded the previous resolution's provisions relative to access to executive session material.

House Resolution 581, the inquiry resolution passed in October, had standard executive session rules of the House obtained; and that meant that all Members of the House of Representatives had access to those executive session materials.

That has been what the rule is since October 8, and any Member has had the legal right to go over to the Ford Building and examine the executive session materials.

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

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

Mr. HOUGHTON. Mr. Speaker, I am going to take a little different tact here. I stand here as a Republican. I am proud of my party. But I am opposed to impeachment, and have proposed my own censure motion, which sadly will die with this session.

But this is today. What about tomorrow? Today we deal with the law. Tomorrow we deal with people's lives. The famous parliamentarian which we have all read, Edmund Burke, once said, ''The law sharpens the mind by narrowing it. But in a few, law has lifted the mind to a level of comprehension and humanity.''

So, Mr. Speaker, when all the arguments are done and when the votes are taken, this is what we must work for, the humanity, the healing of this Nation.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 3½ minutes to the gentleman from Maryland (Mr. WYNN), and I ask him to yield a few seconds to me.

Mr. WYNN. Mr. Speaker, I certainly yield back to the ranking member.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Wisconsin, who is the ranking Member on the Judiciary, for his explanation.

The one thing it did not include, of course, was that only Members who were trying to have their minds made up were the only ones that came over to the Ford Building that were not members of the Committee on the Judiciary two days before this proceeding on the floor. And I am glad to know now that everybody could have come over but nobody apparently availed themselves until this last minute twisting of arms took place.

Mr. WYNN. Mr. Speaker, reclaiming my time, I thank the ranking member for yielding.

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

Mr. WYNN. Mr. Speaker, I rise in strong opposition to these articles of impeachment. We are perhaps at one of the lowest points in American politics. We are in the midst of a parliamentary coup. The party in the majority want to remove an elected president. And that is the parliamentary system. That is not the democratic system. They are doing so without legitimacy.

Legitimacy demands bipartisanship. There is no bipartisanship on the floor today, simply the will of this majority to drive out this President, a true parliamentary coup. This debate has brought out some of the worst features of man. I have to say it. First of all, hypocrisy. Let he who is without sin cast the first stone. Second, unfairness.

The Members of this body on both sides would like to vote on a censure resolution. The Republican majority will not allow that. The American people believe censure is an appropriate response. The Republican majority will not allow that.

And third, there is a very unseemly obsession with this matter to the exclusion of what used to be called the war effort. It used to be we got behind our young men and women, we focused on what they were doing. This crowd now believes that their partisan agenda is more important.

At the bottom, this is about sex. Now, the Republicans also jump up and say, no, it is about lying. Well, even if you accept the allegations that they are making, it is about lying about sex. That is not an impeachable offense.

If, in fact, they want to make the argument that this is about the rule of law, then the President is not above the rule of law, the President can be prosecuted. Do not believe the President can escape prosecution for these offenses in a court of law.

□ 1545

The President can be prosecuted after he leaves office. The Founding Fathers left to us the question of impeachment, which is not legal; it is a political exercise which we are engaged in today. Unfortunately the Republicans have lost all sense of proportion of judgment. They talk about law, but they do not talk about justice. Justice looks at the situation and fits the sanction to the crime. In this instance we do not have high crimes and misdemeanors, we have low crimes and misdeeds. In truth, we ought to have the sanction option, we ought to look at another way to respond to the situation, but we do not have that opportunity.

Mr. Speaker, this crowd, this Republican leadership is forcing us to remove the President, and that is a tragedy, and that is in fact a low point in American politics.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. KINGSTON).

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

Mr. KINGSTON. Mr. Speaker, first let me clear up a misconception of the previous speaker about the situation internationally. May 18, 1972, when over 62,000 troops were on the ground in Vietnam, the gentleman from Michigan (Mr. CONYERS), the ranking member on the Committee on the Judiciary, introduced House Resolution 989 calling for the impeachment of the President of the United States of America.

Now let me say this. As I have listened to this debate and listened to both parties, there is at least an emerging consensus that lies have been made, laws were broken and that the rule of law was undermined and subverted. The question diverges on the matter of consequences; is this impeachable? Some want censure, but the only constitutional remedy to the House is impeachment. Should the Senate decide, they may be able to censure. They have that option because only the Senate can decide on punishment; the House does not have that option. Our duty is to accuse, not to punish.

But since Democrats and Republicans have agreed that lies were made, is it a high crime or a misdemeanor? Lying under oath on a material matter is perjury, and, under these circumstances, a felony. It has been serious enough that 700 people under the Clinton-Reno Justice Department have been tried and convicted of it; 115 are, in fact, in jail today. What would happen to the court system if this were not the case?

Justice must be applied to all equally regardless of popularity, party or position. I sadly must support these articles.

After months of debate, a review of the evidence, and careful consideration of the bipartisan hearings, I have decided to support all four Articles of Impeachment. Not to do so would send a message to every court and every trial in America that truth is relative, even optional. In short, America is a nation of laws and, as such, the law must apply equally to all people, regardless of position.

Throughout this debate, the first question that must be considered is, what are the facts? Based on 60,000 pages of testimony, affidavits, and tapes taken under oath, honest people regardless of party, should be able to determine if laws were broken.

Here are the facts with respect to the Articles of Impeachment which were reported out of the House Judiciary Committee on December 16, 1998:

ARTICLE I—GRAND JURY PERJURY

Article I charges that the President told a series of calculated lies under oath, after swearing to tell the truth, before a federal grand jury that was investigating his alleged misconduct.

On August 17, 1998, seven months after being deposed in the Jones vs. Clinton case, the President swore to tell the truth, and nothing but the truth before a federal grand jury.

Before the grand jury:

The President swore that he did not want Monica Lewinsky to execute a false affidavit in the Jones vs. Clinton case. The facts show this is not true.

The President swore that he did not allow his attorney to refer to an affidavit before the judge in the Jones vs. Clinton case that the President knew to be false. The facts show this is not true.

The President swore that he did not believe Monica Lewisky's affidavit was false. The facts show this is not true.

The President swore that he was trying to determine whether his ''recollection was right,'' and he was ''trying to get the facts down'' and ''understand what the facts were'' when he recited to Betty Currie a false account of his interactions with Monica Lewinsky. The facts show this is not true.

The President swore that he did not give false testimony in his deposition in the Jones vs. Clinton case. The facts show this is not true.

The President swore that he did not talk to Betty Currie, his secretary, about the retrieval of gifts he had previously given to Monica Lewinsky. The facts show this is not true.

The President swore that he told the truth about his relationship with Monica Lewinsky to his aides who he knew would likely be called to testify before the grand jury. The facts show this is not true.

The President swore that he did not have sexual relations with Monica Lewinsky. The evidence indicates that he lied, even according to his own interpretation of the Jones vs. Clinton court's definition of the term ''sexual relations.''

ARTICLE II—CIVIL PERJURY

Artlce II charges that the President lied under oath, after swearing to tell the truth, in answers to written questions asked in the Jones vs. Clinton case, in order to thwart that federal civil judicial proceeding.

On December 23, 1997, the President signed an affidavit in which he swore to tell the truth, the whole truth, and nothing but the truth in answers to written questions asked in the Jones vs. Clinton case. Such questions are permissible under current law in civil rights lawsuits in order for the court and the parties to ascertain the true facts of a case.

In those answers:

The President swore that he had not had sexual relations with any federal employees. The facts show this is not true.

The President also swore that he had not proposed nor sought to have sexual relations with any federal employees. The facts show this is not true.

The President told a series of calculated lies under oath, after swearing to tell the truth, in a deposition given in the Jones vs. Clinton case, in order to thwart that federal civil judicial proceeding.

On January 17, 1998, the President swore to tell the truth, the whole truth, and nothing but the truth in a deposition given in the Jones vs. Clinton case.

In that deposition:

The President swore that he was ''not sure'' whether he had ever talked to Monica Lewinsky about the possibility that she might be asked to testify in the Jones vs. Clinton case. The facts show this is not true.

The President swore that he did not know whether Monica Lewinsky has been served a subpoena to testify in the Jones vs. Clinton case when he last saw her in December 1997. The facts show this is not true.

The President swore that the contents of an affidavit executed by Monica Lewinsky in the Jones vs. Clinton case, in which she denied they had a sexual relationship, were ''absolutely true.'' The facts show this is not true.

The President swore that he did not know that his personal friend, Vernon Jordan, had met with Monica Lewinsky, a federal employee and subordinate, and a witness in the Jones vs. Clinton case in which the President was named defendant, and talked about the case. The facts show this is not true.

The President swore that he could not recall being alone with Monica Lewinsky. The facts show this is not true.

The President swore that he could not recall giving gifts to Monica Lewinsky. The facts show this is not true.

The President swore that he could not recall ever being in the Oval Office hallway with Ms. Lewinsky except perhaps when she was delivering pizza. The facts show this is not true.

The President swore that Monica Lewinsky gave him gifts ''once or twice.'' The facts show this is not true.

The President swore that the last time he spoke to Monica Lewinsky was when she stopped by before Christmas 1997 to see Betty Currie or at a Christmas party. The fact show this is not true.

The President swore that he did not have an extramarital affair or sexual relations with Monica Lewinsky. The facts show this is not true.

ARTICLE III—OBSTRUCTION OF JUSTICE

Article III charges that the President engaged in a pattern of obstruction while the Jones vs. Clinton case was pending, and while a federal criminal investigation into his

alleged misconduct was pending, in order to thwart those proceedings.

The President encouraged Monica Lewinsky to file a sworn affidavit that he knew would be false in the Jones vs. Clinton case.

The President encouraged Monica Lewinsky to lie under oath if called personally to testify in the Jones vs. Clinton case.

The President related to Betty Currie, a potential witness in the Jones vs. Clinton case, a false account of events relevant to testimony she might provide in the case.

The President told lies to While House aides who he knew would likely be called as witnesses before the grand jury investigating his misconduct which these officials repeated to the grand jury, causing the grand jury to receive false information.

The President intensified an effort to provide job assistance to Monica Lewinsky, and succeeded in his efforts, at a time when her truthful testimony in the Jones vs. Clinton case would have been harmful to him.

The President engaged in a plan to conceal evidence that had been subpoenaed in the Jones vs. Clinton case.

The President, at his deposition, allowed his attorney to make a false representation to a federal judge in order to prevent questioning about Monica Lewinsky.

ARTICLE IV—ABUSE OF POWER

Article IV charges that the President, in his constitutional role as President of the United States, lied under oath, after swearing to tell the truth, in answers to written requests for admission asked in the impeachment inquiry, assuming to himself powers reserved to the House of Representatives, in order to thwart that constitutional proceeding.

On November 27, 1997, the President signed an affidavit in which he swore to tell the truth, the whole truth, and nothing but the truth in answers to written requests for admission issued as part of the impeachment inquiry in order to ascertain the true facts regarding the President's conduct.

In those answers:

The President swore that he had no specific recollections that he told Monica Lewinsky on the same day he told her she was a witness in the Jones vs. Clinton case that she could say to anyone inquiring about their relationship that her visits to the Oval Office were for the purpose of visiting with Betty Currie or delivering papers to the President. The facts show this is not true.

The President swore that he did not give perjurious, false and misleading testimony under oath when he stated during his deposition that he did not know if Monica Lewinsky had been subpoenaed to testify in the Jones vs. Clinton case. The facts show this is not true.

The President swore that he did not have a discussion with Monica Lewinsky at the White House regarding gifts he had given to her that were subpoenaed in the case of Jones vs. Clinton. The facts show this is not true.

The President swore that he did not discuss with Betty Currie gifts previously given by him to Monica Lewinsky. The facts show this is not true.

The President swore that he did not request, instruct, suggest to or otherwise discuss with Betty Currie that she take possession of gifts he had previously given to Monica Lewinsky. The facts show this is not true.

The President swore that he did not have knowledge that any facts or assertions contained in the affidavit executed by Monica Lewinsky in the Jones vs. Clinton case were false. The facts show this is not true.

The President swore that he did not give false testimony in his deposition in the Jones vs. Clinton case when he stated that he did not recall giving gifts to Monica Lewinsky. The facts show this is not true.

The President swore that he did not give false testimony in his deposition in the Jones vs. Clinton case when he responded ''once or twice'' to the question ''has Monica Lewinsky ever given you any gifts?'' The facts show this is not true.

The President swore that he did not attempt to influence the testimony of Betty Currie. The facts show this is not true.

IT IS APPARENT THAT THE INDEPENDENT COUNSEL AND REPUBLICAN MEMBERS OF THE HOUSE JUDICIARY COMMITTEE CONCLUDED THE PRESIDENT PERJURED HIMSELF, BUT WHAT HAVE THE SOME OF THE DEMOCRATS SAID?

House Judiciary Committee Democrats:

Rep. Charles Schumer: ''To me, it is clear that the President lied when he testified before the grand jury.'' House Judiciary Committee Hearing on Oct. 5, 1998.

Rep. Robert Wexler: ''The President did not tell the truth. He lied under oath. That's something we have to deal with...His actions are indefensible.'' Washington Post; September 15, 1998.

Rep. Barney Frank: ''I personally believe that the President testified falsely when he said he could not remember being alone with Miss Lewinsky.'' The San Francisco Chronicle; August 17, 1998.

Rep. Howard Berman: ''Even if one concludes the President's testimony is not truthful—which I have—that's not grounds for impeachment. I think the best way for the country to move beyond this sad affair is for Congress to have some sort of formal declaration of disapproval of the President's conduct. I think that is clear. There needs to be some public consequence for the President's despicable behavior.'' House Judiciary Committee Hearing; December 11, 1998.

White House Counsels:

Gregory Craig, Special Counsel to the President: ''I am willing to concede that, in the Jones deposition, the President's testimony was evasive, incomplete, misleading even maddening, but it was not perjury.'' House Judiciary Committee Hearing; December 8, 1998.

Charles F.C. Ruff, Office of the White House Counsel: ''I had no doubt that he walked up to a line that he thought he understood. Reasonable people—and you may be—have reached that conclusion—could determine that he crossed over that line, and what for him was truthful but misleading, or nonresponsive and misleading, or evasive, was in fact, false.'' House Judiciary Committee Hearing, December 9, 1998.

ONE CAN CONCLUDE THERE IS AT LEAST SOME AGREEMENT THAT THE PRESIDENT PROVIDED FALSE INFORMATION BEFORE THE GRAND JURY. THUS, LAWS WERE BROKEN. ARE THESE OFFENSES IMPEACHABLE?

Some critics argue that perjury about sex in a civil case is trivial and not worth pursuing. In fact, prosecuting perjury vindicates the rule of law. A judicial system is in order, because it is fair and civil to settle disputes through judicial means. Perjury is a crime, because a judicial system can only succeed if citizens are required to tell the truth in judicial proceedings. If citizens are allowed to lie with impunity, the system cannot reach just results and it descends into chaos. Some say that people lie under oath all the time and are not prosecuted. To some extent, that is true, but consider how much worse the situation would be if there were no threat of a perjury prosecution.

WHAT DOES THE CONSTITUTION SAY?

The Constitution states, ''The President shall be removed from office on impeachment for, and conviction of, treason, bribery or other high crimes and misdemeanors.'' What constitutes ''treason, bribery, or other high crimes and misdemeanors?'' The Library of Congress defines this clause as the following:

Treason is defined in Article 3, Section 3, Clause 1 as follows: ''Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.'' It is also defined in 18 U.S.C. Sec. 2381. Bribery is not defined constitutionally, but the term appears in 18 U.S.C. Sec. 201.

''High crimes and misdemeanors,'' are not defined in the Constitution or by statute. U.S. precedents suggest that certain actions that are not crimes may be impeachable. Some interpreters of the impeachment clause place great importance on the words ''other'' and ''high'' when reading the phrase ''or other high crimes and misdemeanors.'' They suggest that ''other'' means that the crimes and misdemeanors contemplated by the Framers must be of similar magnitude to treason or bribery. They also suggest that ''high'' modifies both ''crimes'' and misdemeanors,'' meaning that ordinary crimes and misdemeanors are not necessarily impeachable offenses.

WHAT DO THE SCHOLARS THINK?

Eminent constitutional scholars testified before the House Judiciary Committee about the meaning of impeachment, the impeachment standard as applied throughout American history, and what the Founders said about impeachment when the issue was debated in Philadelphia in the summer of 1787. Professor Stephen Presser of Northwestern University testified that criminal interference in the legal process was an obvious ground for impeachment. Indeed, Professor Presser argued that failure by the President to live up to the standards of honesty, virtue, and honor thought necessary for the office was precisely what the Founder intended the impeachment provision of the Constitution. When a President uses his office for personal rather than public ends, he has betrayed his constitutional obligations to the Nation.

Other scholar made arguments before the committee supporting this view. Professor John McGinnis of Yeshiva University Cardozo School of Law pointed out that this matter is not about the President's private life. It is about someone else's rights, rights which the President is sworn to protect. It is about a private citizen's civil rights and an effort to corruptly influence that citizen's due process rights. In the United States, civil rights, the right to a fair trail, and equity before the bar of justice are cherished rights, and the last person in the Republic we should accept as a violator of them is the man charged with enforcing them. Perjury and obstruction of justice in a civil case are a threat to the civil rights of every citizen, especially when that citizen if confronted with a vast apparatus of government power

WHAT IS THE SUPREME COURT'S VIEW?

In this constitutional process of securing a witness's testimony, perjury simply has no place whatsoever. Perjured testimony is an obvious and flagrant affront to the basic concepts of judicial proceedings. Effective restrains against the type of egregious offense are therefore imperative. The power of subpoena, broad as it is, and the power of contempt for refusing to answer, drastic as that is—and the solemnity of the oath—cannot ensure truthful answers. Hence, Congress has made the giving of false answers a criminal act punishable by severe penalties, in no other way can criminal conduct be flushed in the open where the law can deal with it.

Similarly, our cases have consistently—indeed without exception-allowed sanctions for false statement or perjury; they have done so even in instances where the perjurer complained that the government exceeded its constitutional powers making the inquiry—United States vs. Mandurano. 425 U.S. 564, 576–77 (1976)

The seriousness of perjury is reflected in the Federal Sentencing Guidelines, which classify perjury in the same category as bribery (2J1.3).

Congress has reaffirmed the Supreme Court's words through the impeachment process. All three of the federal judges who were impeached in the last twenty years (Claiborne, Nixon, and Hastings) were impeached for some form of lying under oath.

The United States Department of Justice prosecutes perjury occurring in civil cases. There are many cases similar to the one faced before our President today. For example, the Justice Department recently charged Veterans Administration psychiatrist Barbara Battalion with obstruction of justice based on her denial in a civil case of a sexual relationship. United States vs. Battalino.

Diane Parker, a former employee of the U.S. Postal Service was sentenced to thirteen months in prison and three years parole for lying in a civil case about a sexual relationship that she had with a subordinate. Ms. Parker was charged perjury. United States vs. Parker.

In fact, the President and the Attorney General's Department of Justice has tried and convicted over 700 people for perjury. Of those 700 people, 115 are now serving a prison sentence.

The President is the chief law enforcement officer in the United States. If the President has committed perjury and Congress allows him to do so without consequences, no other citizen can be expected to tell the truth under oath. He sets an example that all Americans are expected to follow. If every American feels that he can lie because of what the President represents, then the judicial system for settling disputes will falter.

WHY SHOULD THE PRESIDENT BE IMPEACHED AND NOT CENSURED?

Many support censure, yet, the Constitution neither gives the House authority to censure the President nor does it prohibit such action. What are the arguments against censure? The short answer is that there is no Constitution basis for it. One could perhaps make the argument that the Senate has the Constitutional authority for such a measure, because they are in charge of punishment and have flexibility to decide what punishment is appropriate. But the Constitution does not give the House of Representatives any other option in the case of Presidential misconduct aside from the provision of impeachment which sends the matter to the Senate. The job of the House is not to punish but to accuse. The Senate must review the accusation and make a final decision.

Furthermore, should the House pass a censure resolution, it would set a dangerous precedent for future Congresses, who will surely be tempted to use this act as a weapon against a President of an opposing party whenever Congress has serious disagreements with the administration's policy. The Founders did not believe that the House should have such a role, unless presidential misconduct were so egregious as to warrant impeachment.

If censureship is not an option, what exactly is the House voting on? Again, the Constitution interprets impeachment as an indictment. That is, does the House find probable evidence to send the matter to the Senate for a full trial and to make the final decision? Based on the facts presented, the answer is ''yes'' if one believes the charges are impeachable.

Outside of the legal realm, many argue that impeachment is against the will of the people. However, Members of congress have to make this decision based on the Constitution and the oath of office, not political polls, party, or politics. But, to examine this idea of polling, should polls also be conducted on the government's policy in Bosnia, the Middle East, on the government's income tax, on the Internal Revenue Service, on school choice? Those who insist on using polls for impeachment decisions are selectively oblivious to the ''will of the people'' on other matters which may or may not be in sink with their own political philosophies.

SHOULD THE HOUSE OF REPRESENTATIVES PROCEED WITH AN IMPEACHMENT VOTE AT THIS PARTICULAR TIME?

Another argument against an impeachment vote is that it will disrupt the nation while troops are being deployed to Iraq. Here is an example of what our nation was going through while President Nixon was in office:

As Henry Kissinger was engaged in negotiating a peace agreement with the North Vietnamese in Paris in May 1972, 3 resolutions (H. RES. 975, 976, & 989) were introduced in the House calling for Nixon's impeachment based on Indochina military actions taken as part of an effort to strengthen the U.S.'s hand in the negotiations.

On May 18, while there were still over 62,000 troops on the ground in Vietnam, Mr. Conyers (who is now ranking Member on the House Judiciary Committee) introduced H. Res. 989—together with Mr. Dellums, Rangel, and Stokes (also Members of the Judiciary Committee)—a resolution which called for:

Impeaching Richard M. Nixon, for abuse of the office of the President and of his powers as Commander in Chief of the Armed Forces by ordering the mining of all North Vietnamese ports and the massive aerial bombardment without discrimination as to the lives of civilians in Indochina, and for other high crimes and misdemeanors within the meaning of article II, section 4, of the Constitution of the United States.

On Oct. 12, 1972, four months after the break in, less than a month before the Presidential election, and while the United States was still bombing Hanoi and 32,000 troops remained in Vietnam, House Banking Chairman Wright Patman attempted to have his committee initiate a Congressional probe of Watergate and announced that the GAO had acceded to a request for a ''full scale investigation'' of Watergate.

On Jan. 11, 1973, while Henry Kissinger was in the final stages of negotiating the peace agreement that was signed in Paris on Jan. 27 and 21,500 troops remained in Vietnam, the Senate Democratic Caucus unanimously approved a resolution calling for an investigation of the Watergate affair. Senate Majority Leader Mike Mansfield announced that Sen. Sam Ervin had agreed to chair the hearings. Mansfield also released letters he had sent to the Senate committee chairman the previous November calling for committee investigations saying: ''The question is not political, it is constitutional.''

On February 7, 1973, as the U.S. bombing in Laos was increased to help force a wider peace in Indochina and just one week before the first planeload of American POWs were sent home by North Vietnam, the Senate voted to establish a select Committee to probe Watergate. The Senate acted based on a preliminary study and a report was released Feb. 1 by Sen. Kennedy which was the result of an investigation by his Judiciary subcommittee into Watergate. Over 10,000 troops were still in Vietnam at the time.

During the first week of May, 1973, 14 resolutions (2 by Rangel) were introduced in the House calling either for the appointment of a special prosecutor or authorizing Watergate investigations by the House. On May 1, the Senate passed a resolution calling for an outside prosecutor and Sen. Ervin began his Watergate hearing on May 17. Archibald Cox was appointed Special prosecutor the next day. The Senate and House also voted in May to prohibit the use of funds to ''finance combat activities [bombing] in, over, or from off the shores of Cambodia or Laos by U.S. forces.'' At the time, over 6,000 military and civilian DOD personnel were still on the ground in Vietnam and the U.S. was bombing in Laos to force Hanoi to abide by the Laotian peace agreement and in Cambodia to halt a North Vietnamese-backed assault on the Cambodian government.—[H. Res. 367, 368, 369, 373, 374, 376, 377, 378, 380, 381, 384, 385, 386, 391]

Furthermore, do Washington pundits believe that business will not function during an impeachment trial? Would they have us believe America will quit buying and selling houses and cars? Will farmers stop producing and consumers stop consuming? Those who fear disrupting the country's business either misunderstand or underestimate the American people. Or, are they saying the Constitution is flawed? When it is interrupted in a manner with which they disagree, then it becomes a Constitutional crisis. If this is in fact the case, then perhaps the President should consider doing what over 200 publications have called on him to do (including The Savannah Morning News, The Brunswick News, The Statesboro Herald, The Atlanta Constitution, The Augusta Chronicle, The Marietta Daily Journal, The Waycross Journal Herald, the USA Today, and The Florida Times Union)—resign. This would allow the capable and experienced Vice-President to take over as President Ford did in 1974.

CLOSING REMARKS

The House voted on a bipartisan basis to proceed with an impeachment inquiry by the Judiciary Committee. Procedures were modeled after the Democratic-designed Watergate

rules and time was given to all parties for witnesses, thus making this investigation fair and equitable.

Our actions will stand the test of time. They must. This vote is not for today or the next election, but for the next generation. We are a nation of laws and upholding those laws is the duty of all citizens, or, as it has been asked, should we be a nation that has one law for the ruler and another for the ruled?

This is a sad and serious situation, but to vote ''no'' would send a message that oaths to tell the truth mean little and a cancer would spread throughout our courts and eventually our nation itself.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, today is a tragic day for our country because, while our young people are fighting in the Persian Gulf and bringing honor to our country, we are bringing dishonor to it with our hypocrisy here in this Chamber. Today the Republican Party is not judging our President with fairness but is impeaching our President.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state his parliamentary inquiry.

Mr. SENSENBRENNER. Mr. Speaker, is the word ''hypocrisy'' in order on this floor?

The SPEAKER pro tempore. The gentlewoman from California would have to yield.

Ms. PELOSI. I do not have enough time to yield, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman may proceed.

Ms. PELOSI. Mr. Speaker, today the Republican majority is not judging the President with fairness but impeaching him with a vengeance. In the investigation of the President fundamental principles which Americans hold dear, privacy, fairness, checks and balances, have been seriously violated, and why? Because we are here today because the Republicans in the House are paralyzed with hatred of President Clinton, and until the Republicans free themselves of this hatred, our country will suffer.

I rise to oppose these unfair motions which call for the removal of the President of the United States from office, and in doing so wish to point out some difference between the investigation of the President and the investigation of the gentleman from Georgia (Mr. GINGRICH).

The first principle in our investigation of the gentleman from Georgia (Mr. GINGRICH) was that at the moment we found exculpatory information it would be reported immediately to the accused and be made public. The independent counsel knew that the President was exonerated in Travelgate, Whitewater and Filegate, and he held that information until the hearing, indeed until after the election. This was not fair. Indeed, it is the responsibility of any prosecutor to immediately release information that is exculpatory.

So it is not about Whitewater, it is not about Travelgate, and it is not about Filegate. It is about sex. It is about a punishment searching for a crime that does not exist.

In the Gingrich probe we drew every inference in favor of the accused, but in this case it took a closing question from a member of the grand jury to Monica Lewinsky to say: ''Is there anything you would like to add to your prior testimony?'' for Monica Lewinsky to respond, and I quote:

''No one ever asked me to lie, and I was never promised a job for my silence.''

The point is why did the independent counsel not elicit that important testimony?

In the Gingrich case we spent a major part of our report explaining the laws which were violated. The Committee on the Judiciary has not proven perjury, it has not even defined perjury. Instead, it has kept the subject intentionally vague. Whether one is violating a marital vow or some other aspect of his personal behavior, it is not an impeachable offense. Our colleagues have not proven perjury.

In the Gingrich probe we had a bipartisan unanimous vote in our subcommittee and an almost unanimous vote on the floor because we built consensus and we tried to bring the matter to closure, and I will submit the rest to the RECORD where I say that censure is closure, censure is constitutional. John Marshall, the Supreme Court Chief Justice of the United States testified that it was. How can the Republicans, as we come to punishment, how can the Republicans exalt the gentleman from Georgia (Mr. GINGRICH) to the highest post of Speaker after he admitted lying to Congress and try to impeach the President of the United States for lying about his personal affairs?

I urge my colleagues to vote no, stop this hatchet job on the presidency, stop this hypocrisy, stop this hatred and vote no on all four counts.

RESPONSIBILITY IN THE GINGRICH MATTER

We had a bipartisan unanious vote of our subcommittee and a near unanimous vote on the floor because we build consensus and brought the matter to closure. We have that opportunity today with a motion of censure. Censure is constitutional. In 1800 Representative Livingston introduced a motion of censure against President John Adams. The President was successfully defended by Congressman John Marshall of Virginia who would soon become Chief Justice of the United States. Marshall is the father of much of our constitutional law and he never argued in the Adams case that censure was unconstitutional.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I have been taking notes on my colleagues on the other side of the aisle, and I would just ask them to talk about the facts in the articles, four. We would love them to talk about those. If anyone disputes the allegations of perjury, obstruction of justice, we would like to hear some specific allegations. The Committee on the Judiciary conducted an independent review of this matter. We are not bound by Kenneth Starr. All the exculpatory material was made available to the President's counsel. He had an opportunity to call witnesses. We urged him to. All the time was not taken by the President's counsel, and I think that is important to be noted.

Mr. Speaker, I believe it is critical that we were fair through the Committee on the Judiciary process, and I believe we accomplished that.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. WICKER).

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

Mr. WICKER. Mr. Speaker, I am glad we keep coming back to the rule of law question. I think standing for the rule of law includes the following: that the Nation's chief law enforcement officer cannot commit perjury and remain in office. The rule of law means that the Commander in Chief of our Armed Forces should not be held to a lower standard than are his subordinates. The rule of law means that even the most ordinary and humble citizens are entitled to their day in court, and they are entitled to expect sworn testimony in that court to be truthful, even testimony from the President of the United States. The rule of law means recognizing that felonious criminal conduct by the President of the United States cannot be tolerated. The rule of law is more important than the tenure in office of any elected official.

During John Adams' second night in the White House he wrote these words:

''I pray heaven to bestow the best of blessings on this House and on all that shall hereafter inhabit it. May none but honest and wise men ever rule this roof.''

Mr. Speaker, it is with great regret that I conclude the current occupant of the White House has utterly failed to live up to this standard. I cast my vote for impeachment to protect the long-term national interest of the United States, to affirm the importance of truth and honesty, and to uphold the rule of law in our Nation.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, the Republican leadership's irresponsible actions today on impeachment is only met by the irresponsible behavior yesterday questioning the military action in Iraq.

The President's conduct has been deplorable, indefensible, but his behavior by any objective analysis does not rise to the level of impeachment as defined by our Constitution.

What did the President do? He misled, he manipulated and he lied to two specific questions under oath. The first question was whether he was ever alone with Ms. Lewinsky.

The leading Supreme Court case on perjury I think really points out the fact that that issue was not perjury. As distasteful as that might be, that is the facts of the law. The leading Supreme Court case talked about someone who testified under oath that he did not have, his company did not have, a Swiss bank account. He, in fact, did, but his company did not. He was prosecuted, convicted for perjury. The Supreme Court overthrew that case because in fact that was not perjury by being deceitful, by being misleading in his answer. That is exactly what the President did.

But even if it were perjury, even if it were perjury, our Constitution talks about subversion of government as issues for impeachment. Can anyone objectively say that the answers to those questions were an attempt to subvert our government? Can anyone say that objectively? Honestly? Obviously not. These misrepresentations were lies, but absolutely not a subversion of our government.

Clearly this is not an impeachable offense. Clearly again the conspiracy that my Republican colleagues say occurred in terms of the actions in Iraq; the British are involved in those actions. Are they part of the conspiracy that they allege? Are the 30 countries that are part of the UNSCOM U.N. team that did the investigation in terms of chemical and biological weapons in Iraq, are they part of this conspiracy as well? Obviously not.

The irresponsible actions will be checked at the ballot box and by history.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. CANADY) for rebuttal.

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman for yielding this time to me, and I want to compliment my colleague from Florida for at least touching on the facts of the case, but I feel compelled to respond to the points he has made about perjury.

I think what we are hearing here are more of the legalisms, more of the legal gymnastics, more of the hair splitting that we should not be hearing in this context, and I would also point out that the President's own lawyer in his presentation to the Committee on the Judiciary admitted that when the President answered the questions in the deposition he intended to mislead by his answers. That was his intention.

Let me read to my colleagues from a recent decision of the Sixth Circuit Court of Appeals. It says a perjury inquiry which focuses only upon the precision of the question and ignores what the defendant knew about the subject matter of the question at the time it was asked misses the very point of perjury. That is the defendant's intent to testify falsely and thereby mislead his interrogators. Such a limited inquiry would not only undermine the perjury laws, it would undermine the rule of law as a whole, as truth seeking is the critical component which allows us to determine if the laws are being followed, and it is only through the requirement that a witness testify truthfully that a determination may be made as to whether the laws are being followed.

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Mr. SENSENBRENNER. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania (Mr. GREENWOOD).

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

Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) made reference earlier in the debate to last-minute arm twisting of the undecided, and I feel compelled to comment.

I made a commitment to myself and my colleagues, an unusual one, and that is to come to this debate with my mind still available to persuasion. I am one of the last few holdouts undecided in this debate, and it needs to be said that not once, not once in this entire ordeal, has a single member of my leadership, has a single colleague, has a single member of the Committee on the Judiciary, not only not asked me to vote one way, they have never even inquired as to how I would vote.

We have big differences of opinion here, but it does the process an injustice to argue that there has been arm twisting.

I think the Whip has been maligned in this process. It has been alleged that he is twisting arms. I spent 3½ hours in the company of the gentleman from Louisiana (Mr. LIVINGSTON), the gentleman from Texas (Mr. ARMEY), the gentleman from Texas (Mr. DELAY) and the entire elected leadership this week, and not once did any of them say a word to me about impeachment.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT), a former member of the Supreme Court of his state.

Mr. DOGGETT. Mr. Speaker, as a former judge and an attorney, I have seen firsthand the corrosive effect on the justice system of lying. Lying under oath is just as wrong when it is committed by your allies as when committed by your adversaries. I agree that no Republican made this President lie, just as no Democrat influenced NEWT GINGRICH.

When the House reconvened after the August recess, after the President's testimony to the grand jury and his statement to the Nation, I was the first Member of this House on either side of the aisle to come to this floor and condemn the President's lying and ask that he be promptly punished.

Then, as today, this Republican leadership had a choice: It could either bring us together in a collective condemnation of this conduct, or it could split us apart. Unfortunately, on the eve of an election, it took the latter course, and, in an unsuccessful effort, it tried to exploit this situation to its maximum political advantage. It arrogantly rejected Democratic suggestions for how to conduct this inquiry, and it delayed for weeks getting the inquiry underway.

When it finally convened, this same committee that comes today and tells us that this is the most important decision of this House, short of declaring war, failed to meet its burden of proof by calling one single witness who had firsthand knowledge of the facts involved. Instead, it relied almost exclusively on a fellow named Ken Starr, who is obsessed with getting Bill Clinton, no matter what the cost, in either wasted taxpayer dollars or in violated civil liberties and rights of privacy.

So, I find myself today I think like many Americans, disgusted with the whole situation. I find a situation that is so shameful, a situation so shameful that neither Republican Speaker, either Mr. GINGRICH or Mr. LIVINGSTON, will even preside over this proceeding today.

A new year that begins in this country with all three branches of our government embroiled in the first Senate trial in 130 years will not be a prosperous and productive new year for our people. The poison of division that infects this House today spreads throughout the American population. It is a poison that invades our body politic and thwarts our ability to come together as a Nation to resolve our problems.

Do not rip our Nation asunder. Bring us together. Punish the President with a punishment that fits the offense. Do not punish the American people by prolonging this dreadful episode. Censure and move on.

Mr. SENSENBRENNER. Mr. Speaker, I yield 10 seconds to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Speaker, with over 60,000 documents, in the presentation of the White House lawyer, Mr. Ruff, he made no challenge to the testimony of Betty Currie, Monica Lewinsky or anyone else in the factual situation that we have had before us.

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

Mr. LEWIS of California. Mr. Speaker, it is with a heavy heart that I rise in support of the articles of impeachment before the House today.

Tomorrow, the House of Representatives will make one of the most solemn decisions it can make—whether to indict, or impeach, the President of the United States.

The historical significance of this week's action does not escape me. This is only the second time in our nation's history that Congress has voted on an impeachment inquiry. As we approach the votes that will occur later this week, I feel a burden of responsibility as never before during my years in public affairs.

Like most people in public service, President Clinton serves as a mentor to young people who come to the nation's capital with idealism and hope that they might learn the functions of government and participate in the legislative process. It is quite clear that the

President grossly violated his responsibility as a mentor to a young woman working in the White House. As a parent, I find his behavior immoral and highly offensive. It shows a fundamental lack of judgment and a total disregard for human decency.

Truth is the cornerstone of our legal system; it must be upheld if our legal system is to endure. Lacking truth, our legal system means nothing. No man, not even the President, is above the truth or above the law. From the very beginning, I have wanted to give the President every benefit of the doubt. I have wanted to believe that he was telling the truth. But it is now clear that he repeatedly lied to the American people, to the Congress, to his staff, and to his own wife and family. The time this investigation has taken, and the toll it has taken on our country, is a direct result of the President's efforts to deny and evade the truth. He could have—and should have—told the truth from the very beginning but instead he chose to lie.

Anyone who has served in a court proceeding knows the significance of raising one's hand and taking an oath to tell the truth, the whole truth, and nothing but the truth. A violation of that oath is perjury. It is now evident that the President has lied—repeatedly lied—while under oath. The first lie begot the second and the third lie which became a pattern intended to obscure the truth. He has also clearly violated the oath of office he took upon becoming President.

To maintain the fundamental integrity of our system of government, the President, like every other citizen, must be held accountable for his actions. His actions, detailed by the Judiciary Committee, provide sufficient evidence of obstruction of justice and represent an abuse of power. For this reason, I will vote to impeach the President on each of the four articles of impeachment when this matter comes before the full House.

President Clinton is an American President who has every political gift and who at one time had every opportunity to be one of the truly great presidents. Like most presidents, he could rightfully take credit for the many good things that have occurred under his watch—a robust economy, relative peace at home and abroad, and so much more. Unfortunately, this president will not be remembered for these things but for his inability to speak the truth. The verdict of history will cast a shadow upon this once promising presidency. While history remembers that George Washington could not tell a lie, it now appears that history may well remember Bill Clinton for his inability to tell the truth. Imagine the difference telling the truth would have made upon the historical legacy of William Jefferson Clinton.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, every Member of Congress takes an oath of office to uphold and defend the Constitution, and today we are challenged to do our duty under that oath.

No person in this House is without fault or without sin, but the question before us is not whether the President has sinned. The question before us is whether the President has committed illegal acts, including perjury, obstruction of justice and abuse of power.

Under the Constitution that we swore to defend, these are serious crimes, crimes that our constituents would go to prison for, and do we hold the President, the top-ranking law enforcement official in our country, to a lower standard?

John Locke once wrote, ''Where the law ends, tyranny begins.'' Mr. Speaker, if we believe in our Constitution, then the law does not stop at 1600 Pennsylvania Avenue.

In our constitutional democracy, no one, not even the President, is above the law. None of us sought the burden of impeachment when we ran for this office, but every one of us raised our right hand and swore to support and defend the Constitution of the United States. Who are we to ignore that obligation by turning a blind eye to crimes by the leader of our government?

I have no choice but to honor my oath of office. I have no choice but to impeach this President and send this matter to the Senate, as my oath of office requires me to do.

Mr. CONYERS. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Speaker, I rise in strong opposition to these articles of impeachment. As a former prosecutor and special prosecutor, if the rule of law and this process of impeachment is going to have any credibility, it has to be applied fairly and consistently. But I am afraid the double standard against the President today is anything but fair, anything but consistent.

In 1974, the House Committee on the Judiciary, when Congress was controlled by Democrats, drafted articles of impeachment against President Nixon based upon fraudulent tax returns. But the Committee on the Judiciary in a bipartisan fashion determined that it did not rise to the level of an impeachable offense because it was private as opposed to public misconduct.

Well, then, what is this all about, if it is not really about perjury? If it is just about punishing and holding the President accountable and retribution, we can do that, short of punishing the country as well and paralyzing this government for the next six to eight months, we can punish President Clinton through censure and through private prosecution once the President leaves office. But we do not even get a vote on censure, which is fundamentally unfair.

I do not believe the Founders intended impeachment to be used as a tool of punishment, but, rather, to preserve and protect the country against a rogue president, who, through his public duties, is jeopardizing the very structure and functioning of our government. No one can claim that that is happening here today.

Mr. Speaker, I have two young boys who are not old enough yet to comprehend the gravity of this situation. My only hope is when they are old enough and are reading about this in the history books, that they are going to have confidence that every vote cast was done in the best interests of the country, rather than short-term political gain. I am not confident that is the story they will read.

In fact, the one person in this country that probably has the best realistic assessment of what is really going on is the young mother of two young children who told me, ''Listen, I can educate my own children, I can teach them not to lie. But I can't protect them against the destruction of the presidency.'' Only we in this body can do that. I am afraid we are going to fail her in the next 24 hours.

Please, do not destroy the 210 years of history in this country.

Mr. Speaker, seldom in the course of our nation's history is a congressional representative called upon to cast a vote of greater constitutional significance than the possible impeachment of the President of the United States. Short of declaring war, there is not greater constitutional obligation. It is a responsibility I do not take lightly.

After a thorough review of the historical evidence of the intent of the framers of our Constitution, the standard of impeachable offenses, prior precedents and the evidence so far collected surrounding the allegations against President Clinton, I have concluded that the President's conduct, as deplorable and indefensible as it is, does not rise to the level of impeachable offenses. Such conduct does not justify paralyzing our government indefinitely nor is impeachment needed to hold him accountable. I will vote against all four articles of impeachment.

Just once before in our 210 year history has the House of Representatives passed Articles of Impeachment. Impeachment is a constitutional provision that has seldom been used and for good reason, impeaching the President is the atomic bomb of American politics. Besides paralyzing our government during an impeachment trial, the process causes, by its very nature, great acrimony and division throughout the country and within Congress. Ultimately, the end result could mean overturning a national election and the will of the people.

I am convinced, after a thorough review of history and analysis of our founding fathers' intent, that impeachment was never meant to be easily or frequently used. That is why our founders established a very high standard of misconduct and placed the judgement of that misconduct in the forum of representative democracy, the United States Congress, rather than in the political vacuum of the Supreme Court.

STANDARD OF IMPEACHMENT

It is evident that our Founding Fathers intended impeachment to be a limited, last resort remedy reserved for misconduct that affects the structure of our government and our democratic process or for misconduct so egregious that society needs to be protected against the individual. At the outset, some delegates to the Constitutional Convention objected to including the power to impeach in the Constitution. Others were concerned that some process was needed to protect the country against misconduct by the President that would damage our government. The classic example was cited by George Mason who

was concerned about a President selling state secrets to an enemy during time of war. Some process was needed to remove that person from office in order to save the Republic.

Some delegates, such as James Madison, objected to the use of broad impeachment language. Madison noted that impeachment was only necessary to ''defend the community against the incapacity, negligence or perfidy of the chief magistrate.'' George Mason objected to the draft language, concerned that it was limited to ''treason or bribery.'' He sought to add the term ''maladministration.'' Madison objected to this vague language and substituted ''or other High Crimes and Misdemeanors against the State'' (emphasis added). The narrow scope of the phrase ''other High Crimes and Misdemeanors'' was confirmed by the addition of the language ''against the State.'' This language reflects the Convention's view that only offenses against the political order should provide a basis for impeachment. Although the phrase ''against the State'' was deemed redundant and eventually deleted by the Committee of Style, its deletion was not intended to have any substantive impact. I wonder how differently we would be debating President Clinton's conduct today if its was within the written context of misconduct committed ''against the State.''

The interpretation that ''other high Crimes and Misdemeanors'' should be limited to serious abuses of official power is further confirmed by the commentary of both the framers of the Constitution and prominent constitutional experts, contemporary and past. For instance, Alexander Hamilton wrote in Federalist No. 65 that impeachable offenses ''proceed from the misconduct of public men, or in other words from the abuse or violation of some public trust.'' He stressed that those offenses ''may with peculiar proprietary be denominated political, as they relate chiefly to injuries done immediately to the society itself''.

Impeachment precedents also demonstrate that offenses should arise out of a President's public, not private conduct. In 1868, Andrew Johnson was impeached by the House Republicans after he removed Secretary of War Edwin Stanton. Those members disagreed with President Johnson's post-Civil War reconstruction plans, which were merely the continuation of President Lincoln's policies of moderation and leniency toward the Southern States. The impeachment articles related to alleged public misconduct only, and the Senate failed to convict President Johnson by one vote.

The proposed impeachment of President Nixon also supports the view that impeachment should be limited to threats that undermine the Constitution, not possible criminal misbehavior unrelated to a President's official duties. All three articles of impeachment passed by the House Judiciary Committee involved misuse of the President's official duties. They included using the CIA to obstruct an FBI investigation, using the IRS to target political opponents, ordering break-ins of private offices of political opponents, using slush money to silence witnesses, using slush money to influence the outcomes of federal elections, and engaging in a course of conduct to obstruct the Watergate investigation.

The Judiciary Committee actually rejected articles of impeachment against President Nixon relating to allegations of income tax evasion. There was credible evidence that President Nixon had knowingly committed tax fraud when filing his federal income tax returns for the years 1969 through 1972 (tax returns are filed under penalty of perjury). All seventeen Republicans were joined by nine Democrats to defeat this article by a vote of 26–12. The primary reason for rejection was that the tax fraud article related to the president's private, rather than public, conduct.

As a former prosecutor, I know that if the rule of law is to have any credibility it must be applied consistently and fairly. The same is true with the standards of impeachment. I believe there is a double standard being applied to President Clinton. How can we justify impeaching President Clinton based on alleged perjurious statements about his private life when a Democratically controlled Congress concluded, in a bipartisan fashion, that President Nixon's perjured tax returns constituted private, as opposed to public, misconduct, and were, therefore, not impeachable?

Based on this very high standard of impeachable conduct and the historical precedents, I am convinced that President Clinton's personal misconduct and his attempt to lie about having a consensual sexual affair do not rise to the level of impeachable offenses.

FORUM OF DEMOCRACY

II also do not believe our Founding Fathers meant for this country's elected representatives to disregard the will of the American people regarding such an important decision. If the Framers intended an impeachment decision to be immune from public pressure, they would have placed the process in the Supreme Court where unelected, life-tenured justices could determine the case. Instead they placed the initiation of impeachment in the House of Representatives. ''the People's House'', so the American people could have a say, through their representatives, on the disposition of their President and consequences for the future of their country.

There are some who say that we should pay little regard to the opinion of the American people on this important matter. I believe they do so at their own peril. Nowhere in the Constitution does it state that members of Congress are the embodiment of all the wisdom in this country. I submit that it will be extremely difficult to impeach and convict a President unless there is some consensus throughout the country and bipartisan support in Congress to do so. Such a consensus has failed to materialize. In fact, since the beginning of this investigation, public opinion regarding the President has not changed. Opinion polls show by a 2 to 1 margin that the American people oppose impeachment and think the President is performing his duties well.

How can this be explained? I believe the American people have made the distinction between the President's personal wrongdoing and his conduct in discharging the duties of his office. Unlike Watergate, when a consensus eventually materialized throughout the country and within Congress regarding President Nixon's public misconduct, most Americans feel that the President's personal conduct, however disgusting and inexcusable, doesn't threaten our form of government or the process of our democracy.

Those who defy the public will and vote for impeachment should understand that in their fervor to punish this President they will violate a sacred covenant with the American people: this government is still the people's government. They will betray a promise that nothing of enormous consequence in the life of our Republic will happen without the consent and approval of the American people. A vote to uphold the confidence of the American people in the democratic process will be a vote against impeachment. Such a decision will be a vote of confidence in the simple but sometimes forgotten founding principle of our democracy that this government should be ''of the people, by the people and for the people.''

Without the support of the American public, how can we justify placing the country in a constitutional quagmire over a tortured definition of sexual relations, one that even the presiding judge in the case thought was confusing?

How can we justify passing articles of impeachment which would require a lengthy trial in the Senate, presided over by the Chief Justice of the Supreme Court, about the sordid details of a consensual affair and whether the President lied about it?

How can we justify calling a young woman to testify before one hundred United States Senators and the Chief Justice about embarrassing and intimate matters that transpired in a consensual relationship?

When you envision what a trial in the Senate will look like—Monica Lewinsky, Linda Tripp and Lucianna Goldberg all sworn in as witnesses—one has to wonder: What in the world are members of Congress really trying to accomplish?

CONCLUSION

The votes we are about to cast will be among the most important votes any of us will be asked to make. Our decisions should be dictated by our conscience and what each of us feel is in the best long-term interest of our country, rather than for any short-term political gain. I pray that we protect the impeachment process from being politicized and defined downward.

The decisions we make today and throughout this process will set a precedent for future Congresses and future Presidents. We must guard against making impeachment too easy or we could disrupt the important balance of power that exists between the three separate but coequal branches of our government. Just as Watergate has served as a model for our current proceedings, this impeachment proceeding will serve as a model in the future.

One of the fundamental questions that each member of Congress must answer is whether the President's personal conduct, as deplorable as it was, justifies paralyzing our government for months and potentially damaging our country in the process. There are many issues in which Congress needs to be engaged. From Social Security and Medicare reform to Saddam Hussein in the Persian Gulf and Slobodan Milosevic in Kosovo, from a Russian economic meltdown to financial crises throughout the globe, how will history record Congress' performance at this time of great domestic and international challenges?

A fair reading of our founders' intent will lead to the conclusion that they placed country above personalities, the preservation of the union above personal retribution. Impeachment was never meant to be a form of punishment; it was intended to preserve and protect our country.

There are other means of punishing Bill Clinton the person. One option is a censure resolution from the House and Senate which

would require the President's signature to acknowledge the condemnation. Such an alternative form of punishment has bipartisan support. Former President Gerald Ford and, most recently, former Senator Bob Dole have spoken in favor of this resolution. They recognize the terrible cost our country will face if a trial goes forward and effectively shuts down the government. I would even favor imposing a fine to compensate the American people for the costs of the Lewinski investigation. If there is to be any fairness in this process, the Republican leadership should allow a vote on censure. Many members believe in good conscience that a censure is the appropriate rebuke. To deny a vote on censure would be the height of partisan politics.

Furthermore, the President can still be indicted and prosecuted as a private citizen once he leaves office in two years. The President Has already indicated that he will neither pardon himself nor accept a pardon from any future President. As a former prosecutor, I would hope that if there is enough evidence of criminal wrongdoing by the President to prove a case beyond a reasonable doubt before an unbiased jury, a prosecutor would have the courage to indict and prosecute him in a court of law. The President can and should be treated like any other individual, neither above nor below the law, and the Constitution ensures that will happen.

We don't need to invoke the atomic bomb of impeachment to hold President Clinton accountable for any misconduct. We can spare the nation of the ordeal while still delivering the message to all our children that no matter who you are, whether a second grader at Roosevelt Elementary school or the President of the United States, there will be consequences to lying.

What we do today will serve as a lesson for future generations. I hope it is the right lesson. Churchill once said: ''We must learn the lessons of the past. But we must not remember today the hatreds of yesterday.'' It is time to begin the process of reconciliation in American politics and find ways to restore civility and mutual respect to the democratic process. For too long now, the national political scene has been dominated by the politics of personal destruction and partisan bickering. That too is reflected in this impeachment process and it confirms Alexander Hamilton's worst fear when he wrote in Federalist No. 65: ''In many cases it will connect itself with the preexisting factions, and will enlist all their animosities, partialities, influence and interest on one side or on the other; and in such cases 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 or guilt.''

As we move forward with this vote, let us all hope that our decisions will be made in good conscience for the sake of our country rather than for short-term political gain. My decision is based as so many of my decisions are, through the eyes of my two young sons, who are not old enough to appreciate the gravity of the situation. Like so many other Members, we all have to justify our decisions to our children and grandchildren. We can teach our children not to lie. But we must protect them from the destruction of the Presidency. My hope is that years from now, when they are reading about this in their history books, they will be proud of our conduct and they will conclude: ''They got it right.''

Mr. SENSENBRENNER. Mr. Speaker, I yield 15 seconds to the gentleman from Florida (Mr. CANADY) for rebuttal.

Mr. CANADY of Florida. Mr. Speaker, I want to make the point again which I made earlier today that in 1974 the Committee on the Judiciary did not, did not, determine that tax fraud is a unimpeachable offense. They simply determined that there was insufficient evidence that the President of the United States was in fact guilty of tax fraud.

Mr. SENSENBRENNER. Mr. Speaker, I yield five minutes to the gentleman from Ohio (Mr. CHABOT), a member of the Committee on the Judiciary.

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

Mr. CHABOT. Mr. Speaker, every Member of the House now recognizes what members of the Committee on the Judiciary have come to realize over the last few months: This is likely the most important vote that we as Members of Congress will ever cast. It also comes at an especially difficult time, a time when our Nation's brave sons and daughters are actively defending our Nation's freedom overseas.

I share many of my colleagues' concerns about this unfortunate timing. But, just as we have a responsibility to our troops, we now have a responsibility to keep our word to the American people and put this matter behind the country as soon as possible.

Throughout the Committee on the Judiciary's consideration of this very serious matter, I worked to uphold my constitutional duty to fairly and thoroughly investigate the charges brought against the President. Throughout the proceedings, I tried to keep an open mind, giving the President every opportunity to refute the evidence. But the President made a calculated decision to avoid the facts. Instead, he presented witnesses that could offer little more than excuses, insults and historical perspectives tainted by partisan politics.

The President's attorneys did not fare much better. They, too, decided to hide from the truth, consistently adhering to the company line. ''The President did not really lie under oath,'' they testified. ''It depends on how one defines the word 'alone.' ''

The President was not paying attention when his attorney offered false evidence to the court. The President has continued to rely on these absurd explanations and linguistic contortions for one reason and one reason alone; he cannot dispute the facts.

The evidence against President Clinton is conclusive: The President lied under oath before a Federal grand jury. He lied under oath in a sexual harassment case. He obstructed justice, and he abused his constitutional authority. Standing alone, each individual offense is extremely serious. Collectively, they are overwhelming.

After months of painstaking review, it has become apparent to me that impeachment is the only remedy that adequately addresses the President's illegal and unethical acts. The President's actions have gravely damaged the office of the presidency, our judicial system, and our country.

This was not an easy decision to reach. Impeaching a President cannot be taken lightly. But in this case, our constitutional duty is clear.

Some of my colleagues have come to the floor today using inflammatory rhetoric and attacking Members for voting their conscience. This is unfortunate and does not reflect the dignity that we owe this debate. It is the President, by breaking his oath to preserve, protect and defend the Constitution of the United States, who has violated the trust bestowed upon him by the American people.

As to those who mistakenly claim that this body is seeking to overturn an election or we are involved in a coup d'etat, let me remind my friends on the other side of the aisle that it is the Democratic Vice President, Al Gore, who would become President if the Senate decides to remove President Clinton because of his crimes and remove him from office.

I ask every Member of the House to consider the question I posed to my colleagues on the Committee on the Judiciary last week: What message are we sending to the youth of America if we abdicate our constitutional duty and condone perjury, obstruction of justice and abuse of power by the President of the United States?

I have two children at home, a daughter and a son. With the help of their teachers and their church, my wife and I have tried to teach them about honesty and integrity. We have tried to instill in them a belief that character does indeed matter. We have taught them to obey the law.

Sadly, they have seen these principles corrupted by the chief law enforcement officer of this land, the President of the United States. William Jefferson Clinton has disgraced his sacred office, he has cheapened the oath, he has disillusioned an entire generation of young Americans, and he refuses to accept responsibility for his actions.

Abraham Lincoln, perhaps our Nation's greatest President, once said, ''Let us have faith that right makes might, and, in that faith, let us dare to do our duty as we understand it.'' Today, we must fulfill our constitutional duty and vote to impeach the President.

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Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), and I would ask her to yield to me.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman for yielding.

Could I point out to my friend, the gentleman from Florida (Mr. CANADY),

who took exception to why the income tax charge was not brought against Mr. Nixon in 1974, if he would read our report of the minority at page 10, he would learn that it was not for lack of evidence, it was because we determined that this was not a high crime or misdemeanor. And we were joined by Republican Lawrence Hogan, Maryland, Wiley Mayne, Republican—Iowa, and others.

Ms. WOOLSEY. Mr. Speaker, this past Sunday, while attending church in my hometown of Petaluma, California, I was struck by how utterly sad I am. Sad about the President's behavior, sad about the Committee on the Judiciary's unfair decision to not allow censure as an alternative, and the impact all of this will have on our Nation.

Today, my heart is even heavier, because we are conducting this debate while our troops are in harm's way. My heart aches for the division separating us in this House, the distraction from the work of government that we were elected to do, the threat of this unfair process on our democratic system, and I am heartsick about the shame and waste of this impeachment process. Shamed because the President's conduct, while reprehensible, does not fit the definition under the Constitution. Waste, because while we carry on, we are not working for the important business of our Nation, and we ignore our young men and women fighting abroad.

With these thoughts in mind and these feelings, I would like to share with my colleagues the prayer that I prayed Sunday in my church: Please, Lord, give wisdom, strength, and compassion to every Member of the House so that we do not turn against our country and our need to punish one man. Please help every Member of this House see that the real mistake would be to push forward without the alternative of censure to punish our Nation for one man's personal weakness. And please, help us to remember the difference between partisan politics and leadership. So that we will not make a decision against the people of this country, we will make a decision for Americans based on fairness, based on forgiveness, not against one person, our President. Dear Lord, help us, through compromise and conscience, heal our Nation. Amen.

Mr. SENSENBRENNER. Mr. Speaker, I yield 15 seconds to the gentleman from Florida (Mr. CANADY) for rebuttal.

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman for yielding. I would yield to the gentleman from Michigan for a question.

Is it not true, I ask of the gentleman from Michigan (Mr. CONYERS), as a member of the Committee on the Judiciary in 1974, that the gentleman voted in favor of the tax fraud article against President Nixon?

Mr. CONYERS. Yes, Mr. Speaker, absolutely true.

Mr. CANADY of Florida. Mr. Speaker, so the gentleman believes that tax fraud was an impeachable offense?

Mr. CONYERS. Mr. Speaker, that is absolutely correct, and it does not contradict what I corrected the gentleman about.

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman very much.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes and 15 seconds to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO of New York. Mr. Speaker, I think that nearly all that could be said has been. Across party lines we stand shoulder to shoulder with the principles and the values that brought us here.

This should be neither personal nor a partisan decision. Its difficulty lies in the rare, but important, conflict between what is expedient and short term and what resonates as a guiding principle for all time. It is not about the fate of one man, but the value of truth itself, the principle that no man, no matter how rich or how powerful, is above the law. It is about the notion of accountability. It is about the values of duty, honor, trust and sacrifice.

When I was a Suffolk County prosecutor, my entire duty was based on the integrity and the conduct of the men and women who took an oath to tell the truth. In many cases, it was difficult for these people to testify honestly, sometimes even disastrous. But when they were sworn in, they understood that this was different, that here the truth was required; that upon their respect for their oath would ride many things, including justice, our government of laws, equality of one citizen with another, and not the least their own honor.

These were ordinary people, Mr. Speaker. They understood. In many cases, they sacrificed. In many cases, they suffered. But they told the truth.

If an anonymous citizen can abide by his oath, what about a President?

When a President fails in his duty as an ordinary citizen does not, the failure is catastrophic. Should less be expected of the President than of you or me?

Here, the trustee of the greatest of world powers knows that he will be in a sworn legal proceeding, consults with advisers and lawyers for many months, has full notice, appears voluntarily before a criminal grand jury, and can stop questions at any time, and still cannot bring himself to do what the government he heads insists upon every day from the people who take an oath: Tell the truth.

With this vote we will help set a standard of acceptable presidential behavior. Will we judge presidential perjury to be acceptable? Is it asking too much of the President that when he takes an oath he tell the truth? With our votes we will send a compelling message one way or the other to the children in classrooms across this country who are watching their democracy at work. We are going to teach them through our words and through our deeds either to respect or to have contempt for the truth. This will be the timeless legacy of this Congress.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SISISKY).

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

Mr. SISISKY. Mr. Speaker, I am opposed to impeachment, and I am for censure.

Mr. Speaker, I rise today to express my strong opposition to this resolution.

I can tell you that this was not an easy decision, in fact, it was one of the most difficult decisions I have ever made.

I believe the President's conduct was wrong.

Absolutely wrong!

However, after having watched the Judiciary Committee hearings carefully, I remain unconvinced that the President's conduct, however deplorable, rises to the level of impeachable offenses as intended by the Framers of the Constitution.

I have concluded that the President did not commit high crimes and misdemeanors against the integrity of the state.

Rather, the President committed low crimes against the integrity of his marriage.

Reprehensible?

Yes.

But, not impeachable.

The Constitution dictates that impeachment be used to remove a President only when there is clear and convincing evidence of wrongdoing, and it must be related to large-scale abuses of public office.

It is clear that such a standard has not been met in this case.

Today, we stand at the edge of a dangerous precipice.

The votes we cast today will decide whether we send this great country over the edge, tumbling out of control, threatening our economy as well as the very system of government we hold dear.

I am extremely concerned about the consequences for our country if we vote to impeach the President and the Senate undertakes a long impeachment trial.

I believe it will do untold damage to our country.

An impeachment trial will divide this Nation deeply, so much so that we may not be able to heal the divide for a long time after the trial concludes.

However, I am most concerned that a trial will threaten America's position in the context of international relations and national security.

Given the many volatile political situations that exist across the globe, we can ill afford to be distracted by a lengthy and divisive impeachment trial.

While I believe the President should be held accountable for his actions, I believe censure is the appropriate response.

I am saddened that the Republican leadership denied this body the opportunity to vote on censure.

This country was built on the principles of democracy and fairness.

I regret that the majority in Congress chooses to ignore those principles and to dismiss the intent of our Nation's Founding Fathers.

I beseech my colleagues to put aside partisanship and personalities, and to consider the gravity of the actions we take today.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. PICKETT).

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

Mr. PICKETT. Mr. Speaker, I rise in opposition to the articles of impeachment.

Mr. Speaker, it has taken me a while to digest the myriad and voluminous data relevant to the impeachment proceedings involving President Clinton, and even longer to arrive at a decision with which I feel at ease.

When I started in this process, I wrote constituents: ''This (impeachment) is a grave and daunting issue that has the potential to do great harm to our system of government if not prudently and correctly managed. Every aspect of the process must adhere scrupulously to constitutional requirements and meet established principles of fairness, due process and substantial justice. I intend to carefully and conscientiously review and weigh all facts relevant to the charges before arriving at a final decision, and assure you of my commitment to bring this matter to a conclusion as expeditiously as possible.'' I have not deviated from these principles.

Beginning for historical reference with the Federalist Papers, and their antecedents, and continuing through the Nixon proceedings to the events of 1998, I have studiously and meticulously studied the facts and determined what I believe to be the law applicable to an impeachment proceeding under the U.S. Constitution. There are many paths and side roads along the way, both factually and legally, that honest and inquiring minds might follow to different conclusions which for me has made the final decision of whether to support or oppose an impeachment a close call. With the contending alternatives so relatively balanced in my mind, prudence dictated that I err on the side of historically established constitutional principles and support the institutional stability of our Government that is built upon the bedrock of predictable and consistent actions taken with the support of our people.

Aside from my bias for ''law and order,'' it deeply disturbs me that the House of Representatives has allowed a flawed process in its impeachment proceedings that fails to meet the principles I noted at the outset of this statement for ''fairness, due process and substantial justice.'' The events of the last few days have especially convinced me that all pretense toward fairness, due process and substantial justice has now been abandoned and this whole matter is set to be resolved on the basis of partisan political alignment. No one has suggested to me, let alone attempted to convince me, that this is right or good for our country as a whole.

While my natural inclination to rely upon law and fact has led me in the direction of opposing impeachment, the failure of the House in its proceedings to follow established principles of fairness, due process and substantial justice has for me removed any doubt and convincingly tipped the scales in favor of opposing impeachment.

For my conscience, for my country, and to support the institutional underpinnings of our constitutional democracy, I will vote against impeachment.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 2½ minutes to the gentleman from Ohio (Mr. SAWYER).

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

Mr. SAWYER. Mr. Speaker, our challenge today is one of fairness and wisdom. A century ago, Justice Holmes advised the graduating class of the Harvard Law School that the greatest service that one can do in a democracy is to see the future as far as one may, to feel the force behind the details of that future, and then to make clear and sound and compact decisions to make them first-rate, and to let the results speak for themselves. He was counseling them and us to be wise and far-seeing, and to understand the consequences of our actions.

Perhaps no figure in our tradition of English law and history so well portrays an impeachment on the charge of perjury as Sir Thomas More. The author of A Man for All Seasons wrote that he was asked to testify in a form that required him to state that he believed what he did not believe and it required him to state it under oath.

Oliver Cromwell, accusing More of accepting a small gift in return for a favor said, ''He is going to be a slippery fish. We need a net with a finer mesh. We will weave him one. It must be done by the law. It is just a matter of finding the right law. Or making one.''

Cromwell, in words too familiar to us today, in seeking to entrap him, accused More of ''perverting the law, of making smokey what should be clear light to discover his own wrongdoing.'' More replied, ''The law is not a light for you or any man to see by, it is not an instrument of any kind; the law is a causeway upon which a citizen may walk safely.''

But that was not to be the way of the court, and in his closing, More may have prefigured Holmes when he said, ''What you have hunted me for is not my actions, but for the thoughts of my heart. It is a long road you have opened. God help the people whose statesmen walk your road.''

It matters little whether the motive was base or high. An entrapment is an entrapment. It is a road that More knew was contrived and unfair, and it is a road that Holmes knew was unwise.

Future historians will judge this Congress largely on this vote. Let us not go down in history as a deeply divided, vindictive Congress, but as a body that took an action that brought the country together and resolved this unhappy matter.

It is a long road we open today. If we take it, it will change our lives and those of our children in lasting ways. God help the people whose statesmen walk your road.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. BARR) for rebuttal.

Mr. BARR of Georgia. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I would remind all of my colleagues who are listening to this debate that references to the word ''entrapment'' are rather misplaced. There is no such thing as entrapment for perjury or obstruction. It is a legal impossibility that is well-settled law in Federal courts and state courts as well, and it in fact is the learned testimony of several witnesses that appeared before the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. BEREUTER. Mr. Speaker, I rise in support of articles 1, 2, and 3.

Mr. Speaker, this Member approaches these proceedings of the House with sadness for what has befallen our country and solemnly, but with a firm conviction that we must discharge our responsibilities under Article I, Section 2, Clause 5 of the U.S. Constitution by considering articles of impeachment against the President of the United States of America. This Member intends and will act in a manner required by and consistent with his oath of office to preserve, protect, and defend the Constitution of the United States.

Many people and leaders from other countries have spoken on the matter before us today in a manner which reveals that they probably do not understand the absolutely central role the Constitution and the constitutional processes play in the governance of our country and their role in maintaining the very fabric of the American society. Indeed, even some of our citizens may not have focused on that central role. Drawn from every corner of the globe, with a total diversity of creeds, ethnicity, race, and heritage, America is the antithesis of a nation state. More than any other country on earth, we Americans are bound together and can function as a nation only because of our shared ideals and ideas of governance as embodied in the Constitution and the Declaration of Independence. That is why upholding and defending the Constitution, even with the controversies, inconveniences, and possible effects on the nation's economic affairs, our foreign responsibilities, and our domestic affairs and tranquility, must come before all other considerations.

Mr. Speaker, I deeply regret the partisan fervor that has marked the proceedings of the impeachment inquiry and this debate. As an elected Representative from what is by practice and nature undoubtedly the most nonpartisan state in our nation and having served previously in my state's unique state legislature, which surely functioned in an almost totally nonpartisan fashion, this Member once again finds it particularly difficult to fathom or justify the highly partisan course that this process of impeachment of the President has taken. It does not serve this nation well nor reflect well on this institution.

None of my Republican colleagues should be reaching a decision to impeach the President for partisan reason. Indeed, there are very substantial reasons why progressing with these impeachment proceedings is not in the best interest of our party. None of us should misunderstand that point and neither should the American people believe that we do not

understand those immediate and long-term political consequences. Nevertheless, we must pursue these impeachment proceedings and make our individual decisions as Representatives in order to discharge our constitutional responsibilities.

Mr. Speaker, we ought to feel a particular sympathy for our Democrat colleagues, for their natural instinct almost certainly is to defend a President of their own party. They must, and undoubtedly do, struggle to overcome those instincts in order to conscientiously perform their constitutional responsibilities as demanded by our oath of office. However, if the impeachment inquiry has been, and this debate is, extremely partisan, if the partisan lines are very sharply drawn, it is not one side which is to blame. Surely many of our Democrat colleagues by their actions and the votes which they will cast bear at least half of the burden for this unseemly and inappropriate partisan divide. To maintain the trust of the American citizenry and to responsibly discharge our constitutional duties we need to rise above such partisan considerations. Indeed, that is especially true in a matter of this great import and precedent.

Mr. Speaker, in concluding these introductory remarks before directly addressing the articles of impeachment before us, this Member wants his constituents to know that he received absolutely no pressure from party leaders in the House or elsewhere in deciding how to vote on the articles of impeachment before us. Nor did this Member receive inappropriate pressure from any quarter. Rather this Member has been able to conscientiously address the decisions before us on impeachment. Furthermore, this Member has attempted to avail himself of the views of numerous distinguished Americans and especially of the arguments, views, and sentiments of the constituents he represents in Nebraska.

Obviously this has become a very decisive issue in America, made even more so, no doubt, by the strong, conflicting views about the President's performance and conduct and by the timing of intervening events related both to the impending end to the 105th Congress and to the armed conflict with Iraq which began less than two days ago. Nevertheless, it is important to say, this Member believes, that polls and the size, changes, and mixture in the tides of public sentiment should have no effect upon whether this Member and the House faithfully discharge their constitutional responsibilities related to impeachment or any other matter.

Mr. Speaker, as for the specific matter before us in these proceedings, much emphasis in the public discussion of the President's actions has emphasized that impeachment is inappropriate, for it is argued that this is really only about sex and that as such it either is strictly a private matter or does not rise to the level of misconduct which would justify impeachment. Mr. Speaker, the matter before us is emphatically not just about sex and no person should be confused about that point.

Certainly, the President has appropriately been condemned by perhaps all of my colleagues on both sides of the aisle and by most Americans for his sexual conduct in the White House and his intentional deception of the American public. Most would agree that it was reprehensibly exploitative, reckless, and morally and ethically inappropriate; that it discredited the President and the presidency; that it soiled the reputation of the White House which Most American's revere as a symbol of our nation; and that it damaged abroad the reputation of our country. As totally unacceptable as that conduct is, most Members of Congress and most of the American people understand that sexual misconduct does not justify impeachment.

Mr. Speaker, of course, what is at issue here today is whether the President's actions or conduct constitute ''high crimes and misdemeanors'' which would justify impeachment. The material in the referral from the Independent Counsel and the investigative proceedings of the House Judiciary Committee made it abundantly clear to most reasonable persons that the President lied under oath to a Federal grand jury. In the words of Impeachment Article I before us, he ''willfully provided perjurious, false, and misleading testimony to the grand jury'' on several important matters. The President's perjurious statements thus means that his sexual discretions are no mere private manner.

Similarly, it should be clear to most reasonable persons that the President in sworn answers to written questions asked as part of a Federal civil rights actions brought against him, as stated in Impeachment Article II, ''willfully provided perjurious, false and misleading testimony in response to questions deemed relevant by a Federal judge concerning conduct and proposed conduct with a subordinant employee.'' Accordingly, his testimony can be seen as a possibly important factor in denying that citizen, Paula Jones, her legal rights as a citizen.

More importantly, however, for the purposes of both of these articles of impeachment, one must consider that the President is in effect the chief law enforcement official in our nation, charged by his oath of office to take care that the laws be faithfully executed. By his perjurious statements the President, as charged by Impeachment Article I, ''impeded the administration of justice'' and ''acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.'' The same language and relevance is found in Impeachment Article II. No one in this country is more important than the law or above the law, not even, indeed certainly not, the President of the United States. If the President can lie under oath it does, by example, great damage to the very basic element in the foundation of the American justice system. In light of these conclusions of the House Judiciary Committee, my own reasoning and understanding of the facts, and as the elected Representative of my constituents, I believe the President's perjurious statements do meet the standards of misconduct—do meet the test of being a ''high crime and misdemeanor''—which require a vote to impeach the President under each of these two articles.

Mr. Speaker, a review of the facts and testimony related to the matter of the President's conduct and actions now before us, in part as provided in the findings for Impeachment Article III, have convinced this Member that in order to conceal the perjurious nature of his sworn statement in a Federal civil rights case, the President, in the words of Impeachment Article III, ''in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, and has to that end engaged personally, and through his subordinates and agents, in a course of conduct or scheme designed to delay, impede, cover up, and conceal the existence of evidence and testimony related to a Federal civil rights action brought against him in a duly instituted judicial proceeding.'' By these actions, this Member concludes, that the President, in the words of Article III, ''acted in a manner subversive of the rule of law and justice to the manifest injury of the people of the United States,'' despite his oath of office to take care that the laws be faithfully executed.

Mr. Speaker, for these reasons this Member feels compelled, in voting to discharge our constitutional responsibilities in these impeachment proceedings, to vote in favor of Impeachment Article I, Impeachment Article II, and Impeachment Article III, while concluding that the case for impeachment under Article IV regarding the President's responses to certain written requests from the House Judiciary Committee is not sufficiently convincing to warrant a vote for Article IV.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I rise in support of all 4 articles of impeachment.

I will stand by my oath of office to uphold this nation's laws and vote to impeach President Clinton on the charges of perjury.

The evidence presented has demonstrated that President Clinton knowingly, willfully and repeatedly lied not only to a federal judge and grand jury, but directly to the American people. This act of perjury is a criminal and impeachable offense and directly violates the oath taken by the President to serve the country within the legal boundaries set forth by the Constitution. Just as troublesome is the President's involvement in influencing other witnesses to provide false testimony in the Paula Jones case and his attempts to refer to these known falsities as the truth, the whole truth and nothing but the truth.

Upon entering the office of President of the United States, William Jefferson Clinton took the following oath: ''I do solemnly swear that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.''

Now, I ask these questions: Do actions such as lying under oath and to the American people, as well as suborning perjury from other witnesses help to faithfully execute the Office of President of the United States? Do these actions represent the best of Mr. Clinton's abilities to preserve, protect and defend the Constitution of the United States? I believe that it is painfully obvious that not only do these actions not help the President fulfill his duty and faithfully execute his office, but they directly lead to a failure to uphold this solemn oath and a direct betrayal of the American people.

Title 18 of the U.S. Code designates perjury as the act of anyone who, while under oath, ''knowingly makes any false material declaration or makes uses of any other information

(known) to contain any false declaration.'' Perjury is punishable by a monetary fine and up to five years in federal prison, and perjury certainly rises to the level of high crimes and misdemeanors necessary for a charge of impeachment.

After reviewing the over 60,000 pages of evidence submitted to the House Judiciary Committee by Judge Starr, I find it obvious that there is indisputable evidence that the President lied under oath, aided and allowed others to lie under oath and obstructed justice. There is no doubt that these instances occurred, there is no doubt that these instances are illegal and there is no doubt that they undermine the integrity of the Constitution and the office of the Presidency.

Even as the highest-ranking official in the country, President Clinton is not above the law. I am proud of the House for honoring the Constitution and taking such a courageous stand in its vote for impeachment. I have no doubt that the Senate will responsibly take on this matter and I trust that justice will be served.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Florida (Mr. GOSS).

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

Mr. GOSS. Mr. Speaker, we are all public servants here today representing our constituents and doing our duty.

My beginning in public service outside the bounds of my immediate hometown began when I was appointed to a vacant county commission seat. The seat was vacant because a good commissioner committed a single act of perjury, lying to a grand jury about a sexual escapade, to protect a recently married friend. He lost his job, his reputation, his paycheck, his pension, his rights, and his freedom. He went to jail.

The judge noted that those in public service have a higher standard of behavior and that telling the truth is fundamental to public service in our free land. The sentence was considered just in my district. I will support the articles of impeachment.

Mr. Speaker, sadly, some of our colleagues on the other side are, in the interest of avoiding the issues at hand, seeking to deflect this debate. Let me be clear: the work of this house in fulfilling our constitutional obligation regarding the impeachment inquiry in no way detracts from or diminshes our absolute support for the men and women of our Armed Forces doing their jobs in the Persian Gulf. Those of us whose responsibilities in Congress involve oversight in the national security arena continue to keep our eyes carefully on the ball of the mission in Iraq.

The truth is that every one of us here today would rather not be debating articles of impeachment against this President. The American people would rather not be faced with this scenario. It is an exceedingly unpleasant set of events. I am most grateful for the significant, extremely thoughtful input I have received from hundreds of southwest Floridians who come down on both sides of this debate. The fact that so many people have taken the time to call and write demonstrates the seriousness with which the country approaches this debate and vote.

Short of declaring war, there is not more solemn duty of this House than to fairly and thoughtfully consider a judgment on impeachment when the President stands accused of violations of law and his oath of office. We must remember that it was this President's own actions that have brought us to this point today.

We must vote on whether or not President Clinton committed impeachable offenses in his conduct. After careful review of the Judiciary Committee's work, I am convinced the President's conduct warrant's impeachment by this House. Lying, perjury and obstruction of justice are serious business and this House has a duty to say so. I refuse to submit to a ''dumbing down'' of our principles and the standards of conduct for a President of the United States, just because the specifics of this care are embarrassing and distasteful. Perjury and obstruction of justice in a legal proceeding are always wrong—there's no room for situational ethics when it comes to respect for the rule of law by the Nation's Commander in Chief. We squirm about this entire matter because it began with a case of sexual misconduct. But what began there has grown into much more, a case involving very serious breaches of law. I take this position having lived through a case many years ago—a case in which a county commissioner went to jail for a single count of perjury in conjunction with a sex scandal—a scandal that did not even involve him, but about which he lied in order to protect a friend. Such lies were wrong then and they are wrong in this case today.

The conundrum that many people see in this matter comes from wishing to rebuke the President for his behavior but being hesitant about using the ultimate sanction of impeachment to do so. But censure is not an option for this House—and even if it were, in my view it would not be enough of a sanction. History shows that censure can be fleeting since it can be reversed by a succeeding Congress—after all, Andrew Jackson was censured and then had his record expunged and now his face adorns each and every American $20 bill in tribute to his memory. Clearly, censure was not a permanent statement of rebuke in that case. The message this House sends today must be unmistakable and enduring. The President has stepped over the line and we must uphold our responsibility to call him on it.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

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

Mr. GREEN. Mr. Speaker, I thank my colleague from Michigan for allowing me 2 minutes, but being from Texas, to just exchange greetings in 2 minutes will take plenty of time.

Mr. Speaker, overturning an election in a democracy should not be taken lightly. Our country's history in presidential impeachment inquiries is limited, due to the seriousness of overturning an election. This current process smacks of partisanshipness and just unfairness.

The presidential personal conduct cannot be defended and I am not going to do so. My concern is I am disappointed in his personal conduct, but this process has been based on partisanshipness, and elected officials should not be removed from office just because they won an election or won reelection. Without an alternative to vote on, a censure resolution, this whole process is unfair.

One of our Founding Fathers, George Mason said, the phrase ''high crimes and misdemeanors'' refers to ''Presidential actions that are great and dangerous offenses, or attempts to subvert the Constitution.'' Alexander Hamilton, who you will not hear me quoting very often, said, ''Injuries done immediately to society itself.'' An impeachment should only be undertaken for serious abuse of official power. The impeachment process should never be used as a legislative vote of no confidence on the President's conduct or policies.

Not only our Founding Fathers, but, Mr. Speaker, I have a Christmas card that I received in my family from a constituent that says, ''I just want you to know that my prayers have been with you and your colleagues and also the President at this awful time in history. I am praying that God will bring an end to this soon.''

The American people have recognized this, not only our Founding Fathers, but in all of the polls that we have seen. And around the country, Mr. Speaker, the newspaper articles, the Lexington Herald Leader:

> It would mean, quite simply, the President, duly elected and reelected by a majority of voters, can be drummed out of office by the vehement hatred of his political and personal enemies.

The Owensboro, Kentucky Messenger-Inquirer:

> Voting for impeachment when the wrongdoing is personal rather than a crime against the country would weaken the office much more than anything Bill Clinton has ever done so far.

□ 1630

Also the Billings Gazette, and I can go on and on, Mr. Speaker. I ask a no vote on all articles of impeachment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Tennessee (Mr. BRYANT) for rebuttal.

Mr. BRYANT. Mr. Speaker, let me respond briefly that the Constitution itself talks about impeachment as well as election. The two processes are compatible, according to our forefathers, since they completely understood that you had first to be elected in order to be subjected to the impeachment proceedings.

As to the polls and newspapers around the country, more than 100 major newspapers have called on the President to resign. If this President would put the country in front of himself for one time and follow the advice of the same or many of the same newspapers to resign, and the polls show a majority of the Americans would like to see the President resign, I think we would all be better suited.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. CHAMBLISS).

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

Mr. CHAMBLISS. Mr. Speaker, I rise in support of the articles of impeachment.

Mr. Speaker, I rise today in support of the resolution to impeach William Jefferson Clinton, the President of the United States for providing perjurious, false, and misleading testimony to a Federal grand jury and in a Federal civil rights action, for obstructing justice, and for abusing the Office of the Presidency by providing false and misleading statements to the Congress as the House of Representatives attempted to conduct a fair and thorough investigation of the President's actions. With the exception of voting to commit the nation to war, this is the most solemn and serious action which Members of the Congress must take.

This action is not taken lightly. The rule of law and respect for the sanctity of our judicial system are two of the foundations upon which American society and our system of government depend. While I find the President's personal conduct offensive and disgusting, it is clear to me that on legal grounds, the President's campaign of lies, half-truths, and evasiveness have demonstrated a cavalier and flagrant disregard for the rule of law in our society. The President stands accused of serious offenses which he has failed to refute.

Chairman HENRY HYDE and the Judiciary Committee have gathered substantial evidence and presented a strong case for which the President must answer. It is the constitutional duty of the House of Representatives to decide whether the body of evidence against the President merits a trial. Based on my 25 years of experience as an attorney, I firmly believe that the overwhelming evidence showing perjury and obstruction of justice provide sufficient grounds to support impeachment of the President. The President's actions certainly do not reflect the respect that the office deserves. Indeed, he must be held to a standard of conduct that is consistent with the rule of law.

We must preserve the integrity of the Presidency and our judicial system by not allowing anyone, including the President, to subvert or destroy the rule of law in the greatest country on Earth. I believe that voting for impeachment of the President is the only reasonable course of action for the House to take in the current grave situation in which the President has placed us.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. EVERETT).

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

Mr. EVERETT. Mr. Speaker, I rise in support of the articles of impeachment.

Mr. Speaker, I intend to vote for the rule of law and against this partisan attack on the Constitution of the United States. In America, the rule of law is above any man and above politics. We don't have kingships in this country, we have publicly-elected officials. We cannot have one set of laws for our rulers, and another for the ruled. No one, most especially the President, can escape the rule of law.

Impeaching the President is an awesome responsibility, and one that I do not take lightly. After careful review of the Independent Counsel's Report to Congress, and in accordance with the findings of the Committee on the Judiciary, I will support all four articles of impeachment that are before us. The evidence of perjury, obstruction of justice and the abuse of power is clear and convincing.

We owe it to each and every American, especially those who have fought and died for our freedoms, to restore the integrity of Office of the Presidency. If we do not take this action, our democracy will become hollow and the rule of law meaningless.

Some have suggested that we should withhold action until Operation Desert Fox is completed in Iraq for the sake of our men and women in uniform. Our military is doing its job of protecting our Democracy, and therefore we must also do our job to uphold the integrity of the Constitution and the foundation of our Democracy. That means a vote for impeachment.

I cannot articulate the pain and sorrow that this President has subjected the Nation any better then two of my constituents. I have an open letter to the President from retired Army Colonel Eric Jowers and an Op Ed piece by high school junior Kimberly Gilley that ran in the Dothan Eagle, and ask that they be included in the RECORD at this point.

The material referred to is as follows:

DEAR MR. PRESIDENT: It's not about sex. If it were about sex, you would be long gone. Just like a doctor, attorney or teacher who had sex with a patient, client or student half his age, you would have violated the ethics of your office and would be long gone. Just like a Sergeant Major of the Army, Gene McKinney, who though found not guilty, was forced to resign amid accusations sexual abuse.

Remember the Air Force General you wouldn't nominate to be Chairman of the Joint Chiefs of Staff because he freely admitted to an affair almost 15 years before, while he and his wife were separated? Unlikely you, he was never accused of having a starry-eyed office assistant my daughter's age perform oral sex on him while he was on the phone and his wife and daughter were upstairs.

If it were about sex, you would be subjected to the same horrible hearings that Clarence Thomas was to because of the accusations of Anita Hill. The only accusation then was that he talked dirty to her, he didn't even leave semen stains on her dress.

No, it's not about sex. It's about character. It's about lying. It's about arrogance. It's about abuse of power. It's about dodging the draft and lying about it. When caught in a lie by letters you wrote, you concocted a story that nobody believed. But we excused it and looked away.

It's about smoking dope and lying about it. ''I didn't inhale,'' you said. Sure, and when I was 15 and my buddies and I swiped a beer from an unwatched refrigerator, we drank from it, but we didn't swallow. ''I broke no laws for the United States,'' you said. That's right, you smoked dope in England or Norway or Moscow; where you were demonstrating against the U.S.A. You lied, but we excused it and looked away.

It's about you selling overnight stays in the White House to any foreigner or other contributor with untraceable cash. It's about Whitewater and Jim and Susan McDougal and Arkansas Gov. Jim Guy Tucker and Vincent Foster and Gennifer Flowers and Paula Jones and Kathleen Willey and nearly countless others. It's about stealing the records from Forster's office while his body was still warm and putting them in your bedroom and ''not noticing them'' for two years. It's about illegal political contributions.

It's about you and Al Gore soliciting contributions and selling influence at Buddhist temples and in the same Oval Office where Abraham Lincoln and Frank Roosevelt led their countries through the dark days of wars that threatened the very existence of our nation. But we excused you and looked away.

It's about hiding evidence from Ken Starr, refusing to testify, filing legal motions, coaching witnesses, obstructing justice and delaying Judge Starr's inquiry for months and years, and then complaining that it has gone on too long. The polls agreed. Thank goodness that Judge Starr didn't read the polls, play politics or excuse you and look away. He held on to the evidence like a tenacious bulldog.

Your supporters say that you've confessed your wrongdoings and asked for our forgiveness. Listen, what you said on TV the night you testified to the grand jury was not a confession. Confession in the face of overwhelming evidence is not a confession at all. Not that it would make a lot of difference. A murderer who contritely confesses his crime is still a murderer. When your ''confession'' didn't sell, even to your friends, you became more forthcoming.

Maybe someday you'll confess more, but probably not. You've established such pattern of lying that we can't believe you anymore. Neither can your cabinet, the Congress or any of the leaders of the nations of the world.

When a leader's actions defame and emasculate our country as profoundly as yours have, it's no longer a personal matter, as you claim. It's no longer a matter among you, your family and your God.

By the way, I don't believe for a minute that Hillary was unaware of your sexual misadventures, abuses of power and pattern of lying. She has been a party to your wrongdoings since Whitewater and Gennifer Flower just as surely as she lied about the Rose law firm's billings and hid the Vincent Foster evidence in your bedroom for two years. Why? So she could share in the raw power that your office carries. The two of you probably lied to Chelsea but that is a matter among you, your family and your God.

Remember the sign over James Carville's desk during the 1992 campaign? It said, ''It's the economy, stupid!'' Place this sign over your desk: ''It's about character, stupid!'' No, it's not about sex. Mr. President. If it were, you would be long gone. It's about character; but we have to live with your lies and arrogance for a while longer. Your lies, amorality and lack of character have been as pervasive as they have been despicable, so we have no reason to believe that you will quietly resign and go away. You'll count on half truths and spin doctors to see you through, the country be damned. It has always worked before. We excused you and looked the other way.

No more, we've had enough. You betrayed us enough. You have made every elected official, minister, teacher, diplomat, parents and grandparent in the country apologize for you and explain away your actions. Now go away, and let us show them that our country was not without morals. It was just that you were.

Let us show them that America was not the problem. William Jefferson Clinton was. Go away, Mr. President. Leave us alone. And when you leave, know that your legacy to the United States of America will be a stain on the Office of the President that is as filthy as the stain on Monica's dress. It will

take a lot of scrubbing to make it clean again.

ERIC JOWERS.

TO SAVE AMERICA—IMPEACHING CLINTON IS A MUST

On June 13, 1996, William Jefferson Clinton, president of the United States of America, said ''One thing we have to do is to take seriously the role in this problem of older men who prey on under-age women. There are consequences to decisions, and one way or the other, people always wind up being accountable.''

A year and a half later, Clinton himself is being held accountable for actions he meant to be kept secret. These ''secrets'' are why Mr. Clinton should be impeached. Impeachment—the constitution states that high officials may be removed from office on impeachment ''for, and conviction of, treason, bribery, and other high crimes and misdemeanors.'' High crimes and misdemeanors can mean anything but one thing for sure is that with the charges against Clinton, morally and politically, he is not fit to be the leaders of our country and therefore should be impeached.

Jan. 26, 1998, is a day I'm sure we all will never forget. On that day Clinton had the audacity to wag his finger in our faces and declare, ''I did not have sexual relations with that women,'' meaning former White House intern Monica Lewinsky. This was an intentional and calculated falsehood meant to mislead us, the public, and Congress.

How can we trust this man who is supposed to be the moral and political leader of our country? The fact is we can't. Anyone who can go on national television and without blinking an eye deny what he knows is the truth is a liar and an unfit moral leader. While the president may say that he through ''sexual relations'' meant having actual intercourse, the Bible and other sources say differently. They state that ''sexual relations is when a person knowingly engages in or causes contact with the genitalia, anus, groin, breast, inner thigh or buttocks of any person with the intent of gratify the sexual desire of any person.''

This graphic definition is one that we have always accepted and known. A grown man like Clinton surely knew he was lying to everyone that day, for we have been taught that oral sex is sexual relations. What if he found out that Chelsea, his own daughter, was having oral sex with here boyfriend? As a dad, I'm sure that he would consider it sexual relations. Although he has twisted all his lies around to sound like he was telling the truth, we all know that he can never be trust again.

Another reason for impeaching Clinton is that he is not to be the role model high standing officers are meant to be. What does this tell our children? That it's okay to lie because the president does?

''I remember when President Clinton gave that swearing-in and promised to tell the truth,'' says Philip Sperry, 10, of Clifton, Va. ''Well, he lied to us that time and he lied to us again.'' Even the children know it is wrong to lie and that he should be punished. Some of the things the president has done are so disgusting and irresponsible that just in watching reports of it on the news young children need to cover their ears. When the president is sworn into office, it is his responsibility to act appropriately and be the kind of leader that kids can look up to.

How many children do you think are going around wanting to be the next president? In this time of scandal, I'm sure that the numbers are slim. His behavior is a horrible example to the younger generation. It is telling children that it's okay to lie. If we don't impeach him, they will think you can get away with it, also.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Alabama (Mr. CALLAHAN).

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

Mr. CALLAHAN. Mr. Speaker, until now I have declined to pass judgment on the President over these last several months because I strongly believed that it was improper to do so before the process secured evidence through a rigorous investigation where both sides presented their cases.

That process is now complete, and we are now in receipt of the results of that investigation, as well as the specific recommendations made through the articles of impeachment. Today Congress is not standing in judgment of President Clinton's character, nor are we debating the issue of his affair with Monica Lewinsky. Rather, we are being asked to determine whether or not he broke the law.

As many know, I have had great respect for the presidency on foreign policy. I recognize the Constitution gives foreign policy to him, and even though I have disagreed with him on many issues, respecting the presidency, I have gone along with him.

It would make no difference to me if it were Ronald Reagan being tried today or George Bush. If evidence is submitted to this Congress through the proper Committee on the Judiciary channels that compels me to vote up or down when there is substantial, justifiable evidence to send a message to the Senate to make a determination of punishment, I would vote the same way I am going to vote on this particular matter in voting for these articles of impeachment.

It is a sad day for me, it is a sad day for the President, it is a sad day for the country. It is a responsibility that gives us no alternative; that if indeed in our hearts we believe that the committee reports are substantial, that they justify returning a message or sending a message to the Senate. We have absolutely no alternative but to send that message to the Senate so they can sit in judgment of his punishment.

We are not removing the President from office today, we are sending a message to the Senate.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, the gentleman from Georgia (Mr. BARR) announced a moment ago that the perjury trap is a legal impossibility. I refer him to the Ninth Circuit Court of Appeals decision, which said in 1991 that a perjury trap is created ''. . . when the government calls a witness to testify for the primary purpose of obtaining testimony from him in order to prosecute him later for perjury.''

Mr. Speaker, I yield 1 minute and 40 seconds to the gentlewoman from California (Ms. ESHOO).

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

Ms. ESHOO. Mr. Speaker, today, December 18, 1998, is a day of infamy in the House of Representatives. History will record that on this day the House of the people, through searing, brutal partisanship, disallowed the right of each Member, and this Member, to express their own conscience.

Today impeachment and only impeachment counts. It is a day when the overwhelming voices of the American people are turned away. It is a day when the Framers' intent for removal of the chief executive of our Nation, treason, bribery, high crimes against the people, is ignored.

I shall vote against the articles of impeachment, because I believe that the case that has been brought against the President has not been proven by the Committee on the Judiciary. I do not believe that the charges rise to what the Framers intended.

Mr. Speaker, the flag is the symbol of our Nation, but the Constitution, as Barbara Jordan invoked over and over again in 1974, the Constitution is the soul of our Nation. Today this House is set on a course that tears at the very soul of our Nation. It is wrong, it is imprudent, it is not wise, and it is harmful to the Nation.

By his actions, Bill Clinton has brought shame as president. But today this body has set itself on a treacherous course where it is not only weakening the presidency, but diminishing our Constitution.

□ 1636

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair notes a disturbance in the gallery, in contravention of the law and rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. BARR) for rebuttal.

Mr. BARR of Georgia. I thank the gentleman for yielding time to me.

Mr. Speaker, I would say to the distinguished ranking member on the Committee on the Judiciary that when President Clinton or any person appears before a grand jury or before a court, they have three, count them, and only three choices: They can tell the truth, they can take the fifth amendment, or they can lie. President Clinton chose the last option, he lied.

It is a legal impossibility for somebody to be forced to lie before a grand jury or in court, and that is the essence of what entrapment is. The President chose voluntarily to tell a lie; to conduct perjurious, misleading, and untruthful statements. He cannot be forced to do that. That is what he did.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Utah (Mr. CANNON), a member of the Committee on the Judiciary.

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

Mr. CANNON. Mr. Speaker, I am going to speak to a couple of key points. First, I would like to create the context by sharing with my colleagues two statements, one by Founding Father John Jay and the other by President Kennedy.

John Jay said, ''When oaths cease to be sacred, our dearest and most valuable rights become insecure.''

Four days before his death, President Kennedy visited Florida. There he made the following statement: ''In this country I,'' referring to the presidency, ''carry out and execute the laws of the United States. I also have the obligation of implementing the orders of the courts of the United States. I can assure you that whoever is president of the United States will do the same, because if he did not,'' that is, he, the President, ''He would begin to unwind this most extraordinary constitutional system of ours.''

The President's ability to unwind the constitutional system is significant. The President is the only individual charged with ensuring that our laws are faithfully executed. He is one of the few Americans who always is an example for good or ill. If a president can lie before a grand jury during a civil deposition, engage in obstruction of justice, and abuse power, others will follow.

Article III sets forth that the President willfully and deliberately allowed his attorney to make false statements to the court about the affidavit of Ms. Lewinsky. The President's defenders, including his attorney, Mr. Ruff, have said he was not paying attention at the time when Mr. Bennett raised the affidavit, but the videotape of the deposition shows otherwise. He was alert, attentive, and engaged.

The President's official defense was that he thought Ms. Lewinsky thought her affidavit was true, and he was just affirming her belief. First, the affidavit was not a statement of beliefs. It was a statement of the facts under oath. The President's response was evasive.

Second, in the affidavit Ms. Lewinsky stated she had not received any benefit from her relationship with the President. The facts are indisputable. There was an intense effort by Mr. Jordan on behalf of the President to get her a job.

Third, in the deposition, after reading from the affidavit, Mr. Bennett asked the President, ''Is that a true and accurate statement, as far as you know it?'' The President answered, ''That is absolutely true.''

We know today that it was absolutely false. President Clinton's deliberate effort to mislead Judge Wright is a clear obstruction of justice. Others have been prosecuted for less. Under the Constitution, the President is held accountable by the mechanism of impeachment. Impeachment is serious and weighty.

My friends on the other side have repeatedly argued that the President's offenses do not rise to the level of high crimes and misdemeanors. The essence of their argument is that perjury, obstruction of justice, and the abuse of power are not equivalent to treason or bribery.

They are wrong. Perjury and obstruction of justice are akin to bribery in many ways. Perjury and obstruction go to the corruption of the judicial system. Bribery amounts to the corruption of a bureaucrat. Both prevent citizens from enjoying their rights under the rule of law.

Their treatment by the United States Sentencing Commission, the only thing that helps set forth penalties for Federal crimes, supports the comparison. Under the guidelines, bribery of or by a public official is an offense of base level 10. For a first-time offender, that would translate to 6 to 12 months in a Federal penitentiary.

Under the guidelines, perjury and obstruction are base level 12, two levels beyond bribery, and that means for a first-time offender a sentencing range of 10 to 16 months. Someone convicted of perjury, and remember, there are 100 Americans sentenced every year for perjury, can face up to 10 months more in jail than someone convicted of bribery. Based on the U.S. sentencing guidelines, not only are perjury and obstruction of justice in the same ballpark as bribery, they are treated as more grave.

I appeal to my colleagues. Let us not allow the President to begin unwinding our constitutional system. Let us protect the integrity of the oaths that underpin our judicial system. Let Congress protect our dearest and most valuable rights by impeaching this president, who has demeaned the sacredness of his oaths.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ORTIZ).

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

Mr. ORTIZ. Mr. Speaker, I will be voting against the four articles of impeachment, and I request that my colleagues vote against it, and that we start the healing process for our country.

Mr. Speaker, throughout this whole unseemly matter of impeaching a President who lied about deplorable conduct, I have clung to the dignity of the instruction of the Constitution to guide my actions. I re-examined all the evidence offered to the House: the Referral from the Office of Independent Counsel (OIC), the President's taped testimony, the reams of evidence in support of the OIC Referral, testimony (limited though it was) before the Judiciary Committee, and the Committee's deliberations.

As the equivalent of a judicial and legislative grand juror in this process, evaluating this evidence carefully, and privately, is consistent with my constitutional role. As a Member of the House of Representatives in the U.S. Congress, I am acutely aware that our actions today represent half the precedent in our entire history with regard to the sacred duty associated with impeachment, as this is but the second time in U.S. history that the full House has been asked to act on articles of impeachment.

Our constitutional process is not one that can be suspended or taken lightly. Once begun, it must be completed. This process began when the OIC referred its findings to the House. I voted earlier this year to have the Judiciary Committee conduct a hearing to discover if these offenses were indeed, as the OIC alleges, sufficient for impeachment of a President. I agreed with Judiciary Committee Chairman HENRY HYDE who, when he spoke of impeachment in September, said that if the effort to impeach President Clinton were not bi-partisan then it would be ultimately unsuccessful. That is where we are now. The effort has been unsuccessful.

As the rough equivalent of a grand juror, I exercised the real strength of the United States grand juror: the common sense to let prudence guide my actions. What the President did was immoral, first the behavior then the lie. But this is not a vote on morality; it is setting dangerous new constitutional precedent in a partisan setting. Grand jurors in our judicial system today have to exercise good judgment about stopping a bad case when the evidence is not there to fortify it legally. In our role today, we have the added weight of exercising good constitutional, democratic, and political common sense.

Our country's Founders put the impeachment clause in our governing document for a very specific reason, to have a democratic mechanism for the removal of a President who has grievously injured the country. President Clinton certainly injured the national trust, as does any public official when they lie; but he has not injured the U.S. Constitution, our democracy, our government, or any political movement in our country. His actions were outrageous. His lies about it were disheartening and alarming. But his behavior itself, even when compounded with lies under oath, was not impeachable.

We should take a lesson from this long and difficult drama. No lie from a public official is acceptable. It is all the more appalling when it is the chief executive, under oath, about an affair in the White House. Those who seek the public trust of the presidency must be ever vigilant to conduct themselves truthfully. Those who seek the presidency should be on notice that the rules are forever changed: the impeachment bar has been lowered and can be invoked far easier than our Founders intended.

Those in Congress must be a careful watchdog of executive behavior, and today's vote is a strong message that this body will not shy from our duty, but we are not willing to let impeachment become a partisan endeavor. I hope this exercise, while difficult and unnecessary, shows the world the ultimate strength of the U.S. Constitution and the innate common sense of the American people in the world's most sophisticated democracy.

I urge my colleagues to join me in opposing these articles of impeachment.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, I rise in opposition to the four articles of impeachment against President Clinton, because I do not believe that such a

grave step is in the best interests of our country.

All of us in public life have to be accountable for our actions, and there is no question that the President's conduct was deplorable. Having reviewed the evidence, however, I do not believe that the case has been made with sufficient clarity that the President's conduct warrants impeachment, trial, and removal from office.

Heavily weighing in my decision are the charges made in greatest detail by the Independent Counsel, Mr. Starr, addressing conduct unrelated to the President's public and official duties. During the impeachment proceedings against President Nixon, my predecessor, Tom Railsback, noted that there was ''a serious question as to whether something involving the President's personal tax liability has anything to do with his conduct in the office of the president.'' Later, the Committee on the Judiciary rejected the article of impeachment against the President on those grounds.

Today a majority of the public continues to approve of President Clinton's ability to perform his duties, and does not wish for him to be impeached by the House and tried by the Senate. I do not believe we should impeach President Clinton based on misconduct not clearly related to the President's official duties.

Let me be clear, a decision by the House not to impeach will not exonerate the President. He will remain subject to indictment and prosecution for his conduct in the court of law when he leaves office.

I do believe that the Congress should fashion an appropriate response to his actions, which places the national interest first. I am greatly disappointed that excessive partisanship on the part of the Committee on the Judiciary prevents us from discussing censure.

Mr. CONYERS. Mr. Speaker, I yield 1¾ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, in the name of the American people, who oppose this impeachment as being manifestly unfair, behold the prophetic power of the Biblical injunction, ''Judge not, that you not be judged.'' In the name of all the people who have suffered a dark night of assault, feel the might of the warning, let he who is without sin cast the first stone.

□ 1645

In the names of Washington, of Jefferson, of Lincoln, and all those who fought to create one Nation indivisible, do not cleave this Nation with a partisan impeachment, for a House of Representatives divided against itself shall not stand. We speak of one Nation under God. In God's name do not tear apart this House and this Nation with a low-rent impeachment.

There is much misunderstanding about just what impeachment means. It is not a form of censure. Impeachment is not a punishment. It is part of a process for removing a President. It has been reserved for the highest crimes, not low crimes. And I submit that if we vote to impeach President Clinton for his offenses, we have committed an offense more grievous because we will have nullified the votes of 97 million Americans. Do not take away the people's voice. Do not nullify the people's choice. Punish the President with censure if you must, but do not punish the American people by canceling their vote.

Some day a generation far into the future will look at this moment and ask why and they will conclude that in impeaching a President, this House chose partisanship under the cover of patriotism and sanctimonius salutations to that all hallowed and selectively perceived rule of law. And that cloak of shame prepared for the President will also cover those carrying the cloak. For at this moment we are troubling our America. We are troubling our common bond. We are troubling our American community. We are troubling our American unit.

The sun will rise and the year 2000 will soon come. And those who troubled their own House will have inherited the wind.

The die is case. The President is about to be impeached. His offenses not high crimes, but low. His conduct, yes, beneath the dignity of the office but also beneath the requirements of what the Founders intended to rise to a standard of impeachment. His shortcomings for all the world to see, we must correctly review our own. The shortcomings of the investigation by the Independent Counsel, the shortcomings of the partisan Judiciary proceedings, the shortcomings of a day where impeachment, which is no alternative, is the only alternative. We have entered Wonderland with Alice and we have seen the Queen pronounce ''Sentence first—Verdict afterwards.''

In the name of the American people who oppose this impeachment as being manifestly unfair, behold the prophetic power of the Biblical injunction: ''. . . Judge not, that ye not be judged.'' In the name of all those people who have suffered a dark night of soul, feel the might of the warning: ''. . . Let he how is without sin cast the first some.'' In the Names of Washington, of Jefferson, and of Lincoln, and of all who fought to create one nation, indivisible, do not cleave this Nation with a partisan impeachment, for a House of Representatives divided against itself shall not stand. We speak of one nation, under God. In God's name, do not tear apart, this House and this Nation with a low-rent impeachment.

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Let me talk for a moment about high crimes. It is a high crime that forty three-million Americans are without health care. It is a high crime that forty-four million Americans must worry about their Social Security. It is a high crime that wealth is being distributed upward. That the top 1% of the people hold more wealth than the bottom 90% of the people. And this act today redistributes the political wealth of the country. The Founders did not put impeachment in the Constitution so that a majority party some day could topple a President of the opposite party just because they had the votes. This process, when it is partisan, becomes an ad hoc, back-door transition to a parlimentary form of government.

Someday a generation far into the future will look back on this moment and ask: ''Why?'' Why did they impeach a president when it was clearly partisan? Why, When it was less than a high crime? Why, when they knew it would fail in the Senate? Why, when they knew a trial in the Senate would shut down the government? Why, when they had a clear alternative of censure? Why, did they choose the harsh judgement and condemnation of impeachment over the forgiveness and redemption of censure?

And they will conclude that, in impeaching a President, this House chose partisanship under the cover of patriotism and sanctimonious salutations to that all hallowed and selectively perceived Rule of Law. And the cloak of shame prepared for the President will also cover those carrying the cloak. For at this moment we are troubling our America. We are troubling our common bond. We are troubling our American community. We are troubling our American unity. The sun will rise and the year 2000 will soon come. And those who troubled their own House will have inherited the wind.

Mr. CONYERS. Mr. Speaker, I yield 1¾ minutes to the gentleman from Massachusetts (Mr. OLVER).

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

Mr. OLVER. Mr. Speaker, this is a totally prejudged and partisan process that denies the majority of the Members of this House of Representatives and the majority of Americans a vote on a bipartisan compromise, a vote of conscience to censure the President.

Mr. Speaker, the American people, in their collective electoral wisdom that we all submit to, have twice elected President Clinton. The American people support the President's performance of his official duties, and they do not want him removed from office. Three months ago when I first reviewed the Starr report, I looked for evidence of treason, bribery or high crimes and misdemeanors, the only constitutional grounds for impeachment. No such thing appears in the Starr report.

Instead I found evidence, gathered at great public cost, in dollars $50 million, and in destruction of privacy that Americans cherish, evidence of a consensual sexual relationship of the tawdriest nature which the participants tried to hide for its tawdriness. Weeks of hearings in the Committee on the Judiciary have uncovered nothing more except the partisan close-mindedness of the proceedings. The Republican obsession to impeach President Clinton on the flimsiest of constitutional grounds and against the will of

most Americans will cause long lasting divisions in America.

The Republicans know that they cannot get 67 votes in the Senate to remove the President from office so this is a purely partisan exercise in this House designed to humiliate and weaken a twice-elected President of the United States.

To my Republican colleagues, by your efforts today, you show the American people once and for all that you should not be in the majority in this Congress, and that, I believe, will be your reward.

Mr. Speaker, this is a totally prejudged and partisan process that denies a majority of the Members of this House, and the majority of Americans, a vote on a bipartisan compromise—a vote of conscience to censure the President.

Mr. Speaker, every one of us submits every 2 years to the collective, electoral wisdom of the people we serve.

Mr. Speaker, the American people in their collective, electoral wisdom have twice elected President William Clinton. The American people support the President's performance of his official duties, and they do not want him removed from office.

Three months ago when I first reviewed the Starr report, I looked for evidence of treason, bribery, or high crimes and misdemeanors—the only constitutional grounds for impeachment. No such thing appears in the Starr report.

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To my Republican colleagues, by your efforts today you show the American people once and for all that you should not be the majority in Congress and I believe that will be your reward.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. ROGAN) for purposes of a rebuttal.

Mr. ROGAN. Mr. Speaker, a few minutes ago my dear friend from California made commentary in her argument as to why she would vote against articles of impeachment. In doing so she invoked the name of our venerated late former colleague, the gentlewoman from Texas, Democrat Barbara Jordan.

I wanted to share a quote of Barbara Jordan's from the Nixon impeachment hearing that directly replies to the very issue which the gentlewoman from California raised a few minutes ago.

Barbara Jordan, Members will recall, was a Democrat member of the House Judiciary Committee during the impeachment of President Nixon. She made the point that the Constitution gives each House of Congress a specific duty. The House serves as an accuser; the Senate serves as a judge.

Barbara Jordan understood the difference between the House having the role of filing the indictment and not bringing the evidence to an ultimate conclusion in trial. That is the purpose of a jury trial, which would be held in the Senate.

Congresswoman Jordan said during the Nixon hearing, ''It is wrong, I suggest it is a misreading of the Constitution, for any member here to assert that for a member to vote for an article of impeachment means that the member must be convinced that the President should be removed from office. The Constitution does not say that. The powers relating to impeachment are an essential check in the hands of this body, the legislature, against and upon the encroachment of the executive. In establishing the division between the two branches of the legislature, the House and the Senate, assigning to the one the right to accuse and to the other the right to judge, the framers of the Constitution were very astute. They did not make the accusers and the judges the same person.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS).

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, I am in favor of the articles of impeachment.

I ran for Congress in order to pass laws—not to pass judgment. But events have transpired over the past year that have put me in a position to decide whether President Clinton lied under oath, obstructed justice and violated the powers of his office. There's no question that this is the most difficult decision I will have to make as a Member of Congress.

In my judgment, Bill Clinton has disgraced the Presidency and is no longer fit to hold the highest office in the land. For that reason, I will vote in favor of all four articles of impeachment to be considered today by the House of Representatives.

If impeached, it is my hope that President Clinton would spare the Nation a trial in the Senate by resigning as soon as possible. In the event he does not resign, I am hopeful that the Senate would quickly complete his trial and vote to remove him from office.

Like most Americans, I wish the President had not lied under oath and had not urged others to do so—but he did. Unfortunately, he can't simply wish that away, and neither can I.

Our system of justice is built on the principles of truth and honesty. That's why charges of lying under oath and obstruction of justice are so serious. They are an assault on the basic rule of law that cuts to the very core of our system of government.

Some suggest that lying under oath and obstructing justice by the President under certain conditions are different—and even acceptable—than lying under oath and obstructing justice by an ordinary citizen. In my mind, there are not certain conditions that meet this test. Nobody is above the law, including the President of the United States. That goes to the heart of the decision we will make today.

That decision should not be one that is judged 25 or 50 days from now. Instead, it should stand the test of time to be favorably judged 25 or 50 years from now because the decision sends a message that either supports or compromises the rule of law.

Let's remind ourselves that we are only here temporarily and the President is only here temporarily. The office of the 4th District Congressman from Washington and the office of the President will endure after its present occupants leave. But these offices will only have meaning if the basic rule of law is sustained. This is not personal, it transcends that.

In fact, it is impossible to enter the Supreme Court building in Washington, DC, without being struck by four words above the entrance: ''Equal Justice Under Law.'' Those words, more than any others, have guided my decision.

After all, since its founding more than two centuries ago, ours has been a government of laws and not of men—which means, in essence, that unlike most other countries, here in the United States no man or woman is above the law. Not you. Not me. Not this President. Not any President.

This ordeal has gone on long enough. The President has had his say, and his critics have had theirs. Now, the rule of law means the law must rule.

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

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

Mr. CALVERT. Mr. Speaker, I rise in favor of impeachment.

Mr. Speaker, today I will join a majority of my colleagues in the House of Representatives and vote in favor of impeaching the 42nd President of the United States, William Jefferson Clinton. I did not reach this decision lightly. After reviewing the documents and articles of impeachment put forth by the House Committee on the Judiciary, I reached the unhappy but necessary conclusion that there is enough evidence to warrant forwarding these articles to the Senate. I do so with the best interests of California's 43rd congressional district, and all Americans, foremost in my mind.

We have heard from the other side of the aisle the constant plea for censure as an alternative to the vote today. I do not believe, however, that censure is an option for the House. The Framers of the Constitution did not provide for censure as an alternative to impeachment, therefore it would be irresponsible and unconstitutional to bring such a motion to the full House for consideration. The House has never censured a President before, and it would be a horrible precedent to set. It is the responsibility of the United States Senate to decide President Clinton's guilt or innocence and punishment.

The President has twice taken an oath to uphold the Constitution of the United States. He also took an oath before a Federal grand jury to tell the truth, the whole truth, and nothing but the truth. And then he broke both of

these oaths. The President is the nation's chief law enforcement officer and is subject to the same rules and laws as every American. Without a clear and strong rule of law, the United States would be nothing more than a banana republic. Simply put, the evidence is clear that William Jefferson Clinton committed perjury and obstruction of justice while serving as the President. In the best interest of our nation, the rule of law should be upheld and this President should be impeached, and face trial in the Senate.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I had not planned to talk today. I have made my decision and told my constituents. But some of the comments made on the floor have caused me to reconsider my silence.

It appears that some of our Members believe or would have others believe that those of us who will vote to impeach the President are driven by some kind of blind partisanship or are doing it because our arms are being twisted. I am the junior Member of this House. The district that I love is more Democrat than Republican. And not once, not once has any leader of this House even so much as asked me how I will vote.

I read the evidence. I must admit that I was looking for some explanation, a rebuttal of the facts, some justification to spare the country from impeachment. I could not find it. I cannot turn from the truth and the evidence that supports it.

I have reached my decision with a profound sense of sadness. I am constantly reminded of the symbol of justice in America. Justice holding the scales is not blind because she looks away or because she will not see. Justice is blind so that every citizen, regardless of race or creed or station in life, will be treated equally under the law. And that includes the President of the United States. It is a powerful symbol. And today it is one we must live up to, even when it would be easier to look away.

You may challenge the facts, you may challenge my reasoning, but do not challenge the integrity of my purpose.

Mr. CONYERS. Mr. Speaker, I profoundly apologize to those of my colleagues on this side of the aisle who have been waiting so very long to be recognized. We have the exigencies of the evening. We have still a lot of Members, and our time is running shorter. I am going to have to reduce to 1½ minutes many of my colleagues whom I had intended to give a much larger amount of time. I apologize for it.

Mr. Speaker, I yield 1½ 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, by the President's own admission, his conduct was wrong. He misled his family and our Nation. The President has gravely disappointed and embarrassed our country.

The question presented to Congress is not whether the President's conduct is reprehensible but whether his actions warrant his impeachment and removal from office. Short of a declaration of war, there is no more solemn responsibility for a Congressman in acting on the possible impeachment of the President.

I was never so proud to be a Member of this House during our debate of our participation in Operation Desert Storm. That debate helped bring our Nation together. Regardless of what side one was on that issue, the debate consolidated our country, and everyone felt good with the results.

Unfortunately, the process used in the House impeachment inquiry has brought about just the opposite result in our Nation. However, each of us must be guided by what the Constitution dictates as far as impeachment. Our decision will not only affect this President but will affect the future of our presidency.

The Constitution and the historical record indicates that the words in the Constitution were clear to our framers of the Constitution, that they apply only to fundamental offenses against the system of government. President Clinton's misleading statements have nothing to do with the official duties of his office. They were designed to conceal an embarrassing, highly inappropriate personal relationship. As such, they do not rise to the level of an impeachable offense.

I urge my colleagues to reject each of the four articles of impeachment.

Mr. Speaker, by the President's own admission his conduct in the Lewinsky matter was wrong; he misled his family and our nation. The President has gravely disappointed and embarrassed our country. The question presented to Congress is not whether his conduct is reprehensible, but whether his actions warrant his impeachment and removal from office.

Short of a declaration of war, there is no more solemn responsibility for a Congressman than acting on the possible impeachment of our President. I was never so proud to be a member of the Congress as when we debated and acted on the U.S. participation in Operation Desert Storm. That debate helped bring our nation together. Regardless of what side of the debate one believed was right, the democratic process used by Congress to debate our involvement was healing for Congress and for the American people.

More recently, I had the responsibility to serve on the House Committee on Standards of Official Conduct during the investigation of Speaker GINGRICH. The members of the Investigatory Subcommittee in that process took great pains to proceed in a bipartisan manner. We specifically defined and limited the charges against the Speaker, and extended every opportunity to the Speaker to respond to our work. The fairness and bipartisan nature of that process was confirmed by the overwhelming vote of the House, 395 to 28, to fine and censure the Speaker.

Unfortunately, the process used in the House Impeachment Inquiry has brought about just the opposite result. The Judiciary Committee has proceeded in a very partisan manner. The Committee has denied the President basic fairness in the proceedings. As a result, the recommendation has broken down strictly along party lines.

Last January, Chairman HENRY HYDE observed that for this process to succeed, it was absolutely essential that the process be bipartisan. That has not happened. Now, whatever action Congress takes will be viewed by the public with disdain. We will not be able to bring our nation together. I believe Congress has greatly disappointed our country.

What the committee has done cannot be undone. It is now time for the full House to act. In making my decision as to whether to vote for or against an Article of Impeachment, I must be guided solely by what the Constitution requires. Our decision will affect not only this President, but the future of the Presidency. Therefore I must make that judgment regardless of the actions of the Judiciary Committee, my party affiliation or the popular sentiment of the people of my district.

In order to vote for an Article of Impeachment, I must be convinced first that the record establishes the offenses alleged, and second, that the offense rises to the standard prescribed for impeachment under the Constitution. Having reviewed much of the material included in the Starr referral and having read much of the testimony of witnesses before the Judiciary Committee, I have reached the following conclusions:

Of the four articles voted by the Committee, one alleges obstruction of justice. The record of evidence presented by the Independent Counsel—which the Judiciary Committee failed to examine through testimony of material witnesses—in my opinion does not support this article. The charge of obstruction of justice rests on an interpretation of events, surmises and speculations that the evidence does not support.

The three remaining articles allege that the President committed perjury in his testimony in his deposition in the Jones case, to the grand jury, and to the Judiciary Committee. In my opinion these articles raise more serious questions. As the President has conceded, it is without question that his responses to questions in the deposition were misleading and incomplete. He did not offer direct and clear answers to the questions.

But proof of perjury requires more than misleading, incomplete, or evasive statements. During the Judiciary Committee's hearings, numerous expert witnesses, including legal scholars and former prosecutors, testified on the perjury issue. There was no disagreement in their testimony that the record compiled in this case would not, in the hands of a responsible prosecutor, justify a perjury charge.

Even if we set aside that judgment, however, and assume that the President in fact lied under oath, we must answer a second question. Do the false and misleading statements in question rise to the level of an impeachable offense under the Constitution?

Article II, Section 4 of the Constitution provides that ''the President * * * of the United States shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high crimes and Misdemeanors.'' The historical record of these words

makes clear that the Framers of the Constitution intended them to apply only to fundamental offenses against the system of government.

The delegates to the Constitutional Convention approved James Madison's suggestion that the language read "* * * high Crimes and Misdemeanors against the United States." After this language was approved, it was referred to the Committee on Style, which had instructions to make no substantive changes. In removing the words "against the United States," the Committee on Style was clearly making the judgment that the words were unnecessary because they were redundant. Thus, it is clear that the Framers intended that the President should only be impeached for offenses against the structure of our government.

President Clinton's misleading statements had nothing to do with the official duties of his office. They were designed to conceal an embarrassing, highly inappropriate, personal relationship. As such, they do not rise to the level of impeachable offenses.

Our recent historical experience supports this view. In 1974, the Judiciary Committee considered an Article of Impeachment based on President Nixon's tax fraud. President Nixon had filed tax returns that failed to report certain income and claimed deductions that were not authorized by law. The President had signed his tax returns under penalty of perjury. There was credible evidence that President Nixon had committed perjury.

The Committee on the Judiciary, by a bipartisan vote of more than a 2–1 margin, rejected the tax fraud article. By that vote, the Committee held that even if President Nixon had committed perjury in the filing of his personal tax returns, that conduct did not rise to the standard of an impeachable offense under the Constitution.

Mr. Speaker, the question of impeachment of a President of the United States is a grave constitutional matter. It is designed to address circumstances in which the President has violated the trust of the American people through fundamental abuses of his office and serious misconduct.

Mr. Speaker, nothing in the articles approved by the Judiciary Committee approaches the historical and constitutional tests for impeachment of a President. Even if one assumes that the strained interpretation imposed by the committee on the facts of this case is reasonable, the sad efforts of a President to avoid getting caught having a consensual extramarital affair does not threaten our system of government. It does not justify the impeachment of the President by the House. Therefore, I will vote against each of the four articles approved by the Judiciary Committee.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, today is a very sad day for this House and this country. I rise in opposition to these articles of impeachment.

What we say today will be soon forgotten but what we do will be remembered throughout history. We are considering articles of impeachment of a President of the United States based on standards of our personal preference, selected interpretation of the law and partisan politics. Yet we use the Constitution, the rule of law for our reckless action.

The Constitution clearly states what constitutes an impeachable offense, and we must not here attempt to substitute our personal views. We are establishing a dangerous precedent when we move to lower the standards below treason, bribery or other high crimes and misdemeanors. We should follow the Constitution, not use it as a tool for public execution, but we should use it to extol the high virtues and the greatness of this Nation.

Much is said about the rule of law and that the President is not above the law. The rule of law, however, must be based on justice, if it is to survive. The inscription that appears upon the United States Supreme Court says, equal justice under law. It should read, equal law under justice.

Justice is a higher authority. The process of impeachment that we are now undertaking is permitted by law, but each of us must ask the question, what does justice require of us?

The law says we indeed can impeach the President. Justice says we must consider the greatness of this country. And what he has done does not move to an impeachable offense. We are breaking the law. We are violating our oath when we do not consider the Constitution.

Mr. Speaker, today is a very sad day for this House and this Country. I rise in opposition to these Articles of Impeachment.

What we say will soon be forgotten.

But what we do will be remembered throughout history.

We are considering Articles of Impeachment of the President of the United States based upon standards of our personal preference, selective interpretation of law and partisan politics.

Yet, we use the Constitution and the Rule of Law for our reckless actions.

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The Rule of Law, however, must be based on Justice if it is to survive.

The inscription that appears above the United States Supreme Court Building states, "Equal Justice Under Law."

It should state, "Equal Law Under Justice."

Justice is a higher authority.

This process of impeachment that we are now undertaking is permitted by law.

But, each of us must ask the question, what does justice require of us?

At one time in this Nation, women could not vote, blacks could be enslaved and young people could fight and die in wars, but could not elect those who sent them to war.

That was the law.

But, it was not just.

Throughout the proud history of this Nation, rigid thinking has yielded to conscience and adamant attitudes have yielded to compromise.

That is the greatness of our Country.

And, I believe, Mr. Speaker, in this instance, this Resolution of Impeachment should yield to the compromise and conscience of censure.

We should have the option of censure to consider if we are about fairness and justice.

The impeachment of a President is a grave and serious matter.

When this debate ends, and the dust clears, and we vote, we must each reach deep down inside of ourselves and ask the question, what does justice require of us?

The President will be judged, both for his greatness and failures, when he leaves office.

And, if he has violated the law of committed perjury, the courts will decide his fate for his deeds.

But, the question to us is simply this—Does what the President has done rise to the level of treason or bribery?

Should we remove a President from office because he was not faithful to his wife, lied about it and was admittedly not truthful to his Country.

His acts are reprehensible and should be sanctioned.

Mr. Speaker, this Congress has the power to impeach our President, and the majority has the votes to do it.

That is the law.

But, what does justice require of us?

The oath each of us has taken requires us to put the interest of the Nation above our partisan politics.

History will record what we do here today, and history will judge us harshly.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. FARR.)

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

Mr. FARR of California. Mr. Speaker, today is the wrong day and this is the wrong way. When our side asked this morning why are we doing this today, the Republican leadership responded, because we want to demonstrate democracy at work. Democracy at work? I served this country in the United States Peace Corps. I know how to demonstrate democracy at work. And this is not it.

No one, anywhere in the world today, can explain why a Congress would impeach the most popular elected President in the world at a time when that President is engaged in a conflict in Iraq. What you see here today is not a demonstration of democracy; it is a demonstration of a partisan political coups.

□ 1700

This is not only the wrong day, this is also the wrong way. Mr. Speaker, we cannot claim that a democracy is working when we deny the minority a voice. There are no options here today. There will be no vote for censure. That is not even allowed nor offered. There are absolutely no alternatives, no nothing, just plain meanness.

"There is no fancy way to say I've sinned." That was Bill Clinton, President of the United States, in an apology to his fellow citizens—the people who elected him.

And, generally, it seems, the people who elected him accept that apology and want to move on. They do not favor impeachment. They do not favor removing him from office.

The Framers of our Constitution were wise men. They rightly constructed the House of Representatives to be the legislative body most reflective, most responsive and most connected to the citizens. This is the reason why House members have very short terms and face re-election every two years. This is the reason why the Framers required House members be directly elected by the people but not Senators (who originally were elected by state legislatures) or the President (who even today is affirmed by the Electoral College). The Framers wanted to strongly impress upon House members that they held the power of the people in their hands and were responsible for representing it faithfully and truthfully.

I must be true to this obligation. I have listened to the impeachment hearings. I have read the Starr report. I have sought out legal experts and constitutional scholars for guidance on the technical aspects of the impeachment conundrum. I have noted the national polls. But mostly, I have listened hard and long to persons in this Central Coast community on their views of the Clinton-Lewinsky affair.

I will not vote for impeachment because I believe the majority of people living in our area do not want it.

Since August, when the President appeared before the Grand Jury, I have been accused of being silent on this matter. Silent, no. Keeping my counsel, yes. I have been reticent until just recently to commit myself on the matter because we are dealing with grave constitutional matters that impact the very fabric of our government. These are not decisions to be taken lightly and I wanted to be sure of all the facts of the matter before declaring a position.

Having held my tongue now for these many months I must relate to you that I believe as almost everyone, that what Mr. Clinton did was wrong. But impeachable? No. Impeachment is a punishment to be used only in the most extreme cases when the action of the President is such that it undermines our government. It is a punishment to be used in cases when the action of the President is such that he has turned the institutions of the government against the very people that it is supposed to serve. It is a punishment to be used when the people of the country must be relieved of the President's—their President, the President they elected—leadership because his continued tenure would be harmful to the citizenry.

Impeachment is not a tool to be used to express one's displeasure in the personal foibles of a man regardless of his position. It should not be used to rain retribution on one's political opponents or used for political gain. It is not the way to treat the American people who have chosen their leader—not once, but twice—a leader in whom they have placed their confidence, knowing even then of his propensities to untoward personal behavior.

The crimes of which Mr. Clinton is accused do not rise to the level that demand he be removed from office. They are such that in the normal world, it is unlikely they would be prosecuted. Common crimes call for common justice. They do not call for extraordinary means outside the traditional justice system.

Our country was founded on the principles of fairness. This whole investigation and impeachment proceeding has not been fair and it has not been founded on a search for real justice. I cannot condone Mr. Clinton's actions in the Lewinsky affair. But neither can I condone abuse of a hallowed constitutional procedure that makes a mockery of all our nation stands for. I will vote no on the impeachment.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I include for the RECORD a statement. It will be available on my web page for constituents and the press as well.

Inspired by Providence, our Nation's Founders foresaw today's awesome circumstances. They provided a fail-safe mechanism in the Constitution to peacefully resolve the crisis created by a President's reckless and illegal actions. As a Member of Congress I feel deeply the weight of history and the need to provide additional guidance to future generations.

After painstakingly reviewing the testimony and the documentary evidence, after giving the President every reasonable benefit short of suspending common sense itself, I have decided that I will vote for impeachment. As excruciating as this has been, there is no escaping the conclusion that President Clinton ''willfully provided perjurious, false and misleading testimony to the grand jury'' and ''in sworn testimony to written questions asked as part of a Federal civil rights action brought against him, willfully provided perjurious, false and misleading testimony'', as stated in the impeachment articles.

The Declaration of Independence, which Abraham Lincoln at Gettysburg informed us was the Nation's birth, calls upon us to have a ''decent respect'' for the ''opinions of mankind'', which we today call public opinion. A ''decent respect'', not slavish pandering, not abdication of our Oath of Office to uphold the Constitution, and not relinquishment of our solemn obligation to filter opinion through our own value systems. I have that decent respect, and am grateful to all those who have taken the trouble to communicate their views to me and my office.

As difficult a task as it is, we must take this issue outside the realm of current public opinion. What we are struggling to insure is that we have an objective standard of public conduct for public officials. We would descend into chaos if we had one standard of conduct when the economy is good and another when the economy is not good—one standard for a popular president, another for an unpopular one.

The Constitution of the United States provides in Article 1 that ''The House of Representatives shall have the sole Power of Impeachment'', that ''The Senate shall have the sole Power to try all impeachments'', and that ''Judgment in Cases of Impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to indictment, Trial, Judgment and Punishment, according to Law.'' As is now well known, the Constitutional standard for judges and the president alike is treason, bribery, and other ''High Crimes and Misdemeanors.''

It is a matter of great concern to me that the process appears to be breaking down along partisan lines. This is not healthy, and I believe that the Framers would not want it so. But that does not diminish one iota my own responsibility to stand and be counted.

I reject categorically the argument that there are different standards for impeachment where the President is concerned. We can not be guided by situational ethics that can destroy one constitutional officer and absolve another from the consequences of destructive conduct. Over the past decades at least 2 federal judges have been impeached for perjury unconnected to their judicial duties. The constitutional standards for impeachment are not lower for the President and we must not allow them to become lower for the President. My reading of the case law does not support the conclusion that we have a double standard for federal judges who are appointed, and another for the President, who carries an election mandate with him.

My vote will reflect my conclusion that the President committed perjury before a federal grand jury, and that this is an impeachable offense. The President's statements were perjurious, not just misleading. I have read and re-read the President's testimony before the grand jury and in the Paula Jones civil rights case. There is no blinking at the fact that the President lied under oath. Ironically, this conclusion is supported by many of the President's defenders who have argued in effect that a full admission cannot be made for fear of legal exposure. Moreover, many of the President's supporters concede the President perjured himself, but argue that such perjury didn't rise to the standard of impeachment.

Moreover, the President was appropriately admonished by Senator ORRIN HATCH, Chairman of the Senate Judiciary Committee, that whatever false statements were made in the Paula Jones case would be forgiven, if he merely told the truth in his Grand Jury appearance. Despite this ''second chance'', the President failed to do so.

I have given the most serious consideration to the suggestion that censure is a more appropriate punishment for the president and a better outcome for the nation. It is in my nature to find common ground where compromise is possible. The Constitution simply does not permit the House to take a convenient way out, nor should we. Under the Separation of Powers mandate we are forbidden to impose sanctions on the President short of impeachment. Also, strictly from a common sense standpoint, a resolution of censure would carry all the legal weight of a congressional designation of ''National Sweet Potato Week''. And historically, the House has never passed a censure resolution against a President. With no sanction, as censure resolution is a toothless tiger.

What about a sanction the President agrees to? At this stage in the process the House can not permit the President to be in effect his own judge, and to set the terms of his own punishment and the amount of his own fine. That would be the very height of cynicism. By voting for impeachment the matter will be moved to the Senate for what I hope will be an expeditious resolution, and one that will be fair to the Nation and the Chief Executive.

This is a vote for the children and for the future. Somewhere in America today is a young person just becoming interested in government who will one day be President of the United States. This vote is for that future

President as much as for the current occupant of the White House. This vote reaches across the generations, across the barriers of time and place to let that future president know that there are consequences for illegal conduct and parameters of illegal activities. We are setting that example as we light the constitutional torch for a new generation. I would also note that the President's private conduct is not the issue. Private conduct between consenting adults is in no way the business of congressional impeachment action. It is his public conduct that is at issue.

This vote is a signal to our armed forces, whose Commander-in-Chief the President is, that we the peoples representatives are holding the President himself to the same standard of conduct that we expect from them.

This vote is a signal to civilians, that we representatives will uphold their rights as we hold the President to the high standard the country expects from all its free citizens.

As this solemn vote approaches, it is important for the world to realize that the underlying stability of our free Nation is stronger than ever. I am confident that history will view our actions as consistent with the high ideals so many generations have struggled to achieve.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, it gives me no pleasure to rise this afternoon in support of impeaching our President, William Jefferson Clinton. But make no mistake about it, it is Bill Clinton who has brought us to where we are today. And the issue here is not the relation that Bill Clinton had with Monica Lewinsky but rather the credibility and the honor under oath that must exist within the institution of the Presidency and which has been squandered by the current occupant of this high office.

There are absolute applicable standards by which we all must live. If we do not live up to those standards, we will no longer be that nation which stands as a beacon of hope for all the world. This President has backed up his words of repentance with action that can only be characterized as stonewalling.

There are many who say that the President, what he has done, is no big deal and that anyone would do the same. As a relatively young man, I remember a time in this great Nation when those endowed with public trust and those that were elected to public office were held to a higher standard. Today, with this vote, we take a step toward restoration of honor and responsibility.

Mr. CONYERS. Mr. Speaker, once again the exigencies of time have required me to apologize in advance to my colleagues because I am now going to have to limit all of them to 1 minute. I recognize my friends that have been waiting so long.

Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. WEYGAND).

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

Mr. WEYGAND. About two months ago, Mr. Speaker, I rose with 30 of my Democratic colleagues to support the Republican request for an inquiry. I did so because I really had grave reservations about what the President had done. I truly believed that there may be indeed an impeachable offense. I listened with an open mind and hoped for fairness and openness in the hearings.

Unfortunately, I was very disappointed because I looked for clear-cut evidence that would show me and my people in Rhode Island that indeed there was an impeachable offense. We did not come to that conclusion.

So I researched and looked back, and back just 211 years Alexander Hamilton said in regard to impeachment, ''In many cases it will connect itself with preexisting factions and will enlist all the animosities, the partialities, the influence and the interest in one side or the other. And in such cases it will always be dangerous that the decision will be regulated more by a comparison of strength of the parties rather than the demonstration of innocence or guilt.''

Mr. Speaker, I ask all of you to consider that because today it is the impartiality of partisanship and we should be really considering the evidence. It is not there. Please do not vote for these articles of impeachment.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI).

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

Mr. BALDACCI. Mr. Speaker, my colleagues, the majority has sought to claim for themselves the mantle of the rule of law. In fact, however, I believe they have strayed far from the mandates of the United States Constitution, the supreme law of the land. They have tried to make the case that if we do not impeach President Clinton, we will be sending a message that the President will not be held responsible for his actions.

Nothing could be further from the truth. Whether or not Congress votes to impeach or convict President Clinton will be subject to both criminal and civil prosecution when he leaves office.

In addition, the Constitution explicitly states that a person who is impeached and convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to the law.

Regardless of what action the Congress does or does not take, President Clinton, like every other citizen, will be held accountable in court for his alleged violations.

Forget not that when President Nixon stepped down from office he still had to be pardoned because of the crimes he committed. He could have been held responsible for it. The President, under the Constitution, is the only one that is allowable for double jeopardy.

I ask my colleagues that this matter is so important that we do not want to lessen the standard for future generations.

This week, the House of Representatives will vote on four Articles of Impeachment that the House Judiciary Committee, on party-line votes, has adopted concerning the actions of President Clinton with respect to his improper relationship with Monica Lewinsky.

This is am important matter. What President Clinton did was wrong. He was wrong to have an affair with an intern and he was wrong to mislead the Grand Jury and to lie to the American people about his conduct with Miss Lewinsky. He must be punished appropriately.

I say this because I firmly agree with the assertions that have being made that no one is above the law. My colleagues in the Majority have sought to claim for themselves the mantle of the rule of law. In fact, however, I believe that they have strayed far from the mandates of the U.S. Constitution, the supreme law of the land. They have tried to make the case that if we do not impeach President Clinton, we will be sending the message that the President will not be held responsible for his actions.

Nothing could be further from the truth. Whether or not the Congress votes to impeach or convict him, President Clinton will be subject to both civil and criminal prosecution when he leaves office. In addition, the Constitution explicitly states that a person who is impeached and convicted ''shall nevertheless be liable and subject to indictment, Trial, Judgment and Punishment, according to Law.'' Regardless of what action the Congress does or does not take, President Clinton—like every other citizen—will be held accountable in court for his alleged violations of the law.

When the Founding Fathers were drafting our Constitution, they considered carefully the provisions for impeachment. In fact, in the Federalist Papers No. 65, Alexander Hamilton talks about the concern that a House of Representatives dominated by one political party would impeach a president of the other political party without sufficient cause or proof. He expressed concern about the shock and disruption such an act would cause to our political system.

The Framers set a very high threshold for presidential impeachment. They considered—and rejected—several lesser standards for impeachment, including ''maladministration'' and failure to display ''good behavior.'' Instead, as we all know, they defined impeachable offenses as ''treason, bribery, or other high crimes and misdemeanors.''

Impeachment of the President is a profound action. It should be reserved for the most serious of cases, where the wrong-doing by the President represents an abuse of the power of the office. The matter at the root of this situation is a private one, not related to the President's conduct of his official duties. I am convinced that the Framers' intent in developing the standards for impeachment was to limit impeachable offenses to those that represent a threat to the republic. I do not believe that standard has been met in this case.

When Independent Counsel Starr presented his report to the Congress, I supported moving forward with a focused inquiry. While I did not endorse the precise resolution that passed the House, I agreed that this was a serious matter that should be further considered by the Judiciary Committee.

Since the beginning, I have said that above all, we must conduct our inquiry in a fair and

deliberate manner that is worthy of the seriousness of the situation and that will not set precedents that will weaken the Office of the Presidency in the future. I regret that did not happen. The party-line votes on the Articles of Impeachment expose the partisanship that has been present throughout this case. When the full House votes on the Articles, I expect that it will be one of the most partisan and divisive votes we will have had on any controversial issue in this Congress.

In fact, we seem to be right back at the place feared by the authors, of the Federalist Papers, where one political party is seeking to impeach the popularly elected President who is of another party on partisan grounds. The Majority, while claiming to embrace the rule of law, is in fact going against the highest law of the land, the Constitution. They are also ignoring the clearly articulated wish of the American people: that President Clinton be condemned for his wrong-doing, but that he not be impeached. I do not expect that history will look kindly on the Majority's handling of this matter.

I have examined the evidence in this case carefully. I have read the grand jury testimony and the report of the Independent Counsel. I have spoken to many of my constituents personally, and have read the letters, e-mail messages and records of phone calls from hundreds more. I have studied the Constitution and listened to scholars argue both sides of the issues. I have weighed the matter in my own mind and wrestled with it in my own conscience.

I have reached the conclusion that I must oppose the Articles of Impeachment that are before the House. The potential impeachment and removal from office of a popularly elected President is a very serious matter. I have carefully considered the President's conduct, and have determined that, in my mind, it does not rise to the level of ''high crimes and misdemeanors.'' What President Clinton did was wrong, and I believe that he should be punished. But I do not believe that his mistakes warrant his removal from office.

I believe that a more rational response to the President's actions would be a strongly worded resolution of censure. It is often said that the punishment must fit the crime. I simply do not believe that impeachment, which nullifies the vote of the people in a popular election, is an appropriate punishment for a matter that does not involve an abuse of power.

For those reasons, I will cast my votes against impeachment. I would once again urge my colleagues in the Majority to put aside partisanship, and to bring to this House a bipartisan censure resolution with which we can lay this matter to rest and get on with the business of the American people.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I have never fully appreciated before just how out of touch this institution is with the needs of the American people.

Forty-three million Americans have no health insurance. Millions of senior citizens cannot afford their prescription drugs. And this House is going to vote to send to the Senate for a trial to go on month after month after month to discuss where Bill Clinton touched Monica Lewinsky.

The global economy is volatile. The average American today is working longer hours for lower wages. We have the widest gap between the rich and the poor, and we are voting today perhaps to paralyze our government as the Senate explores the President's extramarital relations and his lies and his cover-up of that relationship.

Mr. Speaker, Bill Clinton acted deplorably in his personal behavior. But what the American people are saying loudly and clearly is, let's get on with the business of the American people.

Mr. Speaker, I rise today as the only Independent in the House—someone who is not a Democrat or a Republican.

There is a great political instability in the world—wars and famine in Africa, tensions in the middle-east, in Bosnia, in Latin America, in Ireland—and a war being fought as we speak in Iraq. There are weapons of mass destruction in place all over the world—nuclear weapons, biological and chemical weapons—all of which can destroy the world.

And we are voting today to impeach a President has extra-marital sexual relations, lied about them and attempted to cover them up.

Mr. Speaker, Bill Clinton acted deplorably in his personal behavior with a 22 year old intern. What he did was wrong—and he should be censured. He should not be impeached, however, and the United States Congress should get on with the business of the American people.

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from New York (Mr. NADLER) a member of the committee.

Mr. NADLER. Mr. Speaker, the gentleman from California (Mr. ROGAN) a few moments ago said that an impeachment vote is not a vote to remove the President but simply to charge him.

I read from the resolution: ''Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial and removal from office''; in addition to which we are already being told he should resign rather than face a trial.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 15 seconds.

We have heard all of these prophets of economic doom and gloom if the House discharges its constitutional duty today in impeaching the President. The Nasdaq hit an all-time high. I think the markets are smarter than some of the people who are making these accusations.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BARRETT).

(Mr. BARRETT of Nebraska asked and was given permission to revise and extend his remarks.).

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of all four articles of impeachment.

Mr. Speaker, after careful consideration of the facts reported by the Judiciary Committee, I have decided it is my constitutional duty to cast my vote in support of all four Articles of Impeachment. I have not reached this decision lightly, but with the full understanding of the effect my vote will have on the future of our country. I am not pleased to cast these votes. I regret it has come to this.

The polls overwhelmingly show political support for the President, but I cannot be governed by the polls in this matter. The constitutional framers did not place this decision in the hands of the pollsters; they placed the question of impeachment in the hands of the House of Representatives, and ultimately the decision to let the President remain in office with the Senate. In their phone calls, letters, e-mail, and in personal conversations, my constituents are overwhelmingly in favor of a vote to impeach the President. But even if they were not, I would still be duty bound to support all four Articles of Impeachment.

At the beginning of the process, Judiciary Chairman HENRY HYDE asked, ''Based on what we now know, do we have to look further, or look away?'' At that time, I voted to look further, because I believed the allegations of perjury and obstruction of justice were serious and credible. Nothing we have heard or seen since has changed my mind about those allegations.

Since the actual impeachment hearings began, I have heard many witnesses engage in legal hairsplitting over the meaning of the words ''is'' and ''alone.'' I have also heard the President's own lawyer acknowledge that a reasonable person could conclude the President did, indeed lie under oath.

Some witnesses have testified that, even if true, the alleged offenses of President Clinton are not as serious as the alleged offenses of President Nixon. I do not believe that, but even if I did, it would not matter.

We need to ask ourselves whether the President is only required to avoid abusing the power of his office to avoid impeachment? Should we allow the President to avoid impeachment even with substantial evidence indicating he has committed multiple felonies? Should we allow the President to avoid impeachment even if these felonies go to the very heart of our judicial system?

Although I am disappointed by the personal conduct of the President, I want to make it clear I am not voting to impeach the President for having an extramarital affair, or even for lying about having an extramarital affair.

But a president does not have the right to lie under oath. A president does not have the right to obstruct justice. A president does not have the right to obstruct a congressional inquiry. A president does not have the right to lie to the Ameican people who elected and trusted him. We have the obligation to send a clear message to the President, to the American people, and to the world that no one is above the law.

We are all tired of this process. There are so many issues out there needing our attention. But we can't just wish this away.

All the evidence we have before us clearly indicates the President's conduct demonstrates a willful contempt of the judicial system of the United States, the essential foundation of our democracy. The President's conduct demonstrates a willful contempt of the House of Representatives. The President's conduct demonstrates a willful contempt of the people of the United States. The President's conduct demonstrates a willful contempt to the office he holds. It is for these reasons that I

must vote to support all four Articles of Impeachment.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Speaker, I include for the RECORD the following statement supporting the articles of impeachment:

Mr. Speaker, I rise today in support of the impeachment of President William Jefferson Clinton as recommended by the House Committee on the Judiciary. This is a decision that I have not reached lightly.I have carefully reviewed the evidence against the President, and I am convinced that he perjured himself in the Paula Jones deposition and before the grand jury. Furthermore, the President has lied to this House and to its Members and continues to mislead the American people in a clear attempt to subvert and obstruct justice under the very laws that every American President takes a solemn oath to execute.

The President has violated his oath and has violated federal law. If Congress turns away and does nothing, the meaning of the Presidential oath and the strength of the rule of law in this country will be permanently diminished. The oath will, in effect, be reduced to a casual commitment to administer and enforce the laws *only* when hey serve the President's personal and political ends. The law will apply only to those who do not have the political power and influence to escape its requirements.

I have spent six years in the house working to insure that the laws that are applied to every American taxpayer and business are applied equally to the Congress and agencies of the federal government. This was a central idea in the Contract with America, and I am not prepared to abandon it today.

It is also important to note that we have troops stationed around the world to protect peace and civil order in nations in which the rule of law has failed. The primary threat to stability on the Balkan peninsula, for example has been lack of respect for the rule of law. I believe such respect starts from the top. If a nation's leaders will not abide by the law, why should the rest of that nation do so? I find the President's hypocrisy striking. The President seems to find it acceptable to send Americans to fight for the rule of law around the world, but he will not even respect it at home.

Some Members have made the responsible argument that this impeachment is a partisan ''witch hunt,'' but I believe the division between Members supporting impeachment and those supporting censure is about much more than partisan politics. Honestly, this proceeding is not about overthrowing the government. We are not discussing taking power from the hands of one party and giving it to another. If President Clinton is removed from office, he will be succeeded by Vice President GORE—not exactly stunning Republican victory. Furthermore, I'm sure that most of us on the Republican side of the aisle understand politics well enough to know that President GORE will be much more difficult to defeat in 2000 than Vice President GORE would be. Therefore, describing the actions of those who support impeachment as politically motivated just does not make sense. There is no political advantage to be gained by unseating the President.

I believe the division we are experiencing is a true reflection of the differences in Republican and Democratic approaches to the Federal Government. As a Republican, I believe in a Federal Government of sharply limited powers. The limits to these powers are clearly expressed in the Constitution. Each of the three branches is granted clear, limited powers to serve specific governmental functions.

With regard to the powers of the legislative branch relative to he executive branch, the Constitution is clear. While Article I of the Constitution provides both the House and the Senate the open-ended authority to ''punish its Members for disorderly Behavior,'' the provisions for impeachment are much more strictly limited. Article I states ''Judgment in Case of Impeachment shall not extend further than the removal from office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States.'' Unlike the provision dealing with Members of Congress, this provision specifically limits Congressional sanctions to removal and disqualification. Therefore, it seems clear to me that censure is a valid option for punishing Member of Congress, but should not apply to the President.

If this House were to pass a censure resolution, there is no guarantee that it would not be expunged by a future Congress (as well as done in the case of Andrew Jackson) or overturned by the Supreme Court. They only action that this House can take that will be both permanent and Constitutional is impeachment.

Many of us on both sides of the aisle agree that the President has not been honest in answering legitimate questions asked under oath. In spite of the President's dishonesty, some Members, lawyers, and professors suggest that because the President's statements may not meet the strict legal standard for perjury, he should not be impeached. I disagree.

While I may not be a lawyer or a history professor, I do have a fair share of common sense. Common sense tells me that if some is dishonest while giving legal testimony under oath, that person has violated the spirit, if not the letter. If the perjury law. The law is there to provide for the fair administration of justice by insuring he legal process is based on accurate information. There is no doubt in my mind the President has frustrated this goal by consistently providing incomplete and inaccurate information after promising explicitly ''to tell the *whole truth* and nothing but the truth.''

In 1974, the Arkansas Gazette quoted then Congressional candidate Clinton saying there was ''no question that an admission of making false statements to government officials and interfering with the FBI and CIA is an impeachable offense.'' He did not say false statements were impeachable only if they met the strict standard of perjury. He did not say that they were impeachable only if the answers addressed issues of public policy. He said that making false statements to government officials is impeachable, and he was right.

Speaking of President Nixon, Candidate Clinton argued, ''there's not any point in his putting the country through an impeachment since he isn't making any pretense of innocence now.'' Today, even some of the President's strongest supporters in Congress no longer make the pretense that the President has been honest in his sworn testimony. The President should hold himself to his own standard and resign. We know, however, that the President does not intend to do so, so Congress must do its duty.

It is clear to me that the President has done and continues to do everything in his power, both legal and otherwise, to derail the legal process and to obstruct the pursuant of justice. Now, the House must decide if it will legitimize the President's actions or condemn them in the only manner provided by the Constitution—impeachment. The demands of both my conscience and my constituents re clear. I will cast may vote in favor of impeachment.

I would like to close by again submitting for the RECORD the following words of President Theodore Roosevelt.

We can afford to differ on the currency, the tariff, and foreign policy; but we cannot afford to differ on the question of honesty if we expect our republic permanently to endure. Honesty is * * * an absolute prerequisite to efficient service to the public. Unless a man is honest we have no right to keep him in public life, it mattes not how brilliant his capacity. Without honesty the brave and able man is merely a civic wild beast who should be hunted down by every lover of righteousness. No man who is corrupt, no man who condones corruption in others, can possibly do his duty to his community. If a man lies under oath or procures the lie of another under oath, if he perjures himself or suborns perjury, he is guilty under the statute law. Under the higher law, under the great law of morality and righteousness, he is precisely as guilty if instead of lying in a court, he lies in a newspaper or on the stump; and in all probability the evil effects of his conduct are infinitely more widespread and more pernicious. We need absolute honesty in public life; and we shall not get it until we remember that truth-telling must go hand in hand with it, and that it is quite as important not to tell untruth about a decent man as it is to tell the truth about one who is not decent.'' (from The Strenuous Life)

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAPPAS).

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

Mr. PAPPAS. Mr. Speaker, I stand in support of the four articles of impeachment.

Mr. Speaker, over the past few months I have paid careful attention to the testimony, statements and reports regarding the charges against the President of the United States.

After reviewing all of the information available, I have come to the conclusion that in fact the President did commit perjury by lying under oath and he did obstruct justice and abuse his power by allowing White House officials to perpetuate his inaccurate statements to them.

This by no means was an easy decision for me. It is a decision based on principle and facts and not on poll numbers. It troubles me that the Congress is forced to deal with these issues instead of working on issues that would improve the quality of life for the people of my district in Central New Jersey and of our nation.

This issue has had quite a stir in my district and I am sure almost every other district around the nation. It would be easy to poll the issue and vote the ''politically popular'' way, but I was elected to cast votes based on principle and upholding the Constitution. I will do just that today. Some have said that those who cast votes in favor of impeachment may

pay a political price in the future. While that may in fact be true, our nation, our Constitution and the rule of law will pay an even greater and lasting price if we do not do the right thing.

Time spent on this could have been spent on saving Social Security, improving our education system or seeking additional tax relief. But let me make it very clear that there is one person who is ultimately responsible for where we are today and the person is the President himself.

It was President Clinton who misled the people of our country, his cabinet and the Congress since last January. It was the President himself who chose to commit perjury while under oath. So let me be very clear on why I have come to my decision. It is not about sex.

The President's personal behavior—albeit reprehensible and inappropriate—is not the issue at hand nor is itself an impeachable offense. Rather, my decision to support the articles of impeachment revolves around the President's public behavior. The President made his private life and private inappropriate actions public when he lied about them under oath in a public court of law.

As I said, my decision is not based on sex and not based on the President's private life. There are elected officials in both parties that have committed indiscretions. The difference however is very clear. In the case before us the President lied under oath in court. What if he had lied about another issue? Would that and should that make a difference? I maintain that lying under oath is lying under oath no matter the subject matter. An elected official's private life and actions are just that—private. But an elected official's public actions are just that as well—they are public.

Some have suggested that the House should censure the president. What then would we say to the American citizens that this very day are in jail for committing perjury in civil cases? I am sure that they too would like to have had censure as an option. But as I said before, we are a nation of laws that each and every one of us must abide by.

I think that most Americans, including many of my colleagues on both sides of the aisle agree that the President did in fact lie under oath and commit perjury. With that as the conclusion, there is no choice but to support impeachment.

It has been said that history will judge our actions. Before history judges us though we must ensure that the youth and citizens of our nation respect the principle that that no one is above the law. I spend a great deal of time speaking with young people who often ask me about this. I tell them that we can and should forgive each other because no one is perfect and we all make mistakes. Yet, there are consequences of our actions.

I have made my share of errors and will make more in my life. However, it is important to come to terms with our shortcomings, apologize, admit our wrongdoings and ask to be forgiven. A cleansing from within can then begin and healing can occur.

We are a nation of laws—laws that must be followed by each of the citizens of our nation. Realizing that there is not one law for the elected and one for the non-elected, one for those with power and another for those without, I have concluded that I have no choice but to support the articles of impeachment.

I do want to take exception to the statements from both sides that this is the most difficult vote a Member of Congress will ever cast. I completely disagree. I believe voting whether we send young Americans to face an enemy on distant shores is far worse. A vote for war is much more grave. I would urge all of my colleagues to refrain from this inflammatory statement to keep things in proper perspective.

A vote for impeachment is very serious but the Constitution creates the outline for this vote. It creates a process of succession. If Bill Clinton is impeached and removed, his vice president AL GORE assumes the responsibilities of the presidency. This is peaceful. During World War II we lost our president and still won the war. After a terrible civil war, our presidency survived the loss of President Lincoln. This was peaceful. Our Constitution and the American people's resolve to see an orderly transition vitiate any argument I have heard about how disruptive a potential impeachment would be.

It is clear that our three-branch form of government as created by the Constitution was done so in order to establish a set of checks and balances. The framers did not want a King. We created lots of checks on the President in order to ensure this. If we give in to the line of argument that a President who commits crimes is above the law, simply on the basis of polling, we have completely destroyed the framers' intent and done irreparable damage to the future of our nation and the rule of law. Today some would argue that perjury and obstruction of justice do not rise to impeachable offenses, but if we let this slide then what will we let slide the next time and the time after that. This is a slippery slope that a nation of laws cannot tolerate.

Across the nation, lawyers and legal scholars are watching how we proceed. They are waiting to find out if it is acceptable to lie under oath. If it is alright for the President then how can we possible hold anyone else to a higher standard?

I am one of the few members whose voters sent someone else back for the 106th Congress. However, I sincerely believe that the majority of New Jersey's 12th district residents do not want our President to be above the law or given special treatment. If we did what the president did, would we be treated the same? I do not think so.

The constituency that worries me the greatest in this debate is the school-aged children. Recently, a student from the Montgomery Middle School reminded me of the story about George Washington never telling a lie, cutting down the cherry tree and then taking responsibility for it. What will the meaning of that story be if President Clinton lies, is caught and is then excused for it? How should I answer these students?

As such, I reluctantly rise today to say I will vote for impeachment. I am hopeful that Mr. Clinton will still resign before this vote is counted; however, should he not, I refuse to allow my last vote in this Congress to be a vote to allow a man in charge with enforcing the laws, from being above the very same laws.

I want to close with a quote from Abraham Lincoln. He said, ''Let every man remember that to violate the law is to trample on the blood of his father and to tear the character of his own and his children's liberty. Let reverence for the laws be breathed by every American,—let it be taught in schools, in seminaries and in colleges—let it be preached from the pulpit and proclaimed in legislative halls and enforced in courts of justice. And, in short, let it become the political religion of the nation * * *.''

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. JENKINS), a member of the Committee on the Judiciary.

Mr. JENKINS. Mr. Speaker, the gentleman from Florida (Mr. STEARNS) and others in this House tonight have made a very good point about the defense that has been made in this case.

In the committee and again here today, the defense employed does not consist of a denial of the charges or an explanation of the behavior that is involved but rather it is an admission of the acts by many defenders and it is coupled with almost certainly attacks on the special counsel, attacks on the Committee on the Judiciary, and attacks on the entire Congress. And today that defense has been expanded to plead that our military forces would not want us to consider this matter at this time.

A great Air Force officer, our colleague the gentleman from Texas (SAM JOHNSON), who spent 7 years as a prisoner of war in Vietnam, who surely earned the right to speak to and refute that defense, refuted it very capably here today.

Now let us hear from another great American soldier who uttered these words. And these words were reprinted in Roll Call magazine today. ''Duty. Honor. Country. These three hallowed words reverently dictate what you ought to be, what you can be, what you will be. The unbelievers will say they are but words, but a slogan, but a flamboyant phrase. Every demagogue, every cynic, every hypocrite, every troublemaker will try to downgrade them, even to the extent of ridicule and mockery. But they build your basic character. They mold you for your future roles as the custodians of the Nation's defenses. The long, gray line has never failed us. Were you to do so, a million ghosts in olive drab, in brown khaki, in blue and gray would rise from their white crosses thundering 'duty, honor, country'.''

These are excerpts from General of the Army Douglas MacArthur's farewell to the Corp of Cadets at West Point on May 12, 1962.

Eleven years earlier, he was invited to address a joint session of Congress, ending his 52 years of distinguished military service. He spoke of the courage and the sacrifice of so many Americans who did not fail us, including those who gave their lives defending our values and our way of life.

I would ask my colleagues, please remember the words of this great soldier as they consider the merits of the allegation and the defenses to the allegation of this case.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the

gentleman from Wisconsin (Mr. KLECZKA).

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

Mr. KLECZKA. Mr. Speaker, I rise in opposition to the articles of impeachment.

Mr. Speaker, like all my colleagues, I have spent a great deal of time carefully reviewing the Judiciary Committee testimony and evidence. Let me make absolutely clear that I do not in any way condone the President's behavior. He lied to his family, his Cabinet, and the American people.

But the Framers made clear that the constitutional act of impeachment is not meant to punish a president for deplorable behavior but to protect our Nation from acts which jeopardize our democratic system. What the President did was wrong, both personally and morally, but his acts did not threaten our democracy and thus do not rise to the level of impeachable offenses as defined by our founding fathers in the Constitution.

As Mr. Bruce Ackerman, a constitutional law and impeachment expert at Yale University, testified before the Judiciary Committee, ''Once we lower the impeachment standard to include conduct that does not amount to a clear and present danger to our constitutional order, we will do grievous damage to the independence of the Presidency. [T]here can be little doubt that the present case falls short of the standard set by the Framers when they insisted on 'high crimes and misdemeanors against the state.' ''

I do believe that the President should be held accountable for his actions, and support an alternative to impeachment that would both condemn his actions and fine him. The Judiciary Committee considered a censure resolution which we in the full House are being denied the opportunity to debate and vote on.

Many of my constituents have called and been resolute in their belief that the President should be held accountable for his actions, and I could not agree more. President Clinton is not above the law and is still subject to indictment, trial, and sentencing in the same manner as all other citizens who do wrong. He will be fully subject to criminal prosecution for his wrongful acts when he leaves office.

Our founding fathers designed impeachment specifically to protect the nation from grave harm from a Chief Executive who clearly endangers our constitutional democracy. I do not believe the President's actions meet this test. The penalty for his misconduct should be exacted not through impeachment, but through indictment in our criminal court system and a stern censure by the Congress.

Mr. CONYERS. Mr. Speaker, with apologies to my colleagues, I am now reduced to only 1 minute for each of them.

Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. Mr. Speaker, for 30 years I have served in this institution. It is an institution which I have always loved, honor and revered. I have taken pride in being able to speak from this well on many historic occasions. But it is no honor today to speak and cast the last votes of my career against a resolution to remove from office the President of the United States. This is, in my opinion, the saddest day in the history of the House of Representatives. It is also a sad day for America.

As one who long before coming to Congress practiced and studied constitutional law, I am convinced that the Framers of the Constitution believe that they could entrust to this elected body the responsibility of determining what constitutes treason, bribery, or other high crimes and misdemeanors. I firmly believe that they trusted us to place the interest of the American people on such an exalted plane that they never envisioned this House removing a President from office except for grievous transgressions against the government which elected him.

I believe the Founders never envisioned this provision of our Constitution being used in such an unconstitutional and unfair manner as to overthrow an election where the American people have gone to the polls to vote and elect their President.

The action being taken in the ''People's House'' today makes a mockery of the Constitution and the electoral process which the American people have fought and died to preserve. Those esteemed Founders, those architects of our Constitution, never envisioned what is being done here today. I caution you that the act of impeaching this President today, while perhaps serving some narrow political purpose, will have consequences far beyond the comprehension of any of us here today. The impeachment of this President by the House and his subsequent trial in the Senate will be tantamount to once again shutting down the American government. This is the message that you send the American people today. The gridlock, disarray, chaos, crisis and paralysis which will envelop this government while the U.S. Senate tries a United States President is going to be wrenching and appalling. The American economy and world markets are going to be affected by a Congress which will be stalemated in its inability to pass any legislation into law because 100 Senators are sitting in a room trying the President of the United States from January through June or July of next year.

The people in my congressional district are angry and enraged over what is happening to their President. They are good, decent, hardworking people who love this country and care deeply about a President who has shown concern for them. The people in my district have heard the same evidence you have heard and while they do not approve of what he did, they do not feel that he has harmed them or this Nation, by what he did. In their opinion, his actions did not meet the constitutional standard for impeachment of bribery, high crimes, or misdemeanors. Through every means of communication, they have said to me, we are embarrassed and ashamed of the House of Representatives. They do not want their President impeached. Many constituents deem the act of a special prosecutor spending $40 million to bring impeachment charges based upon sexual activities to be loathsome and reprehensible. It defies everything this Nation stands for.

Lastly, as I cast my last votes in this Chamber and end my career as a Member of Congress, I am mindful that history will record forever both what we say and do here today. Neither history nor the American people will look kindly upon those who here today shunned the American people and the U.S. Constitution. As I vote to oppose the impeachment of the President, my conscience is clear. It is important to me that history record me as a Member of Congress who did not do what was expedient, but what was right.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

(Mr. KENNEDY of Rhode Island asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Speaker, we have no right to stand here and debate the rule of law if we cannot even extend to the President of the United States that same right of due process as required by our Constitution.

The majority has replaced the notion of due process with a notion that if we just say something long enough it will become true. Today we will be remembered for impeaching a president for punishment that does not fit the crime. Today we will be remembered for a political mutiny of our Commander in Chief when our troops are in the field. And today this Congress sends a message that the constitutional scales of justice can be tipped to one side if it suits the purpose of one political party.

Four hundred respected historians have said that the presidency will be permanently disfigured and diminished by today's vote. Over 200 constitutional scholars have argued that the sentiment of these offenses does not rise to the level of impeachment. And two-thirds of the American public have said the same thing.

Mr. Speaker, Republicans, put our country before your party.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I call this the nightmare before Christmas. And the American people find it difficult to believe that here we are on this day talking about impeaching a president who just came back from the Middle East almost with a peace accord.

This is not about impeaching Bill Clinton. This is about trying to roll back the clock. This is about impeaching affirmative action, impeaching women's rights. This is about taking America back rather than moving it forward.

I know how I am going to vote. My people have told me. I will not disregard the people who elected me. Seventy percent of them have said to me, protect the President, vote to keep this President in office.

□ 1715

So, Mr. Speaker, I will not vote for this nightmare before Christmas, I will not vote for this lynching in the people's House, I will vote against these resolutions.

Mr. Speaker, this is a serious time for our country. I urge my colleagues to do what is right and I ask that history be kind to us.

I rise in strong opposition to the articles of impeachment presented by my colleagues from the Judiciary Committee.

This resolution is an attempt to do through parliamentary means what could not be done in the last two elections: unseat the President of the United States of America.

I ask my fellow colleagues, is this a high crime or just an act which lacks moral judgement? Did he really abuse his power.

Let me state here on the floor of the House what most Americans already know.

The impeachment of a sitting President of the United States of America is an ominous and sober predicament that we as Members of Congress face. This formal expression of the United States of Representatives should not be about sexual indiscretion. We have allegations of Presidential sexual indiscretions, some going back 200 years and involving slave women who certainly had no defense against predatory relationships. But no such impeachment inquiry has been initiated before.

This is not about lying. We have had allegations of Presidential lying about the trading of munitions for covert foreign aid and Presidential lying about personal federal income taxes. But no such impeachment inquiries were initiated in response.

Mr. Speaker, there are some in this House who have campaigned for the impeachment of this President for more than six years. Their campaign, fueled by $40 million spent by the Office of Special Council, tens millions of spent by private sources, and millions more spent by assorted Congressional Committees, and the inevitable accompanying leaks have yielded us only a sad, sordid marital infidelity and an endless supply of headlines.

These relentless campaigns to impeach the President now hold their sponsors hostage to their own rhetoric. Having failed to find an impeachable offense, there is now relentless pressure to make do with the $60 million scandal—to make the scandal fit the bill.

Mr. Speaker, our Constitution contains a number of examples of purposely ambiguous language in addition to the phrase ''high Crimes and Misdemeanors.'' Consider such language as ''due process.''

It is precisely such elegant and flexible language which has enabled our democracy to develop, to encompass ever broader sectors of Americans, in ever deeper and more empowering ways.

It is reasonable to expect that as the process of electing our chief executive has become more and more democratic, enfranchising more Americans, more and more directly, that the process for removing that chief executive, of undoing the will of the people, would demand higher and higher standards. It is reasonable to expect that the Congress should not take unto itself the power to limit a President, in James Madison's words ''. . . to a tenure during the pleasure of the Senate.''

When we ''dumb down'' the Constitution to meet the needs of partisan politics we inflict deep and lasting harm on our political and Constitutional system. This is the real Constitutional crisis. I do not believe it is accidental that all of our nation's encounters with Presidential impeachment come following periods of great national turmoil—either the executive or legislative branch attempting to use extra-constitutional means of imposing its will on the policy of the nation.

Like the attempt to impeach President Johnson in the wake of the Civil War and the debate over how to incorporate African Americans into the body politic or the attempt of President Nixon to undermine his political opponents in the closing days of the War in Vietnam; current attempts to undo the results of two Presidential elections will leave deep, lingering wounds on our nation, but, in the long run, will fail in their attempt to make an end run around the will of the people.

Undoing our Constitution will not advance the search for solutions to the great national and international problems facing America: global economic crisis and growing economic inequality, the undoing of decades of struggle for racial equality in America, the resurgence of national strife around the world, the need to address fundamental problems in health care, education, environment and housing, preserving social security and a host of other critical issues.

I urge my colleagues to oppose this insidious attempt to use, or rather misuse, the power of impeachment.

Mr. Speaker, to the horror, outrage and disbelief of America, this Congress is about to molest, to assault, the central pillar of our Democracy, the right of the people to choose their representatives in government, and vote to remove the President of the United States.

Why? I am convinced, and the American People are convinced, that there are those who want to impeach the President as a means of containing, delaying or terminating his efforts to carry out the mandate which the American People have twice given him. Those driving the process to remove him are frustrated by his mandate, and obsessed with their fanatical desire to block programs from affirmative action to energy assistance, to defund programs from summer jobs to one hundred thousand new teachers.

I reject, and more importantly, the American People reject, the pious hand wringing and piteous mutterings about the crime of perjury. Read the articles of impeachment as closely as you want. You won't find the actual words alleged as perjury with a divining rod.

Why? The American People know that the allegations do not rise to the level of impeachment.

We do not allow such unspecified charges on the floor of this House. Any Member of this body who would accuse another would have his words taken down for judgment by the body. Why weren't the President's words taken down so they could be judged? Because the process is not meant to be fair. The process is meant to destroy. Every month, every week, indeed every day, brings new examples of the hypocrisy of these charges.

When, in the name of this House, secret grand jury testimony was released, in contradiction to every understanding we have of individual rights and due process, the claim was made that we had to inform and involve the American People about the process.

But now, when the American People demand an end to the outrage of this impeachment process, their voices are ignored. Suddenly their informed opinion is no longer relevant.

Why? Because the process was never meant to be fair or democratic. The process was meant to destroy.

I reject, and the American People reject, the pathetic whining about upholding the rule of law. An unchecked prosecutor, accountable to no one, with an unlimited budget, and a witch-hunting committee have shredded any semblance of rule of law. They have undermined, in a few short years, the protections that have taken our nation over two hundred years to perfect.

And, in using and abusing the law on sexual harassment, the witch hunters have created gaping holes in the law protecting women from harassment.

How ironic that President Clinton who brought together the people of Northern and Southern Ireland, who brought together the people of Israel and Palestine is a victim of rending and division of the American political system.

But he is not the only victim. We are perverting and destroying the American constitutional system, based on the wisdom of the people—a system we should be using to solve our real problems: saving social security; creating jobs with a living wage; lifetime education; accessible health care for all.

This is our last chance to stop the ''Nightmare Before Christmas.''

Some 50 years ago in the last days of Joe McCarthy, Senator Fulbright stood in the Senate and reflected on the fact that a small group had set a prairie fire which rapidly grew out of their control and destroyed everything in its path.

Today, we have a chance to stomp out another prairie fire, another witch hunt, which threatens to grow rapidly out of control.

Mr. Speaker, the American People are calling on this Congress, on every member of this Congress, to rise above the shrill voices of partisanship.

Therefore, if I might paraphrase Winston Churchill, let us feel the wisdom of the people, and the strength of our ancestors.

Let us stop the madness of those who seek to use impeachment to impose their political will. Let us undertake our duty, and so bear ourselves, that if America lasts for a thousand years, men and women will still say, ''This was their finest hour.''

PROJECTED PROCEEDINGS BEFORE THE UNITED STATES SENATE IF THE HOUSE VOTES TO IMPEACH THE PRESIDENT

The proceedings in the Senate on the articles of impeachment that the House exhibited against then United States District Judge Alcee L. Hastings provide the most recent and comparable precedents to guide the Senate in the proceedings against President William Jefferson Clinton that will take place if the House adopts articles of impeachment. The following outlines projects how the proceedings against the President would unfold if the House impeaches him based upon the proceedings in the Hastings case and the materials released by the Judiciary Committee during its inquiry into the President's conduct.

	Weeks Min.	Weeks Max.
I. Preliminary Proceedings		
A. The First Step. The House Managers would exhibit its articles to the Senate and the Senate would issue a summons to the President requiring him to respond within fifteen to thirty days and would ask the Committee on Rules and Administration to consider and report issues that need to be addressed and special rules that should be adopted for the conduct of the proceedings	1	1
B. The Rules Committee. Since the Senate has not conducted proceedings against a President in the past century, the issues would be substantial. At least five steps would have to be taken before the committee could submit its report and recommendations to the Senate.		
1. The committee meets and authorizes the Chair and Ranking Minority Member to send a letter asking the parties to file memoranda addressing issues identified by the Committee and other issues that either believes the committee should consider, probably allowing twenty to thirty days for initial memoranda and ten to twenty days for responses	1	2
2. Each of the parties file memoranda.	4	6
3. Each of the parties file memoranda responding to the other.	6	9
4. The committee holds hearings on the issues raised.	7	11
5. The committee deliberates and prepares its report and recommendations and any necessary resolutions.	9	13
C. Pleadings and Motions.		
1. The President. It is hard to anticipate the defense strategy the President will adopt, but the House Judiciary Committee's proceedings and recommended articles of impeach suggest that counsel for the President would file:		
a. *Answer and Affirmative Defenses.* Counsel for the President will raise at least one and probably two affirmative defenses—(i) the articles fail to allege facts sufficient to state an impeachable offense; and (ii) the misconduct of Independent Counsel Starr and the House's reliance upon the products of that misconduct require that the articles be dismissed.	3	4
b. *Motion to Dismiss.* The motion would enable the Senate to consider whether it should dignify the President's improper conduct alleged in the articles of impeachment by classifying it as ''High Crimes and Misdemeanors'' under the Constitution.	6	10
c. *Demand for Bill of Particulars.* The majority on House Judiciary Committee appear to shoot themselves in the foot by refusing to specify the precise statements made by the President that they claim were perjurious. If the pending articles are adopted, counsel for the President will demand and the Senate will almost surely order the House Managers to provide a bill of particulars. The real effect of the lack of specificity will further delay.	6	10
d. *Alternative Motion to Strike Particular Allegations.* If the Senate does not dismiss the articles in their entirety, counsel for the President are likely to ask that the Senate, after the bill of particulars has been filed, strike specific allegations in the article that remains.	6	10
2. The House. The House managers would be required to file a Replication to the President's Answer and Affirmative Defenses and responses to the motions. If they opposed the demand for a bill of particulars, there would be a second round of briefing and further argument before the Senate after the House had complied with the Senate's order, adding an additional two weeks to the process.	8	14
3. The President's Reply. Counsel for the President would file a reply and any supplemental memoranda made necessary by the House's bill of particulars.	10	16
D. Proceedings Before the Full Senate. The Senate would be likely to set aside two days to consider and act upon the report from the Rules Committee and to hear arguments on and decide the pending motions.	12	18

II. Trial Preparation

In *Hastings*, the Rules Committee recommended that the Senate appoint an Impeachment Trial Committee to regulate the preparation for evidentiary hearings and to conduct those hearings. If the House adopts articles here, the evidentiary hearings will be conducted before the full Senate. It is likely that the Senate and the Chief Justice will agree that the trial preparation duties that were performed by the Impeachment Trials Committee should be assigned to the Rules Committee (or to a special impeachment committee appointed for that purpose). Although the counsel for the President would request that trial preparation be deferred until the Senate had ruled on the President's motion to dismiss, the Rules Committee might determine that necessary preparation should proceed concurrently with other trial matters. However those duties were exercised, the steps would likely be the same.

	Min.	Max.
A. Discovery Proceedings: The need for discovery would be far greater in this case than it was in *Hastings*. Here, as it did in *Hastings*, the House Judiciary Committee relied primarily upon the report and materials transmitted to the House by another branch and upon the testimony of the investigator who prepared the report. Here, as it did in *Hastings*, the committee did not call and subject to examination and cross-examination the fact-witnesses identified by the Starr referral or those who might testify on behalf of the accused or obtain from the Independent Counsel or elsewhere documents other than those included in the materials transmitted. It is hard to conceive that the Senate here would not afford the President the time and the use of its subpoena power to take depositions and obtain relevant documents. Based upon *Hastings* and the materials available here, discovery would proceed in three stages.		
1. Submissions by the Parties. If any articles remained after the motions to dismiss or strike had been decided, the Senate or a committee would have to decide whether and what discovery should be permitted.		
a. Counsel for the President would promptly submit a memorandum identifying witness and sources of documents that were likely to produce relevant evidence and explaining why the President should be permitted to subpoena each of the witnesses and other source to obtain that evidence. At a minimum, it seems almost certain that the counsel would seek to depose (i) lawyers for Paula Jones about their initial conversations with Linda Tripp and with members of the Office of Independent Counsel (''OIC'') staff; (ii) the members of the OIC staff and FBI agents who met with or interviewed Linda Tripp and Monica Lewinsky; and (iii) other technical witnesses, such as those reconstructed materials from the hard drive in Ms. Lewinsky's computer. It also seems certain that they would want access to the documents that the Independent Counsel did not transmit with his referral	12	20
b. The House managers would be directed to file a response agreeing with or objecting to the President's requests.	14	22
c. The Senate or its committee would examine the president's request and the House's response and hold hearings and enter the appropriate order directing the issuance of appropriate subpoenas.	16	23
d. Independent Counsel Starr, Ms. Jones' lawyers, or others subpoenaed might object to some or all of the subpoena, in which event time-consuming enforcement proceedings would be necessary, at least three months.		36
e. The depositions would be conducted and the documents produced and examined.	16–24	36–44
B. Other Trial Preparation Proceedings:		
1. The House managers and counsel for the President would propose stipulations or submit requests for admissions. The Senate or its committee would encourage the parties to stipulate at least to the authenticity and/or admissibility of various documents and other potential exhibits. Responses would be exchanged and negotiations would proceed.	12	20
2. The Senate or its committee would direct the parties to file and exchange ten days after the close of discovery, pretrial memoranda identifying witnesses each intended to call and exhibits each intended to introduce.	25	45

	Weeks Min.	Max.
3. The Senate or its committee would enter a final pre-trial order establishing the date for and procedures to be followed at trial.	26	46

III. The Trial of a President

Rules XII and XIII of Procedure and Practice in the Senate When Sitting on Impeachment Trials provide that, unless otherwise ordered, the proceedings shall commence at 12:30 p.m. on the first day and at 12:00 noon thereafter. In order to make it possible for the legislative and executive branches to tend to some of the government's business and to enable the Chief Justice to participate in the oral arguments before the Supreme Court, it seems likely that the Senate would not schedule the evidentiary proceedings to begin before 12:30 or would permit them to extend beyond 6:30 p.m. on a regular basis.

A. The Presentation of Evidence by the House Managers. The managers presented the testimony of thirty-seven witnesses in *Hastings*. Only twenty-seven appeared before the Impeachment Trial Committee. The managers were permitted to introduce transcripts of prior testimony for the other ten. The House managers are likely to call most if not all of the 120 witnesses whose statements or testimony are included in the materials transmitted by Independent Counsel Starr. Depending upon the success of pre-trial negotiations, it might have to call several more to establish necessary foundations and the like. Forty to fifty would appear to the minimum number necessary to support the allegations the proposed article have borrowed from the Starr Report. No prior testimony will be admitted. The videotaped deposition and the videotaped grand jury testimony will be shown in there entirety, and many of the Tripp tapes will be played given by the president. The examination and cross-examination of the twenty-seven witnesses the House presented in *Hastings* consumed more than ten full days. If the President is impeached by this House, the presentation of testimony and other evidence will consume twenty [if forty witnesses called] to forty [120 witnesses] partial trial days before the full Senate.	27–30	47–40
B. The President's Case. It is impossible to project the number of witnesses that the President's counsel would call for his defense with any confidence. The Starr Report was not a balanced presentation of the available evidence. It seems clear that the number would be substantial and would include many of the 120 persons whom were identified in the Starr Report, but were not called by the managers. They would present all of the Tripp tapes that the managers did not introduce. They would call witnesses whose conduct might have influenced the testimony of Ms. Lewinsky and other House witnesses and witnesses who had knowledge relevant to Ms. Lewinsky's credibility. Twenty witnesses and ten days seems a safe minimum.	31–32	51–52
C. The House Rebuttal. Given the passion and vigor displayed by Republican members of the Judiciary Committee, it seem likely the House managers would want to try to rebut the President's case, no matter how tired and angry the American people may have become. Might we hope for only a day or two?	33	53
D. Argument, Deliberations, and The Vote. Given the nature of the issues and the length of the projected trial, it seems likely that Senate would allot at least four hours to each side for closing arguments. Past precedent dictates that the Senate would close its doors to deliberate in executive session until its members have expressed their views. The vote would follow. With luck, the denouement might be completed in less than a week	34	54

I call this the nightmare before Christmas and Mr. Spaker, it is difficult to believe that we are here today; But we are debating whether or not to bring charges of impeachment against the President who has just returned from the Middle East where he was able to bring together Palestinians and Israelis, where he was able to bring together Netenyahu and Arafat. This President who was able to bring together Northern and Southern Ireland, India and Pakistan. A President who has opened up new avenues and relationships with the African Continent, with China, and with other nations throughout the world.

During these proceedings we have heard a great deal of legal argument but I submit to you that this is as much about politics as it is about law. It's not just an attempt to impeach the President, it is an attempt to undermine and dismantle the policies and programs of this administration. This is an attempt to impeach and hold back Affirmative Action, women's health rights, new teachers, summer jobs for disadvantaged youth, energy assistance for low income people, community health centers, treatment programs for victims of aids and HIV, clean air, and raising the minimum wage. No Mr. Speaker, this is not just about Bill Clinton it is about dashing the dreams and the hopes of one growing up in a small state, an average citizen, in an average family, no pedigree, no major wealth, but growing up with hope, drive and determination, growing up with the idea that you can rise to the top and that you can make a difference. This vote today is a prime example of the contradictions with which we operate.

We talk justice and operate in an unfair and unjust manner. We talk democracy and disregard the will of the people.

We talk forgiveness and practice retribution.

We talk unification and practice division—we talk about morality and commit the immortal act of fundamental unfairness.

Mr. Speaker, I am not prepared to disregard the will of the people, I am not prepared to say that their feelings are irrelevant. I am going to vote my conscience. I am going to vote with my people. I am going to vote against impeachment. I am going to vote against this nightmare before Christmas.

I am going to vote against this attempted lynching in the people's house.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Indiana (Ms. CARSON).

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

Ms. CARSON. Mr. Speaker, we have dispatched and asked some of America's women and men to place themselves in harm's way and degrade Saddam Hussein's capacities in weapons of mass destruction. Simultaneously, we placed the citizens of America in harm's way by utilizing political weapons of mass destruction to degrade and destroy the President of the United States. Lyndon Johnson said, ''The difference between Democrats and Republicans is that we don't hate your Presidents.''

Some say this is not about sex; it is about lying under oath. Lying under oath about sex is still about sex, and the only reason it is about sex is that our colleagues could not find anything else to get on him.

Any extramarital affair, whether by a president or a Member of Congress, is lying under oath, the most sacred of oaths, the marriage vow. Any lie told by a president about the people's business is under oath, the presidential oath of office.

It is not just one poll, but in all polls, by a two to one margin the American people say that when it comes to people's sex lives even presidents' sex lives, government should mind its own business.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman from Rhode Island (Mr. KENNEDY) says the President was not given due process, and exactly the opposite is true. The chairman, the gentleman from Illinois (Mr. HYDE), gave the President a standing invitation to appear before the Committee on the Judiciary. He did not accept that offer.

Mr. KENNEDY of Rhode Island. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. No.

Mr. KENNEDY of Rhode Island. Mr. Speaker, the gentleman has named me and my——

Mr. SENSENBRENNER. Mr. Speaker, I have the floor.

Mr. KENNEDY of Rhode Island. Is not perjury a legal term? Has the gentleman defined perjury in a court of law, or is it just his constant repetition that the President has lied?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Rhode Island is out of order.

Mr. SENSENBRENNER. Mr. Speaker, the President's lawyers had up to 30 hours to present their defense. Mr. Starr had 12½ hours.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

The gentleman may proceed.

Mr. SENSENBRENNER. Mr. Speaker, the Democrats had almost two-thirds of the witnesses before the committee. They called 28 witnesses, the Republicans called 15, and they shared two. The chairman, the gentleman from Illinois (Mr. HYDE), asked the White House to present evidence that would exonerate the President, and they did not.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Speaker, I rise in support of that enduring document, the Constitution that has stood the test of time.

When this debate is concluded, I will reluctantly vote for at least one article to impeach President Clinton.

I make this announcement with profound sorrow, and with deep concern about the consequences for our country, but, in the final analysis, with firm conviction that this is the only fitting and proper course for me to take.

This has been by far the most difficult, even tormenting, decision I have had to make in my 16 years in Congress. I have spent a great deal of time assuring myself that in this case we are using the Constitution as a shield, not a sword. The purpose of impeachment is to protect the institutions of our Government—and through them, the people—not to attack or punish a particular political figure. I am convinced that in this case we do indeed need impeachment as a shield to protect the integrity of our institutions.

I simply have not found the means to rationalize away the fact that our President lied under oath; that he has tried repeatedly to game the judicial system. Whatever the origins of this case, whatever the motives of his questioners, the President had an obligation—a legal and Constitutional obligation—to tell the truth under oath. No voter ever elected to exempt the President from the demands of our system or to weaken the Judiciary established in Article III of the Constitution.

I regularly visit high schools in my district, and I keep asking myself, ''How am I to answer the high school student who asks me why he was expelled for cheating, or what do I say to the average citizen who is punished for lying in a court proceeding or the West Point cadet who must live under the honor code?'' The answers I come up with all seem like thin and transparent excuses that would appease no one, least of all me.

And let me say that this is not about determining whether the President has been sufficiently contrite, although contrition is certainly in order. Congress was not established as a body of clerics or therapists. This is about how to keep a system intact that is based on law and trust, a system that cannot countenance attacks on those foundations regardless of how sorry one is after having been found out.

Much time has been spent during this prolonged ordeal comparing the situation to Watergate, only for most to conclude correctly that the two scandals have little in common. But they do have one aspect in common that I think has been overlooked. In a rare moment of personal insight, Richard Nixon concluded that he had destroyed himself by hating his enemies back. I am afraid that President Clinton fell into the same, all too human, trap. Blinded by his contempt for people who he thought were out to get him, the President forgot his larger obligations to his Office, to the Constitution and to the American people. He let his personal feelings interfere with fulfilling his Constitutional obligations.

In making my decision, I have tried hard to put personal feelings and political concerns aside and to focus solely on my Constitutional obligation. And I have come to the difficult, heart wrenching, almost unbearably sad conclusion that I am obligated to vote to impeach the President.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART).

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, this is a very sad and difficult day, but those of us elected to lead in this great representative democracy must act and vote based upon our consciences even in the most difficult of situations. I would like to make just a few points.

First of all, the founders of the republic did not create the remedy of impeachment to change the results of presidential elections but rather as a great check and balance to redress patterns of delinquent conduct by chief executives.

Secondly, all democratic governments must have both the legitimacy of origin and the legitimacy of conduct. President Clinton obviously enjoys the legitimacy of origin, having been elected to the Presidency. His serious violations of the law, however, including his breaking of oaths in judicial proceedings to tell the whole truth and nothing but the truth, have lost for him the legitimacy of conduct.

Thirdly, the matter before us today has nothing to do with the President's private life, which should be of interest to no one. This has to do with perjury, obstruction of justice and abuse of power, violations of the law. Failure to impeach President Clinton would increase the likelihood that perjury would be committed in future legal proceedings, it would increase the likelihood that future Congresses would hesitate to impeach Federal judges for perjury or obstruction of justice. In short, it would do grave harm to the integrity of the judicial system and the United States.

The essential point of the action that we are now taking is that no one in the United States is above the law, not even the President.

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from New York (Mr. NADLER), a member of the committee.

Mr. NADLER. Mr. Speaker, the Republicans say we are not contesting any fact allegations. The fact is there were no fact witnesses brought before the committee, there were no specific perjury quotes, no specific alleged lies cited in the articles, and I ask the Republicans do they deny the President admitted to an inappropriate relationship to the grand jury? Is their beef that he was not graphic enough about who touched him where?

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

Mr. SKAGGS. Mr. Speaker, censure of a President as a remedy available to us to deal with the misconduct of a President was used in 1800 against President Adams. Then Representative John Marshall, a future chief justice, made an argument against its constitutionality. If it was good enough for him, it should be good enough for us. In denying us that option the majority undermined its claim of conscience because the essence of conscience is the freedom to choose among reasonable alternatives. This is a political solstice with a cold darkness to match the winter solstice. I pray that a new and better season of our politics will come. I so want the speakership of my friend, the gentleman from Louisiana (Mr. LIVINGSTON) to succeed and to nurture a renewal of this House. We owe him and ourselves and the country that opportunity. I want nothing more than for this House to fulfill the aspiration of its Members and the people that it be a great and decent deliberative body serving in honor the great purposes of a great Nation.

This is my last speech here. I leave my colleagues with the plea to be good to each other so that they may do their best for the country that we love.

I love this House. This is my last time to speak here. How I wish it were not such a sad occasion. And how I wish we were able to conduct this grave business at a better time, in a better way.

The dishonorable and reprehensible behavior of the President of the United States deserves our strong condemnation. We have a responsibility to act in this matter, and to act with a dignity and fairness and soberness fitting the enormity of the decisions we will make.

The President got himself into this awful fix by having a tawdry sexual affair and then almost certainly lying about it under oath. In both respects, his conduct is immoral and indefensible. It is also understandable that he tried to save himself and his family from shame, embarrassment and humiliation by lying to cover it up. In all this, his behavior was abominable, self-indulgent, incredibly reckless and altogether human.

Probably no American other than the President could or would have been subjected to the extraordinary circumstances of multiple testimony about a sexual affair. First, he was compelled to testify in a civil deposition about this sexual affair, about facts themselves immaterial in a lawsuit later found to be without merit. Then, he testified before a grand jury about this deposition testimony about this same, legally immaterial sexual affair. This grand jury process would not be used to investigate any ordinary American regarding

such civil deposition testimony; it is only available against someone like the President, subject to a special prosecutor like Ken Starr. Nonetheless, he should have told the truth. And, depending on some technical but legally important considerations, he may have committed perjury.

Now, what do we do about it?

The Constitution makes a President who's committed ''Treason, Bribery, or other high Crimes or Misdemeanors'' liable to impeachment by this House of Representatives, trial by the Senate and possible removal from office. Each house of Congress also has plenary and unrestricted power to express its views and sentiments about any matter by the passage of resolutions.

The law would subject the ordinary American charged with violations such as the President's to some civil fine or forfeiture in connection with the civil deposition testimony. Recall that the President has already paid a substantial amount to settle the Paula Jones case. And the ordinary American would face the fairly unlikely possibility of criminal prosecution for perjury in connection with the grand jury testimony. Prosecution would be unlikely because the case turns fundamentally on a swearing contest between witnesses and because the subject of the possibly perjurious testimony was not itself criminal conduct, but rather a tawdry, though not unlawful sexual affair.

So, if the objective is to treat the President as other Americans would be treated, there's your answer. If the objective is to insure that the President is not above the law, there's your answer. And if the objective is to vindicate the rule of law, there's your answer.

Of course, the President is not an ordinary American. His wrongful conduct occurred in the White House and implicates his high office. The responsibilities and authority and stature of the Presidency require their own vindication and deserve to be cleansed somehow of the taint of this wrongful conduct. So, it is entirely appropriate to consider sanctions that go beyond what an ordinary American would face. But how much beyond?

Consider impeachment. From the words of the impeachment clause, it's obvious this remedy was intended for serious offenses. The historical context, the debates at the Constitutional Convention, Alexander Hamilton's explanation in ''The Federalist'', and the debates during state ratification generally support the proposition that impeachment is to be reserved for very serious offenses that are themselves destructive of the government or constitutional order, and that any decision to impeach necessarily calls for a sober political judgment, not a legalistic one. It's apparent from the same sources that impeachment is not to be used as a device to get rid of a President whom a sufficient majority in Congress happens to disapprove of, however adamant their disapproval.

The debate we've had about what's an impeachable offense has been only marginally helpful, because it's seemed to assume—wrongly, I think—that impeachability requires impeachment. In the abstract, no doubt perjury may qualify as an ''impeachable'' offense. It's a serious crime. However, a proper reading of the Constitution and of our responsibility under is leads, I believe, to a sober judgment that while perjury may be impeachable, the perjury in this case (if it occurred) does not warrant impeachment. That judgment recognizes the important moral space between ''impeachability'' and ''impeachment'' and fills it with a reasoned and principled application of historically grounded standards for impeachment to the facts and circumstances of this case.

If impeachment were the only choice, the only way to hold the President to account as President, there would be a greater temptation to risk its use in this case. But there's another choice. It is censure. A strongly worded censure resolution was offered in the Judiciary Committee by Mr. BOUCHER, appropriately condemning the wrongful acts of the President. And given it, and so moot any issue of passing a bill of attainder, censure could move beyond words to include a fine.

Congress has the plenary authority to pass resolutions about any subject. Serious people nevertheless argue that impeachment states the exclusive remedy available to us.

That argument quickly bumps into history and practice to the contrary. The most compelling example is the first. In 1800, the House took up a resolution of censure against President John Adams.

One Representative argued that Congress didn't have the power to censure, but only to impeach. Others saw no such problem, and raised the point that it would be unfortunate to have no way to express disapproval of misconduct not serious enough to justify impeachment. Representative John Marshall, the future Chief Justice, was in charge of Adams' defense, and he did not challenge the constitutionality of censure.

This happened when the House was comprised primarily of many Members politically active at the time the Constitution was drafted only 13 years earlier, including several Members who had been members of their states' ratifying conventions. This is as close as you can come to an object lesson in ''original intent.'' If John Marshall accepted the constitutionality of censuring a President, even as he worked to defeat it, who are we to object?

This gets us to the matter of ''conscience''. Conscience is best exercised through freedom. Freedom in turn suggests choices and alternatives. The denial of freedom to choose among legitimate alternatives is a denial of full freedom of conscience.

Now, we are told that it would be wrong to have the freedom of making a choice—yet that freedom is the essence of conscience.

Stripped of its pretenses to constitutionalism and conscience-mindedness, the majority's manipulation of the impeachment process is revealed an unfair act of raw majoritarianism by which they are determined to exact their one desired outcome: ending, or at least hobbling, the Clinton Presidency. I regret that the behavior of the majority leadership in handling this matter contradicts their claims of dispassion and nonpartisanship.

Let me say that my charge is against the majority leadership who have engineered the process today. I acknowledge and credit the sincerity of the many who will vote for impeachment as an act of conscience. But do not think that your definition of conscience can rightly be imposed on others without, in doing so, diminishing the concept of conscience.

Can there be a more compelling instance in which the people of the country, acting through their elected representatives, should be able to find a conclusion by letting a consensus emerge; by letting the preference of the greatest, not the smallest, majority prevail?

This a political solstice with a cold darkness to match the winter solstice. I pray that a new and better season for our politics will come as spring will follow this winter. I so want the speakership of my friend, BOB LIVINGSTON, to succeed and to nurture a renewal of this House. We owe him and ourselves and the country that opportunity.

I want nothing more for this House than to fulfill the aspirations of its Members and the people that it be a great and decent deliberative body, serving in honor the great purposes of a great nation. This is my last address here. I leave my colleagues with a plea to be good to each other so that you may do your best for the country we love.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, if an action by a President poses a threat to our government, then he may be impeached for that action. The President's behavior was reprehensible, insensible, even unimaginable, but it is not impeachable. The punishment does not fit the crime. The authors of the Constitution never intended this result.

Even the chairman, the gentleman from Illinois (Mr. HYDE), said that he intended to conduct bipartisan hearings. We have watched as these intentions have eroded into an unnecessary partisan battle.

The President is accused of degrading his office. We must ask ourselves is the proper response to degrade the process by lowering the standard of impeachment?

Our biggest responsibility is to the American people. The American people elected this President, and they have made it clear that they would like to keep him, warts and all. I join my Democrat colleagues in calling for a lesser punishment than a political death penalty. It is unfair, it is partisan, it is wrong.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I oppose the articles of impeachment because I believe although the President's behavior was deplorable, I believe he has not committed a high crime and misdemeanor. So this decision is wrong for today.

But, Mr. Speaker, this decision is wrong for the ages because let me predict what is going to happen. Last year the United States Supreme Court said: ''You can now proceed with a civil suit against a sitting President.'' The next time we have a polarizing President and a Congress from a different party, here is what is going to happen: There is going to be a civil suit launched against that President. He or she is going to be dragged into discovery, and his or her opponents in this Congress are going to try to categorize anything

they can as perjury and obstruction of justice. Articles of impeachment will be pursued, and the country will be weakened.

It is my sincere prayer here tonight that our children will not bear the bitter fruits of the reckless seeds that our colleagues are sowing here today. The Constitution has worked well for over 200 years. Leave it alone.

Mr. Speaker, allow me to explain my reasoning in voting against the impeachment of the President. The Constitution recognizes a difference between misconduct—even criminal misconduct—and the High Crimes and Misdemeanors that are required for impeachment.

My judgment is that the President's misconduct, though deplorable, does not rise to the level required by the Constitution for impeachment.

And my judgment is that we will set a dangerous precedent if the majority in the House disagree with me, and decide to vote for these articles of impeachment which are before us. We will have lowered the bar to impeachment, and this action, coupled with the Supreme Court's decision to allow sitting Presidents to be sued in a civil lawsuit while in office, will lead to more partisan mischief in coming years, which could gravely harm our government and our nation.

The country would be best served by a return to the important business at hand: education, health care, Social Security, and international problems.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Speaker, John Page wrote a letter to Thomas Jefferson on July 20, 1776, which reads and I quote:

''We know the race is not to the swift nor the battle to the strong. Do you not think an angel rides in the whirlwind and directs this storm.''

I pray that Providence is with this body, this country and our Constitution for fairness and justice and honor today, and I fear my prayers will go unanswered.

I voted with my Republican friends 68 days ago to initiate this investigation, to look at the facts and corroborate the evidence for a high crime and misdemeanor, and George Mason, who wrote that phrase, said, and I quote:

''It ranged from a great and dangerous offense to subverting the Constitution.''

This does not pierce that high threshold, and when it comes to punishment, yes, the President did something reprehensible and immoral and sinful, and he should be punished by censure by this body and by prosecution like every other American would be when he leaves office.

Now finally, Mr. Speaker, this is our rule book. This is our sacred scripture in this body. There is nothing in here, Mr. Speaker, that prohibits a censure; there is no impediment in our Constitution to a censure. In fact we have censured and rebuked and criticized Presidents three times, in 1834, in 1842, in 1860, and we have impeached a President once.

There is precedent, Mr. Speaker. There is no prohibition or prevention to censure, and it is unfair and against our own rules not to let us vote.

Finally, let me quote from Benjamin Franklin, who said after the Convention when he was asked what have you wrought with this Constitution? And he said:

''A republic, if you can keep it.''

Mr. Speaker, the Constitution is sacred scripture, and it applies evenly and fairly to all of its people, all of its institutions, including the presidency.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana (Mr. BUYER) for rebuttal.

Mr. BUYER. Mr. Speaker, I have great respect for my colleague from Indiana (Mr. ROEMER) and I would only respond by saying impeachment is the only power in the Constitution granted to Congress to address presidential criminal misconduct in the derelict exercise of his duties. The censure resolution that was offered the Committee on the Judiciary in fact has findings of guilt with a punishment. It is prohibitive then of a bill of attainder and is therefore unconstitutional. A temptation to take the easy way out by assuming a power not specifically granted in the Constitution should be shunned.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

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

Mr. BASS. Mr. Speaker, I rise in support of the resolution before us. This debate is not about the President, it is about the presidency. It is not about marital infidelity or contrition, as tragic as that might be, but it is about lying under oath, and it is not about contorted legalese to create the appearance of truth, it is about facing the underlying facts, facing the reality of what we all know has happened here.

Mr. Speaker, no citizen should ever be above the law, and if my colleagues believe, as I do, that President Clinton knowingly made perjurious, false and misleading statements under oath to a grand jury and in sworn affidavits, that he attempted to corruptly influence the testimony of witnesses and potential witnesses, then we must support this resolution.

□ 1730

Let us pray that 1998 not be the year that we create a sovereign ruler; rather, let it be the moment when we reaffirm the principle of equal justice for all. I urge support of the pending resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield one minute to the gentleman from Illinois (Mr. HASTERT).

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

Mr. HASTERT. Mr. Speaker, I am saddened that there is clear and convincing evidence that the President lied under oath, obstructed justice and abused the powers of his office in an attempt to cover up his wrongdoing. I regret that the President's behavior puts me in the position of having to vote in favor of articles of impeachment and pass this matter on to the U.S. Senate for final judgment.

In facing this solemn duty, I look to the wisdom of our Founding Fathers. According to Alexander Hamilton in Federalist 65, impeachment concerns ''offenses which proceed from the misconduct of public men, or in other words from the abuse of violation of some public trust.''

The evidence in President Clinton's case is overwhelming, that he has abused and violated the public trust. In this Nation, all men are created equal. Simply put, the President in our representative democracy is not a sovereign who is above the law. Tomorrow I shall cast a difficult vote.

The President's inability to abide by the law, the Constitution and my conscience have all led me to the solemn conclusion that impeachment articles must be passed.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. NADLER), a member of the committee.

Mr. NADLER. Mr. Speaker, the gentleman from Indiana (Mr. BUYER) says that a censure resolution would be unconstitutional. The Congressional Research Service says that a censure resolution is an exercise of the implicit power of a deliberative right to express its views. The gentleman from Texas (Mr. DELAY) offered House Resolution 433, disapproving the President's conduct with respect to campaign financial.

What is the distinction, why did the gentleman from Illinois (Mr. HYDE) make the censure resolution offered in committee in order? Was he exercising an unconstitutional prerogative?

I yield to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I say that the censure resolution that was offered has specific findings of guilt and therefore makes it unconstitutional in its form.

Mr. NADLER. Mr. Speaker, reclaiming my time, what about the resolution of the gentleman from Texas (Mr. DELAY)?

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my good friend from Michigan for yielding me time.

Mr. Speaker, in our House rules manual, it explicitly states, ''In the modern practice, concurrent resolutions have been developed as a means of expressing principles, opinions and purposes of the two Houses.''

Thomas Jefferson said principles, opinions and purposes could be expressed in the form of resolutions.

What better person to go to than Thomas Jefferson?

Mr. CONYERS. Mr. Speaker, I yield 1¼ minutes to the distinguished gentleman from New York (Mr. LAFALCE).

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

Mr. LAFALCE. Mr. Speaker, today is a very sad day in America's history, especially because everything leading up to today's vote has been so unfair. Ken Starr's investigation was unfair. He even tried to entrap the President. His report was unfair, for he left out important exculpatory evidence. His presentation to the House Committee on the Judiciary was so unfair that his own ethics adviser resigned as a result.

The Speaker-designate's decision to deny the House and the American people the right to vote on censure as an alternative is unfair. That decision constitutes an obstruction of the justice that the American people believe is warranted, censure; the justice that former President Gerald Ford, who knows something about impeachment, believes is warranted; that former Republican presidential candidate Robert Dole advised this body; censure, not impeachment.

You may have followed your conscience in deciding to vote for impeachment, but you cannot be considered just if you deny those of us, I believe a majority of this body, I know a majority of the American public, the right to vote on censure as an alternative to impeachment.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. OBERSTAR. Mr. Speaker, the constitutional scholars testifying before the Committee on the Judiciary made it clear that there is a high threshold for impeachment.

Not all crimes are impeachable offenses. The impeachment power is limited to treason, bribery and other high crimes and misdemeanors. The word ''other'' means impeachment is limited to crimes similar to bribery and treason, threatening the basic integrity of government.

The charges against President Clinton fall well below this standard. When you cut through the rhetoric about rule of law, abuse of power, civil rights cases, at bottom the allegations are that the President tried to conceal an embarrassing private relationship. These efforts at concealment came in the Paula Jones lawsuit, a civil lawsuit. The relationship being concealed was that between the President and Ms. Lewinsky, and it was only tangentially relevant to the lawsuit, which was subsequently dismissed.

In any event, in his grand jury testimony, the President admitted an improper intimate relationship. For that, he deserves censure.

As the majority in the House marches in lock-step to thwart the will of a majority of the electorate, it is worth recalling that the House Republicans came to power claiming that the Congress was out of touch with the real America. How hollow this claim rings today, when two-thirds of the electorate opposes removal of the President through impeachment.

If the Republican majority were truly concerned about the views of the real America, they would support the remedy which a majority of the people support, a censure resolution permitting the President to stay in office. But the Republican leadership, which in the past complained vociferously about limitations on the amendment process, is so determined to win, that it is unwilling to allow even a vote on censure. Apparently they fear that they would lose this vote and that the will of a majority of the electorate would prevail.

What could be more contrary to the rhetoric of the Reagan and Bush Administrations than this vote, in which Republican ''Washington insiders'' will decide that they know better than the public outside the beltway. Indeed, the Republicans' zeal to remove the President is so intense that they are willing to ignore not only the wishes of the people, but the morale of our troops in combat, and even the letter and the spirit of the Constitution.

Under the separation of powers which is fundamental to our Constitution, the President and the Congress are separate and independent. Ours is not a parliamentary system in which the legislative and executive functions are merged. In a parliamentary system the legislature removes the executive when it disagrees with him, and the legislative majority is expected to enact the executive's program without question. Under our system, the two branches are separate, and only in extraordinary circumstances can the legislature breach the independence of the executive and remove the President by impeachment.

The Constitutional scholars testifying before the Judiciary Committee made it clear that there is a high threshold for impeachment. Not all crimes are impeachable offenses; the impeachment power is limited to ''treason, bribery and other high crimes and misdemeanors.'' The term ''other'' indicates that impeachment is limited to crimes which are similar to bribery and treason in threatening the basic integrity of government.

The charges against President Clinton fall well below this standard. When we cut through all the high flown rhetoric about the rule of law, abuse of power and civil right cases (incidentally, when was the last time the Republicans called a sexual harassment case a civil rights case) we have, at bottom, allegations that the President tried to conceal an embarrassing private relationship. The first efforts at concealment came in the civil lawsuit by Paula Jones. The relationship which was being concealed, that of the President and Ms. Lewinsky, was only tangentially relevant to Paula Jones' lawsuit. In any event, Ms. Jones' lawsuit was subsequently dismissed.

In his grand jury testimony, the President admitted that he had an improper, intimate relationship with Ms. Lewinsky. At worst, the President lied about the exact nature of some of his intimate actions. It is hard to see how these alleged lies could constitute ''great and dangerous offenses'' or ''attempts to subvert the constitution'' which should be the basis for an impeachment, according to George Mason, one of our founding fathers.

When I say that not all crimes warrant impeachment, I am not saying that I approve of a President committing crimes. What I am saying is that the purpose of the impeachment process is not to punish crimes, but to remove a President who has misused the powers of his office. If President Clinton committed the crimes alleged here, these crimes should be dealt with in a criminal proceeding or a judicial contempt proceeding after he leaves office. I emphasize that it is not clear that crimes were in fact committed. Many of the scholars and prosecutors who testified before the Judiciary Committee concluded that the evidence presented against President Clinton would not have resulted in the prosecution of an ordinary citizen.

There are other means for the Congress to deal with misconduct by the President which falls short of the impeachment standard. Congress has the power to pass a censure resolution, expressing our condemnation. The impeachment process, which requires removal from office, must be reserved for extraordinary cases. If we lower the bar for impeachment, we seriously weaken the Presidency by giving a Congress controlled by the opposition party virtually unlimited power to subject a President to an all-consuming removal process.

The majority party has tried since January to convince the people that the President should be removed from office. Two thirds of the public remains unconvinced despite being bombarded daily with the facts of this case. I am astonished and deeply distressed by the procedural travesty to which the minority has been subjected: denial of our right to offer and have a vote on a motion of censure. What does the majority fear of a vote on censure? Are they afraid that it might pass, with some of their own members voting for censure rather than impeachment? Apparently fear of falling short of their objective of removing President Clinton from office is driving the procedural unfairness to which we have been subjected.

The majority still has time to be fair so be fair so be fair to us and to the American people by allowing a vote on censure, which I would support.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon (Mr. DEFAZIO).

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

Mr. DEFAZIO. Mr. Speaker, Member after Member has risen on the other side and said the President should not be above the law. He is not. Ken Starr is free to prosecute the President, indict him, perhaps while in office, but definitely after.

It is not ordinary criminal or civil law in question in this debate, it is Article II, Section 4 of the Constitution regarding impeachment. Impeachment is a special punishment reserved for the President of the United States and other Federal civil officers.

The founders set an incredibly high bar for impeachment. Constitutional scholars all agree, the framers of the Constitution did not want a President to be impeached simply because a majority of the Members of Congress disagreed with his policies or found his morals repugnant.

The Republican majority has not raised and proven offenses that meet

those standards. Rather they have met the standards met by Gerald Ford 25 years ago. He said an impeachable offense is anything 218 Members of the House will vote for.

That is an unconstitutional and cynical standard. The alternative of censure would serve as well in this matter. A near unanimous House could deliver a stinging and historic rebuke to the President with a motion of censure, and we will be denied that vote, and we are denied sufficient time to speak on the floor.

Member after Member on the Republican side has stood to plead the force of law—that no citizen no matter how powerful should be above the law.

There is total agreement on that point. The President should not be above the law for purposes of criminal prosecution. Mr. Starr is free to attempt to indict the President for criminal wrongdoing—if not while the President sits in office he could certainly be prosecuted in 2 years after leaving office.

It is not ordinary criminal or civil law in question during this debate. The law that binds the House of Representatives in this proceeding is the Constitution of the United States article 2 Section 4 regarding Impeachment for ''Treason, Bribery, or other High Crimes and Misdemeanors.''

Impeachment is a special punishment reserved for the President and other federal civil officers.

The Founders set an incredibly high bar for impeachment: At the time of the Constitutional Convention, ''High Crimes and Misdemeanors'' had 400 years of precedent in English law—it meant serious official misconduct and abuse of the powers of the government by the King or one of his officers.

Alexander Hamilton characterized impeachable offenses as ''political'' actions that involve injuries done to the society itself. George Mason spoke of ''attempts to subvert the Constitution.''

Constitutional Scholars all agree that the framers of the Constitution did not want a President to be impeached simply because a majority of Members of Congress disagreed with his policies or found his morals repugnant. We do not have a parliamentary system of government where a Prime Minister can be removed from office at any time. A strong and independent Presidency is vital to our Constitutional order.

Now the leaders of the Republican majority have puffed up with a booming voice much like the puny wizard in the Wizard of Oz in an attempt to raise the President's outrageous, reckless and morally offensive behavior to the level of High Crimes and Misdemeanors. He lied to the American people and offered misleading and possibly perjurious testimony in a civil trial and a grand jury proceeding. These are not trivial matters. The question is simply whether the special Constitutional remedy of impeachment should be invoked for these particular offenses.

The Wizards on the other side have puffed up these offenses to Abuse of Power and Obstruction of Justice, and Perjury in their Articles of Impeachment.

The Republican Majority has not raised and proven offenses that meet the standards set by our founders. Rather they have met the standard uttered by Former President Ford a quarter of Century ago—that impeachable offenses are whatever 218 Members of the House of Representatives say they are. That is an incredibly cynical and unconstitutional standard, yet that is what is revealed when we rip the curtain of puffery from the rhetoric of the other side.

The Alternative of Censure would serve us well in this matter. A near unanimous House could deliver a stinging and historic rebuke to the President with a motion of censure.

But, after cutting the Constitutional legs out from under standards for impeachment the Republican leaders would have the House believe that the Constitution's silence on the issue of Censure means it is Constitutionally barred from consideration. It is not Constitutionally barred it is politically precluded because the Republican leaders feared that had the option of censure been before this House along with the option of impeachment Censure would have garnered more support.

The procedures followed in bringing these Articles of Impeachment to the floor at this time, in this manner with no option for censure are abuse of power by the leaders of the Majority. This is a tragic day in the history of the United States House of Representatives and a tragic turn of events for our sacred system of government. The repercussions will reverberate in our society for decades to come.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. ETHERIDGE).

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

Mr. ETHERIDGE. Mr. Speaker, at this very moment, halfway around the world, our troops are engaged in battle, at a time that we are here talking about doing in the commander-in-chief. I deplore that, because they are trying to do away with a dictator who has weapons of mass destruction that he will use. As a Vietnam veteran, a veteran of the Vietnam era, I know what it means to serve and have the Commander in Chief under siege.

I voted in October for the committee to move forward. I am ashamed that they did not come back with a joint resolution without it being partisan and unfair and politicized, and I am ashamed of this body. I came here to do the people's business. Tonight we are not doing the people's business, we are doing partisan business, and that is unfair. The American people will recognize it is unfair, and they are going to make us pay the price for being unfair and for being partisan.

I say if we could vote our conscience, we would vote for censure. The Speaker-elect said we should vote our conscience, and you are not allowing us to do it, and you ought to be ashamed of yourselves.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I rise in strong opposition to this very unfair attack on President Clinton and our Constitution. The partisan assault which we are witnessing today is especially painful to me, because when I was elected to Congress I had the privilege of taking over the seat which had, up until that time, been held by the Honorable Peter Rodino.

During the Watergate hearings in 1974, Chairman Rodino won the respect and admiration of the entire Nation for his insistence on fairness, his profound respect for the U.S. Constitution and his impeccable sense of decorum. The Committee on the Judiciary and the Congress at this time have not done the job, and it has been done in a partisan way.

Mr. Speaker, I think the American people see this action for what it is today. Is it not remarkable when a Democratic President engages in a secret affair, the Republicans leap to impeach him, but when a Republican leader engages in the same conduct, they leap on their feet to give him a standing ovation?

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. NETHERCUTT).

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

Mr. NETHERCUTT. Mr. Speaker, I rise in support of Articles I, II and III.

These votes today are defining votes—cast not for political position or popularity but for purposes of confirming the integrity of the most precious and essential element of a free society—the right of all citizens to trust and rely upon a system of justice which is blind to influence and oblivious to position or status. It is also a vote that has implications for a modern society—that inextricably links our American justice system with our political system. Justice and politics should be linked. Our votes reflect our values and those of our constituents.

The evidence is persuasive to me that President Clinton's offenses justify my vote in support of articles 1, 2 and 3. The President's legal breaches have a greater negative impact on our society than the inherent damage of his moral lapses. This is because our system of justice relies on the collection of evidence that leads ultimately to the truth in legal proceedings. Only with truth and reliable facts can justice under the law be fairly dispensed. And a free people must have faith in our legal system if we are to have an orderly and lawful society.

Presidents have a high standard of conduct to uphold. By their deeds and words, they should encourage the rest of us to reach for that standard, too. High standards include and embrace respect for the law. Telling the truth in a legal setting should be the unquestionable obligation of any President, and any person. President Clinton failed in that simple obligation too frequently for his actions to be considered an oversight or misunderstanding. His conduct should not be allowed to become the new standard for our nation which historically has revered those who personify dignity, truth, self-sacrifice and honor.

We have no choice but to make this difficult judgment. To do otherwise would be a breach of the trust that citizens should have, not only in the President's standards, but in our own. My vote will be true to my Constitutional oath, and I pray to God that my judgment is right.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. OXLEY).

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

Mr. OXLEY. Mr. Speaker, I rise in support of the four articles of impeachment.

As a former law enforcement official, I have helped put people in jail based on the strength of witness testimony. Our entire judicial system must rest on the sure and solid foundation that witnesses tell the truth, the whole truth, and nothing but the truth, under solemn oath.

Beyond a reasonable doubt, William Jefferson Clinton willfully and purposely committed perjury. He did so with alarming forethought, frequency, and disregard for the law.

In a separate solemn oath, his oath of office, William Jefferson Clinton swore to uphold and defend the Constitution of the United States and the laws of this nation. He has failed to keep his word, which has brought us to this sad and historic day.

If you believe that President Clinton perjured himself, and I do, and if you believe that perjury is a serious matter, and we must, then we have a duty to pass these painful but necessary articles of impeachment.

President Clinton and apologists for him have tried to make this a debate about anything other than the rule of law. They want to make it a debate about the man and the circumstances surrounding his actions. But we are a nation of laws, and the fundamental question must be whether William Jefferson Clinton violated the law.

The facts of this case are well known. Neither the President nor his defenders have countered them effectively. Indeed, on this fundamental question, the President's team has presented no real defense. They have said that it is just about sex. They have said that he misled, but he did not lie. They have said that a reasonable person might conclude that he lied, but he did not commit perjury. They have said that even if you believe that he committed perjury, it is not an impeachable offense. They have attempted to change the subject any number of times.

However, Mr. Speaker, you cannot explain away that fact that there are people sitting in prison now for making perjurious statements under oath. I have to ask my liberal friends if they have an elitist view of the Constitution. Why should the President be treated differently? Is he, alone, above the law?

I have yet to meet the Democrat who believes that Republican Presidents are above the law, yet we seem to have an abundance of those who believe that this President should be able to lie under oath and get away with nothing more than a stern lecture.

That is what a resolution of censure would amount to—a stern lecture from Congress with no legal underpinning. It would be an extraconstitutional concoction designed to make its proponents feel better while doing absolutely nothing.

Censure may be an easy way out, but it is not a real option. The Constitution gave us no middle ground, which is as it should be. Either the House votes to impeach and refer the matter to the Senate, or it does not. It is a bright line, and I know on which side I must cast my votes.

We have seen a lot of bright lines blurred in our society in recent years. Moral relativism abounds. In this case, I have heard the most amazing rationalizations: That it is wrong to lie under oath, unless you are lying about sex. That it is wrong to lie about sexual harassment, unless the woman in question was asking for it. That it is wrong to commit perjury, but if you are really, really sorry, we can forget about it. This kind of logic only makes sense to those bent on defending the indefensible.

The scandals of recent years have desensitized our culture and denigrated our society. Beyond the White House scandals, such travesties as a celebrity former athlete literally getting away with murder and a physician killing a patient on national television have contributed to the notion that those with adequate legal defense funds are not accountable to the law.

President Clinton lied repeatedly, with forethought, in civil litigation, before a federal grand jury, and in response to questions posed by the House Judiciary Committee. He obstructed justice in numerous ways. His deputies have systematically attempted to destroy those who dare to oppose him. He has shown contempt for the truth, the law, the Congress, and his fellow citizens.

Section 4, Article II of the U.S. Constitution states that the President ''shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.'' The threshold question is whether the President, at a minimum, committed a high misdemeanor. Who can seriously doubt that he has?

President William Jefferson Clinton should be impeached by the House of Representatives and the matter referred to the U.S. Senate. It is our solemn responsibility, and we must not flinch from it.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. PEASE), a member of the Committee on the Judiciary.

Mr. PEASE. Mr. Speaker, as a member of the Committee on the Judiciary, I have spent the greater part of the last several months reviewing the terms which were assigned to us by action of the House. It has not been an easy task, especially as I struggled to maintain objectivity in the face of intense pressures from across the political spectrum.

It seemed that everyone had an opinion, usually very firmly held, and that anyone of any other opinion was not only wrong, but wrongly motivated as well.

I accepted that, though I was discouraged with my own inability to convey to others an understanding that people could hold strong convictions without questioning the motives of those who differed with them, and that all matters, but especially those as momentous as these, must be approached with respect for all involved and the institutions which we cherish.

As I have drawn the conclusions which my position on the committee required me to address, the level of rancor here and in my district has increased, and again it has been across the political spectrum. Everything from my judgment, to my patriotism, to my motives, to my professional and personal life have been attacked by people who obviously feel passionately about the issues before us.

I understand that too, but feel deeply my failure to persuade others that issues of high importance, perhaps most especially issues of high importance, can and should be debated, not free of passion, but certainly free of vilification and personal attack.

I have tried at all times to conduct myself accordingly. If nothing else, I hope I have made that contribution to this conversation.

Members of the committee have worked, I believe, honestly, sincerely and under extraordinarily difficult circumstances to do their jobs. We have differed on many things, from the role of the committee, to the standard of proof, to the definition of high crimes and misdemeanors. On several of them there was agreement, but I have never questioned the motives of my colleagues or my constituents.

Among the issues the committee addressed was that of censure. As we went into that discussion, I did not know whether this was an appropriate option for us to consider, but I felt the instructions of the House allowed us to review it. As one who hoped to find both the right answer and one that most of us could support, I felt that we must.

We did, and through the course of the discussion it became clear that the meaning of censure and its place in a constitutional construct was unclear. Aside from the constitutional discussion of whether either the House or the Senate, neither or both, could impose a censure, there was not even agreement on whether a resolution of censure was intended to punish or not.

□ 1745

After long debate, my conclusion on that subject is simply this: If censure is intended as a punishment of the President, it is specifically constitutionally prohibited as a bill of attainder. If censure is not intended as a punishment of the President, it is meaningless.

I have not researched the options available to the Senate, but for the House, I am convinced that this option is not available.

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

Mr. HINOJOSA. Mr. Speaker, this is a sad day in our Nation's history. I say this because the stage has been set today to impeach our President against the will of the American people. This action is partisan, this action is wrong, this action is unconscionable.

How can we say this is a political democracy when an overwhelming majority of the American people have clearly stated they want our President to remain in office? How can we say this is a political democracy when an overwhelming majority of the American people have said they want to see us

negotiate a compromise? How can we undo the last two presidential elections and say to the American people, your votes do not matter? Are we a democracy or are we not?

I do not intend to stand by idly and be a party to what I will again say is quite obviously an unfair process. I was elected to this Congress to represent the people, and that is precisely what I intend to by casting my vote against impeachment.

Compromise! Conscience! Censure! That is what must be the order of the day. It is the only fair way the American people can be represented.

Formal censure by the entire Congress is the only way to express the disdain of the American people for the President's actions. It is a fitting and constitutionally valid punishment, and one, I should add, that polls show a majority of the public prefers.

Those who claim otherwise rely on the argument that the Constitution does not mention censure. There are those who say it's ''impeachment or nothing,'' when, in fact, a score of Constitutional experts called as witnesses by both Republicans and Democrats on the Judiciary Committee agreed in writing—by a margin of almost 4 to 1—that the Constitution does not prohibit censure.

The Framers of the Constitution, anticipating the political vulnerability of the Presidency to opposing factions in Congress, established a threshold for impeachment which is very high—''treason, bribery, or other high crimes and misdemeanors.'' This high threshold should be maintained, and as I have said before, the President's actions have never compromised the security of this nation; so what we're left talking about is private activity which reflects on moral character. That is not what our Founding Fathers intended to be impeachable offenses—unforgivable perhaps, but not impeachable.

The conduct which is the basis for the Judiciary Committee's recommendation of impeachment—perjury, and related actions regarding personal sexual misconduct—is not of the same legal magnitude as the crimes set forth in the Constitution. There is no credible evidence that the President's actions undermined the integrity of our Democratic institutions, cast doubt on his loyalty to the country, or prevented his ability to execute his duties as President. Again, while his offenses are real, they are not impeachable.

To impeach the President for the offenses charged by the Judiciary Committee would be to lower the threshold for impeachment for all future Presidents, and lowering the threshold in this way would pose a threat to the system of checks and balances and separation of powers that form the foundation of our system of Democratic governance. This would indeed be grave.

I said at the onset of this investigation that I would base my actions on the evidence of record. Based on the evidence, a Congressional action short of impeachment—such as censure for unacceptable conduct—seems to strike the right balance and to best serve the interests of our nation and its people.

To not allow a vote on a censure resolution amounts to only one thing—a decision by the Republican leadership to ignore the will of the American people. That is wrong. It is an example of the tyranny our forefathers sought to escape when they founded this great nation.

I will vote my conscience today. I will vote to reflect the will of the people. I will vote against partisanship and against impeachment. I will cast my vote for Democracy.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. GEJDENSON).

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

Mr. GEJDENSON. Mr. Speaker, I would hope the Republicans no longer come to the floor to tell us they are for small government, because they are involved in the ultimate big government act. They are attempting to take away from the people the decision of who will preside over this great country.

When we saw Khruschev removed by the Politburo, no one ran tears. He was not elected by the people; he was appointed by an unelected body. When we see coups and coups d'etat, the removal of elected presidents in Third World countries, we are saddened that they have not developed to a stage where they have the institutional instincts for debate without trying to criminalize the process of differing views.

But here in this House today, the Republican Party ignores what the Constitution asks us to do. The President, for his criminal acts, if they exist, is left to the normal criminal process. We are here to judge if he undermined the United States in his office. Did he indeed take actions that were deemed necessary for removal? The answer is no. Vote against this proposal.

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

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

Mr. HINCHEY. Mr. Speaker, in our recent history, Barbara Jordan gave us the best short definition of an impeachable offense during the impeachment hearings on President Nixon when she said she would not tolerate the diminution, the subversion, the destruction of the Constitution. President Clinton stands accused of something far short of that standard.

By now I think most Americans have concluded that the President has not subverted the Constitution. He has not undermined our system of government. This impeachment punishes the country. It robs us of the time and attention that we should be devoting to other matters. It subverts the official duties of the President. It forces us to endure a trauma that serves no practical purpose. It opens up the possibility that the country will be forced to endure similar suspensions of the Nation's business again and again if future Presidents face penalties for any charges that a hostile prosecutor or a congressional majority can find.

Let us reserve impeachment for high crimes that betray the American people and our system of democracy. The charges against the President do not meet that standard.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I have heard a lot of talk today about the rule of law. I wish I could have heard talk about the rule of fairness. Why could we not have debated and voted on Monday after the bombing ceased in Iraq? Why could not the majority party let us vote on a censure proposal where all of us in the United States House of Representatives could have voted our conscience?

Mr. Speaker, when I listen to the majority party, it makes me wonder if they think the President had not been punished at all yet. The President has been punished. He has been humiliated. He has been embarrassed. He has paid a high price at home, as well as with the American people, as well as the people all across the world.

Mr. Speaker, where our finest hour has been is when we have known how to compromise. That is our finest hour in the United States House of Representatives. But how do we compromise when we just have one point of view?

Vote against impeachment, and give us the opportunity to vote on censure.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. ISTOOK).

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

Mr. ISTOOK. Mr. Speaker, the President was given the opportunity to present witnesses or evidence which would dispute the facts. He did not. His legal hair-splitting defense could not alter the simple truth: The President lied, and lied under oath.

Here is what convinced me that this perjury is an impeachable offense and not simply a moral failure. These were not lies told under sudden pressure when he was unexpectedly asked embarrassing questions. The President's lies were planned well in advance. They were premeditated. He knowingly acted to block justice, even after a Federal judge ruled his behavior was relevant and material. He orchestrated a deliberate scheme to tell multiple lies under oath on multiple occasions many months apart. Even today, he has admitted only what he has been forced to admit and otherwise continues to stonewall.

This was not a spur-of-the-moment decision to hide personal shame. He had ample time to correct his course, but instead chose to defy the laws of our land.

Mr. Speaker, I will vote to impeach.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of the resolution. We have before us the evidence as presented by all responsible parties, as well as the thoughts of so many constituents who feel strongly that their views should be reflected in the votes we cast.

After reviewing so much of the evidence, I believe it is now clear that the

President has violated both his oath of office and the oath he took to tell the truth. In doing so, Bill Clinton not only committed perjury, he violated the public trust. I will, therefore, vote in favor of impeachment.

While I know that some will disagree, and strongly so, with my decision, I reached it after much thought, deliberation and soul-searching. When this sad chapter in our history is closed, I will have voted the way I did because I have shared with my two teenage daughters and thousands of other school children the fact that the truth still matters and always will and, finally, that a vote of conscience is always the right vote.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair announces that since beginning the debate at 12:15, the Republican side has used 2 hours and 16 minutes, and the Democratic side has used 2 hours and 26 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. MEEHAN), a member of the Committee on the Judiciary.

Mr. MEEHAN. Mr. Speaker, I would just like to respond. The gentleman from Oklahoma (Mr. ISTOOK) just said that we gave the President an opportunity to call witnesses, to prove his innocence. Since when is the burden of proof in this country on the person being accused?

You have the obligation to provide a case before the Committee on the Judiciary, and you did not provide a single material witness in this case. Not one witness. And then they get up before this House and say the President had an opportunity to bring witnesses to prove his innocence. You had the obligation to provide the witnesses that would have proved the charges before this House, and you did not provide one witness.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Hawaii (Mr. ABERCROMBIE).

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

Mr. ABERCROMBIE. Mr. Speaker, I think I am perhaps the only Member here who won an election and lost an election on the same day. I won a special election in 1986 and lost a primary on the same day. As a result, I was the last person to be sworn into this body by Tip O'Neill before he retired.

What I remember from that short time that I was here, not knowing whether I would come back, is remarks from Tip O'Neill and remarks from the gentleman from Illinois (Mr. HYDE). Both of them said to me in the short time I was here, whether you are here 3 weeks, as I was, or whether you are here for 30 years, this is the people's House. This is the House of democracy.

That lesson was given to me by Tip O'Neill and the gentleman from Illinois (Mr. HYDE). To not have the availability to us today to vote on a censure motion is to take away the fundamental sense of fairness that made me so proud to have been able to come to Hawaii 40 years ago, never knowing that I would have the chance to serve in this House and to be denied the opportunity now to vote on an alternative, a reasonable alternative that was emphasized by the gentleman from Illinois (Mr. HYDE) and Tip O'Neill is a travesty.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, the gentleman from Georgia (Mr. GINGRICH) was always proud to remind us that he was a professor of history, so he could tell us about the Constitutional Convention, where it was decided that a President could be removed from office for high crimes and misdemeanors, or he could tell us that censure was weighed and exercised against chief executives in the 19th century.

Let me be clear. No one is condoning the President's behavior, and if we had the chance, we would vote to condemn it. To take poetic license from Mark Anthony's words from Julius Caesar, I do not come here to praise Bill Clinton, but I do not intend to see him buried either, buried under an avalanche of innuendo and salacious scandal. Nor do I wish to see this Congress play the role of Brutus, reaching across the centuries to stab in the back the founders of our democracy who entrusted us with their legacy.

No one is attempting to defend the President. We are trying to defend a historical precedent. The voters spoke and they said they were sick of this partisan political process, sick of this extraordinarily expensive exhaustive examination of an extramarital affair. History tells us what to do. Vote against impeachment of the President of the United States.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, today I rise with sadness in my heart. It is a sad day for our republic.

Today, the Republican leadership in the House has proven that they are, in fact, the minority party. The Republican leadership represents the minority view on impeachment, on health care reform, on tax cuts to benefit the wealthy, and on protecting and preserving the social safety net.

Today, the Republican leaders have chosen to trample the Constitution with partisan arrogance in order to strike a political blow against President Bill Clinton. Today, the American people clearly oppose impeachment.

But the Republican leaders, blind above their own sanctimonious piety and hypocrisy, have chosen to push our Nation to the brink, the brink of a constitutional crisis for their own political benefit.

Today, House Republicans held Bill Clinton to a standard that neither the current Speaker, nor the Speaker-elect could meet. Today, our last best hope is that the Senate will be a place where reason takes the place of revenge.

I cast my vote against impeachment today because that is what my constituents want, and because I know that that is the right thing to do.

Today, the Republicans decided that in order to save America, they had to destroy it.

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Mr. MCCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from Arkansas (Mr. HUTCHINSON).

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

Mr. Speaker, I want to respond to the gentleman from Massachusetts. He did have one thing right, and that is the burden of proof is on those going forward with impeachment. But that burden of proof was met with 60,000 pages of documents, an independent review by the Committee on the Judiciary, and the key point is that there has not been one challenge to the evidence in the Committee on the Judiciary, nor challenge to the facts today. Also, in addition to providing the testimony of the witnesses, the President's counsel did not dispute it.

The evidence has been established and not refuted. We have made our case on that. Today, any dispute about that today——

Mr. MEEHAN. Everything was challenged in the report.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts (Mr. MEEHAN) is out of order.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. DUNCAN).

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

Mr. DUNCAN. Mr. Speaker, I rise in support of these articles of impeachment because of the very serious allegations of felonies contained in them.

I spent 7½ years as a criminal court judge trying felony criminal cases prior to coming to Congress. Many experts have pointed out that the role of the House is really that of a grand jury. A grand jury is required to indict any time there is a reasonable possibility that a crime has been committed.

Like a grand jury, I believe the House has no choice but to impeach when we have a report, an official report of felony offenses having been committed. Jerome Siefman, the former Democratic chief counsel of the Committee on the Judiciary, wrote recently that in his view, ''There is now more than substantial evidence to consider that the President has committed impeachable offenses, and that the Congress has a moral, ethical, and constitutional responsibility to vote to impeach in this situation.''

As a speaker earlier this morning mentioned, the Justice Department during this administration has prosecuted 700 people for perjury type offenses. One of our leading syndicated

columnists summed up by asking, are we people of the Constitution?

Mr. Speaker, I rise in support of these Articles of Impeachment because of the very serious allegations of felonies contained in them.

Before coming to Congress, I spent 7½ years as a criminal court judge trying felony criminal cases.

Unfortunately, I believe some Members of Congress are forgetting, ignoring, or perhaps do not understand the proper role of the House in an impeachment proceeding.

Also, I had lunch with former Senator Howard Baker this week, and he said many people are missing a very key difference between the impeachment proceedings today and at the time of the Watergate hearings.

Senator Baker said those who wishfully talk about the bipartisan nature of Watergate are forgetting or overlooking the fact that many Republicans came forward then and put aside their partisanship even though it went against a President of their own party.

Today, not only are almost all Democratic Members siding with the President, they are adopting his strategy of attacking his attackers in a very partisan, very aggressive manner.

Republicans have been criticized by many on the national media for being partisan. However, in reality, we should take lessons from the Democratic members of the Judiciary Committee on how to be partisan.

We cannot hold a candle to the other party when it comes to partisanship.

Democrats, almost in lockstep fashion, are saying they find the President's behavior reprehensive, But . . .

This ''but'' is about as big as ''but'' can be and essentially means the President should once again get away with things no once else could get away with.

As to the House's proper role in an impeachment, it is really that of a grand jury.

Jonathan Turley, a law professor at George Washington University, said in his testimony before the Judiciary Committee:

> The roles of the House and Senate roughly resemble the classic grand jury and petit jury models. Under the Constitution, the House functions much like a grand jury. Like a grand jury, the House does not rule on the merits of impeachment allegations, a function given exclusively to the Senate.

The Washington Times wrote:

> The Constitutional system of impeachment gives the House the role of grand jury. The only decision to make is whether the bulk of unproven information presents a prima facie case that needs to be tried by the Senate.

The Atlanta Constitution stated that:

> The U.S. Constitution makes the House of Representatives a grand jury and the Senate a trial court for impeachment proceedings, but it does not spell out how each body should handle its responsibilities.

I do not think the grand jury system is fair, and I believe it should be changed or eliminated.

However, unless or until the law is changed, a grand jury is required to indict someone if there is any reasonable possibility that a crime has been committed.

Our Founding Fathers envisioned that even some misdemeanors might require impeachment. Does anyone really believe they would have said we should ignore or overlook felonies?

We now have a report from the independent counsel, appointed by the President's own Attorney General, saying that the President has committed felony offenses.

Jerome Ziefman wrote recently in the Wall Street Journal:

> As a lifelong Democrat and chief counsel of the House Judiciary Committee at the time of the Nixon impeachment inquiry, I believe I have a personal responsibility to speak out about the current impeachment crisis. And I believe my fellow Democrats on today's Judiciary Committee have a moral, ethical, and constitutional responsibility to vote to impeach President Clinton. Like most traditional Democrats—like most Americans—I have grave reservations about Mr. Clinton's morality and ethics. In my view there is now more than substantial evidence to consider our President a felon who has committed impeachable offenses.

As one of our leading syndicated columnists summed up:

> Are we people of the Constitution? Are we a nation of laws? Do Americans believe that perjury, obstruction of justice and lying to a federal grand jury—all felonies for a private citizen are not felonies when done by a president? Is a president above the laws that bind other men?

Senator Baker also told me at our lunch that the Senate could conclude this matter in one day if they really wanted to.

I hope that if the House votes to impeach, the Senate moves quickly and that the President and his lawyers and supporters do not use the stall and delay tactics that have dragged this matter on too far already.

Mr. McCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. PACKARD).

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

Mr. PACKARD. Mr. Speaker, it is with heavy heart that I rise today in support of impeachment. I took an oath to uphold the Constitution and defend it against all enemies, and I would betray my conscience and my country if I were to ignore this oath. I rise in favor of impeachment because we all swore an oath, and I take my oaths very seriously, even though the President does not.

My first wish is that the President resign. Unfortunately, he has chosen to place his legacy ahead of our Nation's interest. Mr. Speaker, I will vote to send these articles of impeachment to the Senate.

Mr. Speaker, it is with a heavy heart that I rise today in support of these articles of impeachment. Voting to impeach the President of the United States is not a responsibility I enjoy, and it is not one I take lightly. But I took an oath to uphold the Constitution and defend it against all enemies, both foreign and domestic, and I would betray my conscience and my country if I were to ignore this oath.

I am not a lawyer. Nor am I an enemy of the President or a member of any ''right wing conspiracy.'' I am a father, a grandfather, and a public servant. As a public servant, I cannot look away when those entrusted to enforce and uphold our laws choose instead to place their personal interests ahead of the Nation's. And as a father and grandfather, I cannot allow this President to escape accountability for violating the laws he swore to uphold. To issue a ''slap on the wrist'' to a leader who commits perjury, obstructs justice, and abuses his power would send a terrible message to American children. It would teach them that promises may be broken, that solemn oaths are no more than mere words.

Leaders should be worthy of the trust placed in them. President Clinton betrayed this trust, and no hollow last-minute apologies or legal hairsplitting can erase this betrayal. I remain convinced that a President cannot lead without the trust of the American people, and he cannot govern where he commands no respect.

My first wish is that the President take responsibility for his actions and put a stop to this process. He should resign and allow us all to put this matter behind us. Unfortunately, he has chosen to place his ''legacy'' ahead of our Nation's interests. As a result, Mr. Speaker, we are bound by our oaths to fulfill our constitutional duty and vote to impeach him. The President of the United States broke the law, violated his oath, and dishonored himself and our country. No poll or posturing erases that fact. We must send a message that no one, no matter how powerful or how popular, is above the law.

Mr. Speaker, I will vote to send these articles of impeachment to the U.S. Senate for disposition. I do so because I swore an oath, and I take my oaths very seriously. I do so because the President, unfortunately, does not.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I rise today with a heavy heart, but with a solemn sense of duty, and that is to support all four articles of impeachment against the President of the United States. I want to believe my president. I cannot. I hoped he would keep his promise to have the most ethical administration in history. He did not.

I want to accept his explanation that he did not lie under oath, commit perjury, obstruction of justice, or abuse the power of his office. However, his actions and comments over the past 11 months have shaken my confidence in his ability to distinguish truth from fiction.

If you can't convince them, confuse them, President Harry Truman once quipped. Like many Americans, I have been confused by the President's denials, admissions, declarations, and apologies over the past year. I have no doubt, however, that the President has engaged in a clear and calculated pattern of deception. The integrity of the presidency, Mr. Speaker, must always take priority over the self-interest of the current occupant of that office.

Mr. Speaker, failing to hold the President accountable for his actions would create a dangerous double standard. To borrow a phrase from George Orwell's Animal Farm, we would be establishing a principle that some Americans are more equal than others.

Mr. Speaker, I rise today with a heavy heart—but with a solemn sense of duty—to support all four articles of impeachment against the President of the United States.

Like most Americans, I have closely followed the Judiciary Committee's proceedings in recent weeks. Over the past few days, I

have carefully studied the Committee's findings and again reviewed the available evidence. After serious consideration of these issues, I am convinced that the President committed perjury, obstructed justice, and abused the power of his office.

The Constitution of the United States empowers the House of Representatives to impeach public officials who engage in ''treason, bribery, or other high crimes and misdemeanors.'' Impeachment is not a punishment. It is a process established by the Constitution to protect our democracy and preserve the rule of law.

Historical writings on impeachment clearly define its role as a democratic safeguard. In Federalist Paper Number Sixty-Five, Alexander Hamilton wrote that a President may be impeached for ''offenses which proceed from the misconduct of public men, or in other words, from the abuse of violation of some public trust.''

James Madison explained the impeachment power at the 1787 Constitutional Convention by stating that ''some provision should be made for defending the community against the incapacity, negligence, or perfidy of the chief magistrate.''

Our government is founded on the simple premise that ''all men are created equal.'' Equal justice under the law is more than a slogan. It is the bedrock principle that supports our democracy. It is too important to set aside simply to avoid unpleasant or inconvenient consequences.

Our President violated the public trust. His offenses arose from reckless personal misconduct, but they were very clearly public in nature. Perjury, obstruction of justice, and abuse of power can hardly be described as ''private conduct.''

We do not have the option of simply ''forgiving'' the President's unlawful behavior. Failure to hold the President accountable for his actions would seriously undermine the rule of law. Under these circumstances, the Constitution compels us to follow the impeachment process to its conclusion.

I want to believe my President. I cannot. I hoped he would keep his promises to have ''the most ethical administration in history.'' He did not. I want to accept his explanation that he did not lie under oath, commit perjury, obstruct justice, or abuse the power of his office. However, his actions and comments over the past eleven months have shaken my confidence in his ability to distinguish truth from fiction.

''If you can't convince them, confuse them,'' President Harry Truman once quipped. Like many Americans, I have been confused by the President's denials, admissions, declarations, and ''apologies'' over the past year. I have no doubt, however, that the President has engaged in a clear and calculated pattern of deception.

On January twenty-sixth, the President wagged his finger at the American people and said: ''I did not have sexual relations with that woman, Ms. Lewinsky.''

On August seventeeth, the President stared us in the eye and said: ''I did have a relationship with Ms. Lewinsky that was not appropriate.''

Last weekend, the President again took to the airwaives to state that he ''could not admit to doing something that I am quite sure I did not do.'' He said all he can do now is ''the work of the American people.''

I disagree. He can tell ''the truth, the whole truth, and nothing but the truth.'' He swore to do so in the Paula Jones civil deposition and in his federal grand jury testimony. The evidence demonstrates, however, that he knowingly lied under oath.

While President Clinton claims to be remorseful, he continues to ignore the evidence and to deny his unlawful actions. His reliance on legalisms and absurd grammatical constructions is an insult to the common sense of the American people.

The President's defense was similarly unconvincing. Instead of refuting the Independent Counsel's charges, the President's lawyers claimed that his transgressions do not rise to the level of impeachable offenses. I believe they do, and the Constitution directs Congress to make that determination.

The President's lawyers argued that his conduct, even if admitted, would never result in criminal prosecution. However, constitutional scholar Bruce Fein summarized studies of impeachment by concluding that ''impeachable offenses were envisioned as political crimes against the nation, which might or might not be indictable under the criminal code.''

I believe the weight of the evidence is overwhelming. It leads me to conclude that the President committed perjury, obstructed justice, and abused the power of his office. He committed impeachable offenses by breaking the very laws he twice swore to ''preserve, protect, and defend.'' He knowingly subverted the judicial process and intentionally deceived the courts, federal officials, his friends and family, and the American people.

As our nation's senior law enforcement official, the President must be held responsible for his actions. Perjury undermines the rule of law. It cannot be overlooked or ignored. Over one hundred people are currently incarcerated in federal prisons for committing perjury in civil cases. How can we demand responsibility from them while judging the President by a different standard?

The answer, of course, is that we cannot. The integrity of the presidency must always take priority over the self-interests of the current occupant of that office.

Former Supreme Court Justice Felix Frankfurter wrote in 1946 that ''If one man can be allowed to determine for himself what is law, every man can. That means first chaos, then tyranny. Legal process is an essential part of the democratic process.''

Mr. Speaker, failing to hold the President accountable for his actions would create a dangerous double standard. To borrow a phrase from George Orwell's novel Animal Farm, we would be establishing the principle that some Americans are ''more equal than others.''

This is one of the most difficult decisions I have ever made, or will ever make. Throughout this process, my constituents made impassioned arguments both for and against impeachment. I spoke with many local residents who offered their heartfelt opinions on how to resolve this matter.

In the final analysis, however, I alone must make this momentous decision. After carefully reviewing all of the available evidence and legal precedents, and after much soul-searching, I have decided to support the constitutionally prescribed remedy of impeachment.

Webster's Dictionary defines the term ''impeach'' as follows: ''to bring an accusation against; to charge with a crime or misdemeanor; and to charge . . . with misconduct in office.'' The evidence demonstrates that the President must be charged with perjury, obstruction of justice, and abusing the power of his office. He has exhibited gross misconduct in office. He should now be held accountable for his actions and stand before the Senate in judgment.

When I was sworn in as a member of the House of Representatives, I took a solemn oath to ''support and defend the Constitution of the United States against all enemies, foreign and domestic . . .'' I am confident that history will judge my vote to impeach the President as one borne not from malice, but out of love for my country, and in defense of my sworn oath.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, to respond to the gentleman from Arkansas (Mr. HUTCHINSON), every single charge that is made by the majority was responded to in our minority report. That is number one.

Secondly, only under this system, with the majority railroading this president, could we have a system where someone is accused of perjury, and they will not even tell us which words are perjurious. Nowhere in America could they ever charge someone with perjury and not tell them what they said.

Finally, there is no judicial proceeding anywhere in this country where we would not have a witness, a material witness, come before the bar; nowhere but under their majority.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BECERRA).

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

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding time to me. Mr. Speaker, that is what we have been reduced to. We are reduced to 1 minute on perhaps the most important vote we will ever cast.

Mr. Speaker, more than the President, we are on trial today. As we debate whether to impeach the President, our actions will be judged by the American people, not only today but for generations to come.

The standard for impeachment is high: treason, bribery, high crimes, and high misdemeanors. These articles of impeachment degrade what our forefathers meant by high crimes and high misdemeanors. While the President's actions were reprehensible, they were wrong, and certainly they deserve punishment, they do not rise to the level of offenses which meet the historical judicial standard of impeachment.

If we approve these articles of impeachment today, we will demean the institution of Congress. We will have turned the most serious proceeding that Congress can undertake into a vicious example of obsessive politics.

These articles do not represent justice, they do not represent the judgment of the majority of American people, and they certainly are not the best

way for us to act as a jury. We demean the actions of a jury, the instructions that any jury must follow, and certainly as a jury, we will be judged into the future.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

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

Ms. NORTON. Mr. Speaker, this impeachment is unfair on three counts. It is unfair to the President, whose admitted misconduct in covering up a private sexual affair cannot compare to the Nixon precedent, where high State crimes were not in doubt; it is unfair to the country, because the preference of the voters for censure of the President is being barred even from consideration; it is unfair to the people who live in this city, whose 23rd amendment constitutional right to vote for president has been denied, because they cannot vote for removal of the President.

We are converting a solemn constitutional process into a petty political proceeding. The people, acting officially on November 3rd, repudiated impeachment, yet the majority has denied a vote on the public preference for censure, defying its own announced standard that no impeachment could occur without bipartisanship. The majority is headed for an incredible partisan party line vote to impeach the President. This impeachment is raw with unfairness.

Mr. Speaker, this impeachment is unfair on three counts. It is unfair to the President whose admitted misconduct in covering-up of a private sexual affair cannot compare to the Nixon precedent where high stake crimes were not in doubt. It is unfair to the country because the preference of the voters for censure of the President is being barred even from consideration. It is unfair to the people who live in this city, who have a 23rd amendment constitutional right to vote for President but have been denied a vote on removal of the President.

We are converting a solemn constitutional process into a petty political proceeding. The framers raised the bar as high as possible allowing impeachment not even for crimes, but only for high crimes. The Republicans have lowered the bar as low as they can to reach tawdry private consensual sex.

The framers sought to make partisan impeachment a contradiction in terms; the majority is making it a reality. The people acting officially on November 3rd repudiated impeachment. Yet, the Majority has denied a vote on the public preference for censure. Defying its own announced standard that no impeachment could occur without bipartisanship, the Majority is heading for an incredible partisan, party line vote to impeach the President.

This impeachment is unfair to the people of the District of Columbia. The Majority has relegated them to the functional equivalent of partial citizens—good enough to vote for president, but not good enough to decide whether to remove him.

This impeachment is raw with unfairness. Only a repudiation of all articles can save us now.

Mr. CONYERS. Mr. Speaker I yield 1 minute to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, although I am denied the privilege of voting on the floor of this great institution, on behalf of the thousands of Samoan Americans men and women who proudly wear with pride and honor the uniforms of our armed services wherever they are in the world, I am grateful for at least the privilege to express an opinion on this most serious issue that is now before this body.

Mr. Speaker, if we proceed to vote on the articles of impeachment, as mandated or forced upon the Democratic Members by our friends in the majority, I find it difficult to comprehend why procedurally the Members on this side of the aisle are not at least afforded the courtesy of voting, as a matter of conscience, to censure the President of the United States. They have the votes to impeach, but for the sake of fairness, why are Members so adamant in not allowing other Members who also represent millions of our fellow Americans to vote for censure?

Mr. Speaker, I say to my friends in the majority, and they are my friends, when all of this is over, with blood all over this floor, my friends in the majority will have pounded and hammered some 218 nails on the flesh of this man without even an ounce of blood as a cure.

Mr. Speaker, although I am denied the privilege of voting on the floor of this great institution, on behalf of the thousands of Samoan-American men and women who proudly wear with pride and honor the uniforms of our armed services—wherever they are in the world—I am grateful for at least the privilege to express an opinion on this most serious issue that is now before this body.

Some twenty-four years ago Congress moved toward the impeachment of President Nixon. In that case, President Nixon directed the FBI and CIA to coverup illegal activity, used the IRS to investigate political enemies, and cheated on his personal income taxes. Those actions were grave enough that it was expected that more than a two-thirds majority of the Senate would vote to convict. In contrast, the actions taken by President Clinton were of a personal nature and his attempts to save himself and his family from personal embarrassment are not, in my opinion, impeachable.

Some have argued that a resolution of censure is unconstitutional. I am not persuaded by that argument. For one reason, such resolutions have been pursued on several occasions in the past, including a Senate censure of Andrew Jackson in 1834, resolutions and statements of censure against President John Adams in 1800, against President John Tyler in 1842, against President James Polk in 1848, and against President James Buchanan in 1860 and 1862. In more modern times, two censure resolutions were brought against President Richard Nixon, one in 1973 and one in 1974.

The actions the Congress cannot take against a President, such as reducing his salary during a current term in office, are spelled out in our Constitution. No where does it say the Congress cannot express its opinion of actions taken by a sitting President. Mr. Jack Maskell, author of a recent CRS report on this issue notes that although there is ''no express constitutional provision regarding censure . . . there is also no express constitutional impediment'' for Congress to adopt a resolution expressing censure.

It is also being argued that censure is no more than a slap on the wrist. In fact, strongly-worded resolution of censure is sure punishment which would have greater impact, in current terms and in the future, than this doomed-to-fail effort to remove the President from office.

In addition to being disproportionate to the wrongs committed, a trial in the Senate based on articles of impeachment adopted by the U.S. House of Representatives will distract the Nation for months and make it more difficult for the Congress to attend to its legislative duties. Such an action at this time lowers the standard for future impeachments, and will encourage future Congresses to bring articles of impeachment against future Presidents for offenses other than ''high crimes and misdemeanors.''

As a practical matter, a trial in the Senate on articles of impeachment against President Clinton will likely not result—in my opinion—in a conviction by a two-thirds majority vote as required by the constitution.

Mr. Speaker, if we proceed to vote on the articles of impeachment as mandated or forced upon the Democratic Members by our friends in the majority, I find it difficult to comprehend why, procedurally, the Members on this side of the aisle are not at least afforded the courtesy of voting—as a matter of conscience—to censure the President of the United States. You have the votes to impeach, but for the sake of fairness, why are you so adamant in not allowing other members, who also represent millions of our fellow Americans, to vote for censure?

Mr. Speaker, I say to my friends in the majority—and you are my friends—when all this is over, with blood all over this floor, my friends in the majority will have pounded and hammered some 218 nails or more on some 218 pounds of this man's flesh with your hands, without even an ounce of blood as a cure.

Mr. Speaker, this is a sad day for our American democracy. Instead of acting according to the highest principles of compromise, consensus and bipartisanship, the American people are witnessing the worst example of how we, as representatives of the people, are acting in a most pathetic, mean-spirited, adversarial, partisan process.

Mr. Speaker, I submit—God definitely needs to bless America.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. MCCRERY).

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

Mr. MCCRERY. Mr. Speaker, I rise in support of the articles of impeachment.

Mr. Speaker, private sexual relations between consenting adults should be just that—private. If President Clinton had simply been revealed to have had an extra-marital affair,

the U.S. House of Representatives would not be considering articles of impeachment. Unfortunately, the President's troubles arise from a number of actions quite different from private, consensual sexual encounters.

Before the President even knew Monica Lewinsky, he was the defendant in a civil lawsuit filed by Paula Jones, a former Arkansas state employee, who claimed that, while she was a state employee, the governor of Arkansas, Bill Clinton, made a crude and unwanted sexual request of her. Ms. Jones claimed in the lawsuit that she was emotionally upset by the governor's action and that she suffered in her job as a state employee as a result of her refusal to grant the governor's request for her to perform a particular sex act with him. The subject of this lawsuit was not a consensual sex act, but an unwanted sexual advance by the male employer of a female.

In any civil lawsuit, the plaintiff has the right to call witnesses to testify under oath as to the truthfulness of the claims being made in the lawsuit. Central to our civil justice system is the requirement that witnesses under oath tell the truth, unless such testimony would tend to incriminate them, in which case the witness can claim the 5th Amendment to the Constitution and refuse to testify.

President Bill Clinton was called to testify in the discovery phase of the Paula Jones lawsuit. Under oath, President Clinton made a number of statements which have since been shown to be false. Taken together, these lies under oath were clearly calculated to thwart the *Jones v. Clinton* federal civil judicial proceeding.

Upon the discovery of evidence indicating the President may have committed perjury, a federal criminal grand jury was charged with investigating the matter. President Clinton testified under oath before that grand jury and, once again, told a series of calculated lies. Good lawyers may quibble over whether the President's lies under oath constitute perjury, but I believe no reasonable, unbiased person would conclude that the President did not lie under oath. I am convinced that the lies under oath do constitute perjury, a felony criminal offense.

In addition to the perjurious testimony given by the President, I am convinced, after carefully studying the evidence, that the President engaged in a pattern of obstruction while the *Jones v. Clinton* case was pending, and while a federal criminal investigation was pending, in order to thwart those proceedings. The pattern of obstruction consisted primarily of tampering with witnesses whom the President knew would likely be called to testify before the criminal grand jury. Those witnesses included Monica Lewinsky, his secretary, Betty Currie, and numerous White House aides.

In summary, this impeachment proceeding is not about sex! It is about attempts to thwart proceedings in our civil and criminal justice systems. It is about the President committing perjury in a civil lawsuit which concerned not consensual sex, but a crude and inappropriate sexual advance made by an employer toward an employee. It is about the President committing perjury before a criminal grand jury. And it is about the president having so little regard for the rule of law that he even sought to have others commit the crime of perjury in order to protect himself. Those acts constitute an attack by the President on our justice system, serve to undermine the orderly administration of justice in this country, and are therefore impeachable offenses. As a lawyer, had I committed the offenses the President committed, I would be disbarred. Should the President be held to a lower standard than that expected of lawyers in this country? Surely not.

It is important, if not critical, for the U.S. House of Representatives to approve articles of impeachment against President Clinton in order to send the message to the citizens of our Nation that the rule of law is a crucial part of the foundation of our society, and that no one, not even the President, no matter how popular he might be, is above the law.

Mr. MCCOLLUM. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. ROGAN).

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

Mr. Speaker, some now suggest that holding a President, accountable after committing perjury in a criminal grand jury proceeding amounts to a coup d'etat or will bring blood on the floor demeans the level of this debate.

I quote from Dr. Larry Arnn:

> Elections have no higher standing under our Constitution than the impeachment process. Both stem from provisions of the Constitution. The people elect the President to do a constitutional job. They act under the Constitution when they do it. At the same time they elect a Congress to do a different constitutional job. The President swears an oath to uphold the Constitution. So does the Congress. Everyone concerned is acting in ways subordinate to the Constitution, both in elections and in the impeachment process.
>
> If a President is guilty of acts justifying impeachment, then he and not the Congress will have ''overturned the election.'' He will have acted in ways that betray the purpose of his election. He will have acted not as a constitutional representative, but as a monarch, subversive of, or above the law.

Mr. MCCOLLUM. Mr. Speaker I yield 4 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, we are all, all deeply saddened to be here in the midst of this constitutional crisis. But I am convinced that it is my constitutional duty to vote for the articles of impeachment as presented by the Committee on the Judiciary.

Let us first be very clear. The case against the President is not about sex or the privacy of the President and the first family. It is about the very public legal action of perjury in a civil disposition and before a Federal criminal grand jury. These are matters of public policy and the law, along with the questions of obstruction of justice and abuse of power.

In this respect, I have determined that the evidence brought before us by the Committee on the Judiciary is credible and substantial, and warrants sending, and listen to this, sending these articles to the Senate for trial. This is our constitutional obligation, and one that all of us Members of the House took upon us ourselves when we took our own oath of office.

I would stress, and this is, I think, very important for all our colleagues to remember, and for the public to remember, this House did not arbitrarily choose to do this. This case was forced upon us as a consequence of the President's failure to deal directly with the Paula Jones lawsuit years ago, and then of course at the same time over the years, including the 18 months under investigation, while under investigation by the Independent Counsel's office.

The issue before us today is, can the House fulfill its constitutional obligation and not yield to the spinmeisters or the talk shows. This is not a matter of a popularity or an uninformed poll. It is a matter of our constitutional obligation, and how we can turn this over to the Senate for trial.

Mr. Speaker, I bear no animosity towards the President. I do not wish him ill. Clearly, any sins that may have been committed are between him and the Lord, and any infidelities must remain between him and his family.

But we cannot deny the damage that has been done to his office and to our Nation. He is the chief executive officer and our chief law enforcement officer of the United States, under the Constitution. It is the obligation of this Congress and the Committee on the Judiciary to make this case to the people so that they will understand that the bottom line issue is that no one is above the law. That has to be determined with a full trial in the Senate.

□ 1815

Mr. Speaker, history will judge us. Our children and our grandchildren will know whether we voted to endorse and buttress the rule of law and allow our constitutional process to work. That is our obligation under the law. That is the oath we took as Members of Congress.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, it is a coup d'etat when you impeach a President for allegations that even if true the overwhelming majority of constitutional scholars say are not impeachable offenses. It is a coup d'etat when most of the prosecutors who testified in front of the committee said no prosecutor would seek an indictment because no jury would convict on the evidence we have. And it is a coup d'etat when you seek to upset an election, to overturn an election without a broad consensus of the necessity for doing so against the majority of the American people. That describes a coup d'etat, Mr. Speaker.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. VENTO).

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

Mr. VENTO. Mr. Speaker, I rise in strong opposition to these articles of impeachment. Indeed I think it is time that we uphold our constitutional responsibilities, not debase them. In fact,

we have a solemn duty and judgment that we are to make.

I think that the report that has come back and the duty charged to the Committee on the Judiciary has been lacking. You have not done the job that is expected. Refusing a timetable and then jamming this into two weeks after the election obviously gives strong suspicion to the reasons that we are doing this.

This does not stand the legal test. This does not stand the constitutional test. This is turning this Congress upside down. This is partisanship carried to an extreme. It is now attacking the basic fundamental document, the law of the land, our Constitution and process.

There is a reason that there have not been impeachments in the past of the President. The only time we can look to is after the Civil War when this country was in upheaval. The fact is, if this is the direction that we are going, if you are going to lower the bar and set new precedents such as this with regard to impeachment, we are going to keep the Senate awful busy.

This is an outrage, Mr. Speaker.

Mr. Speaker, I rise in strong opposition to the Articles of Impeachment before the House.

These articles and conclusions are unfair and demonstrate very poor judgment and rank partisanship on the part of the Republican Majority, the House Committee and Leadership. The House, on September 11, 1998, sent the Starr report to the Judiciary Committee with the charge to investigate and determine the validity of such assumptions.

The Starr report, unlike the investigatory work from previous Special Counsels, went beyond a report on the proceedings before the Grand Jury and actually put forth conclusions. Rather than presenting the evidence and permitting the Congress to make its own judgement, the Starr Report superimposed the views of the Special Counsel upon the House. In fact, Kenneth Starr's outspoken advocacy for impeachment finally resulted in the resignation of Sam Dash, the famed 1970's Watergate Counsel, whom Starr had personally engaged as the Ethics Advisor for the Office of Independent Counsel.

The Judiciary Committee, with the authority of the House vote, had the responsibility to fully evaluate this 450-page report, the seventeen boxes of testimony and the additional materials. The final product presented today as Articles of Impeachment has failed significantly to achieve an independent, credible, bipartisan consensus concerning the conduct of the President. The standard of evidence is second hand and is far short of the Watergate criteria of clear, convincing evidence.

The Judiciary Committee and the Republican Majority permitted this major Constitutional role to languish, spending most of the limited time debating which material should be made public. Unfortunately, throughout the time period from September 11 until today, the Judiciary Committee did not hear from a single direct witness and never subjected any witness to cross examination. Rather, this report rubber stamps numerous allegations of the Starr report and sees fit to manufacture a further Article of Impeachment from the 81 questions put forth by the Republican Majority.

The Republican Majority motivations to rush to judgment today are transparent. In mid-October, when the Democrat Minority sought to limit the scope and timetable for the consideration of this Starr Report, the Republican Majority refused. Subsequently, the Starr Report and Judiciary Committee investigation languished with not a single substantive hearing before the November 3 elections. In fact, the Congressional Republicans sought to employ the Starr Report to their advantage in this election cycle. Despite the House spending $30 million on investigations on varied topics and the Office of the Independent Counsel expending in excess of $40 million, the American electorate spoke loud and clear on November 3. They want a Congress that will use its powers and time to address the concerns and the problems that affect the American people rather than a GOP Congress which wields their power to undercut their political opponents as they have since winning control in 1995. Most notably, Democrats and President Clinton have been the primary focus of most investigations. The American voters saw through this unfair abuse of power and harassment and have become fed up with such antics. In an historic November 3, 1998 election, this year the GOP majority lost significant ground and specifically lost on the issue of the Starr Report and the relentless abuse of power by Starr and the Congressional GOP counterparts.

As Speaker GINGRICH announced his intent to step down, light shone through the partisan clouds that have loomed over the Congress these past years. A ray of hope existed that this Congress would accept the people's judgment. Instead, the GOP leadership quickly reverted to unfair partisan action. Recognizing that more Democrats would be in the Congress in January 1999, they set upon a scheme to jam through the lame-duck 105th Congress an impeachment vote before the new 106th Congress is sworn into office and seated. Within the Judiciary Committee due process and fairness were cast aside, perfunctory testimony and time limits were the order of the day and within a short period of two weeks, without one direct material witness relevant to the accounts of the Starr report and trumped up allegations concerning questions the Majority Republicans asked President Clinton. The end product—these four Articles of Impeachment are grossly unfair, and that was insured by the manner and lack of deliberation that shaped their substance.

That the President was evasive, unclear and uncooperative regards his representations concerning an extramarital affair is clear. However, even assuming that President Clinton's testimony in these instances is unlawful—a point which has not been proven—this matter does not rise to the level of an impeachable offense. It is not treason, bribery, or other high crime or misdemeanor. It does not involve the official duties and role of the President. It is a personal matter as are the relations of other public officials that do not touch upon their official duties. Certainly, this behavior and the subsequent questionable conduct in giving testimony merits our strong reprimand and censure, not impeachment. Unfairly, a censure action will not be allowed by the Republican Majority today in this House. In an effort to insure that these weak questionable Articles of Impeachment prevail, the GOP Majority Leadership has steadfastly refused the opportunity to permit a censure vote on the floor, intent upon using its power to frustrate and thwart the will of the American people who believe censure—not impeachment—to be the appropriate penalty.

Mr. Speaker, the President should be fully subject to the law. Indeed, when the court permitted the private civil suit to proceed in 1997, President Clinton was subject to the law for alleged activities before he was even elected to his current office in 1992. Furthermore, if the participation in such legal process is improper, it can and should be fully adjudicated with the full ability to exercise all rights and privileges accorded every citizen. The President isn't above the law, neither should he be considered below the law. The debate about the so-called legalisms employed in this instance are the essence of the ''rule of law'' even as some venerate the ''rule of law.'' Republicans seem all too willing to deny the President the opportunity to defend himself.

The proceedings before the House Judiciary Committee have made a mockery of the important Constitutional role accorded Congress in regards to our impeachment role. The President was required to defend himself against unknown Articles of Impeachment, the Articles were composed and presented after his defense was completed. Furthermore, no material witnesses testified or were subject to cross examination. The House must not compound the unfairness that has characterized this process. This proposed action today on the Articles of Impeachment is an abuse of fundamental responsibility and duty of this House. Today's action indeed spells out a new order and degraded role, cheapening the historic meaning and purpose of the impeachment of a president.

This important impeachment role and responsibility of the House should be based on our best effort, not a matter to be compressed into a political timetable with questionable substance and motives. The House, with this proposed action, risks significant harm to the historic role and duties accorded the elected Members by the Constitution should we act today to impeach. I urge the Members to vote no, to step back from the rush to judgement and partisan leanings that have dominated this House and permit the Committees of this House to properly do their job. The standard must be clear and convincing evidence—not second hand information, conjecture and a schedule of convenience for the Members of the House. If such allegations have merit, then take the time to do the task and exercise the responsibility properly. Vote no on these articles and against this unfair procedure and process.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

(Ms. BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker, the Bible says, let he without sin cast the first stone.

Let me tell you in this Chamber, it is full of sinners. I am here on behalf of my constituents who want me to tell the President that they love him and they are praying for him and the country.

The Republicans say that their sin is different from the President's. They

are hypocrites. What a shame that while the troops are fighting for us in the Persian Gulf, we are having this silly and stupid debate because of your hatred of the President. The President is like David from the Bible. He is the favorite one. He is the favorite one because he does the people's work. The Republicans hate him because he beat them on every single issue.

Let me tell you what the real crime and high misdemeanor is, my fellow Americans. In 1994, the leaders announced their Contract on America. And today is the final agenda of that contract. They began their contract by attempting to cut school lunch, Head Start, food stamps, health care and Medicare for the elderly. These are the crimes that should be punished.

This is a modern day coup d'etat, Mr. Speaker. It is the final piece of their contract. You can fool some of the people some of the time, but you cannot fool all of the people all of the time. And let me tell you, the American people are not fooled by your motives.

N O T I C E

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

ADJOURNMENT

Mr. SENSENBRENNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock p.m.), under its previous order, the House adjourned until tomorrow, Saturday, December 19, 1998, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

12341. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tart Cherries grown in the States of Michigan, et al.; Establishment of Rules and Regulations for Grower Diversion and a compensation rate for the Cherry Industry Administrative Board Public Member and Alternate Public Member [Docket No. FV97–930–2 FR] December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12342. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Service's final rule— Termination of Designation of the State of Minnesota With Respect to the Inspection of Meat and Meat Food Products [Docket No. 98–048F] received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12343. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Solid Wood Packing Material From China [Docket No. 98–087–4] (RIN: 0579–AB01) received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12344. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—High-Temperature Forced-Air Treatments for Citrus [Docket No. 96–069–2] received December 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12345. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Fees for Official Inspection and Weighing Services (RIN: 0580–AA66) received December 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12346. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Egg Products Inspection Act Regulations [Docket No. PY–99–001] received December 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12347. A letter from the Administrator, Agricultual Marketing Service, Department of Agriculutre, transmitting the Department's final rule—Egg Products Inspection Act Regulations [Docket No. PY–99–001] received December 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12348. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cymoxanil; Pesticide Tolerances for Emergency Exemptions [OPP–300747; FRL–6038–5] (RIN: 2070–AB78) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12349. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Extension of Tolerance for Emergency Exemptions; Correction [OPP–300743A; FRL–6043–6] (RIN: 2070–AB78) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12350. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Metolachlor; Extension of Tolerance for Emergency Exemptions [OPP–300746; FRL–6038–4] (RIN: 2070–AB78) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12351. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Extension of Tolerance for Emergency Exemptions [OPP–300761; FRL–6046–9] (RIN: 2070–AB78) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12352. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Thiabendazole; Extension of Tolerance for Emergency Exemptions [OPP–300757; FRL–6044–5] (RIN: 2070–AB78) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12353. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Extension of Tolerance for Emergency Exemptions [OPP–300754; FRL 6041–4] (RIN: 2070–AB78) received November 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12354. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hydramethylnon; Extension of Tolerance for Emergency Exemptions [OPP–300752; FRL–6040–9] (RIN: 2070–AB78) received November 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12355. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerances for Emergency Exemptions [OPP–300762; FRL–6048–1] (RIN: 2070–AB78) received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12356. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Copper Ammonium Complex; Exemption from the Requirement of a Tolerance [OPP–300765; FRL 6048–5] (RIN: 2070–AB78) received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12357. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tralkoxydim; Time-Limited Pesticide Tolerances [OPP–300764; FRL–6048–4] (RIN: 2070–AB78) received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12358. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Air Force Materiel Command is initiating a single-function cost comparison of the Base Supply Functions at the United States Air Force Academy, Colorado, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

12359. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Exports of High Performance Computers; Post-shipment Verification Reporting Procedures (RIN: 0694–AB78) received November 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

12360. A letter from the Secretary of Energy, transmitting a report on Russian taxation of nonproliferation funds furnished by the Department of Energy's Initiatives for Proliferation Prevention; to the Committee on National Security.

12361. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's