

can read the opinion by the dissenting judges and look into whether an appearance of impropriety should be an impeachable offense.

There is no suggestion it was a bribe. It is not alleged it was a bribe. And so what you have then is something that is classified as an appearance of impropriety, and an appearance of impropriety does all of the things that the question suggests. That is why you do not want appearances of impropriety, because it makes people uncertain as to whether the judge is being fair and unbiased. And he admitted to that. It was a mistake. But it was not during the trial. The trial was long over. This was years after the trial. But it was still a mistake. The case was still pending. And he should have realized that.

And, yes, we do refer to it as a wedding gift. I am not so sure why we are having the dispute because it was Amato who said—he raised the fact that he needed money to pay for his son's wedding, and the result of that is that Amato and Creely gave him \$2,000 cash. And it is true that they are friends with Timothy. It is true, you know—I am not surprised to hear a suggestion that Creely—that there might be an overstatement of the relationship. I suggest that you read the record. But they were very close to Timothy. But it does not excuse anything. That is why he accepted the punishment.

But words mean things in impeachments. You know, Mr. SCHIFF points out, why did we have to actually say “kickback”? Why are you making us say “kickback”? Just look at how these words hold together. Is this not what a kickback is? Well, yeah. And it can also be conspiracy, it could be mail fraud, it could be wire fraud, it could be a number of other things when you talk about corruption.

The reason we want you to say “kickback” or “bribe” is because it is a specific allegation. And one of those is mentioned actually in the Constitution itself.

By the way, the House managers knew that the issue before the Supreme Court was whether you are going to allege a kickback. So they knew that courts, in fact, turn down honest services for the failure to allege kickbacks, and they still did not mention it. Why? Because they wanted to use corruption.

So the point is, in answer to this question, that if it is not a kickback and it is not a bribe, it is what the Court said it was in the Fifth Circuit—an appearance of impropriety. And that is not good. And Mr. SCHIFF and I will agree on this. No attorney wants a judge to do what was done in this case, and that is why he was disciplined, and he was disciplined harshly. That is the most severe discipline this court has handed down.

Mr. SCHIFF might, in fact, say: What is that? You do not get to be a judge? That is a lot because you are reprimanded by your colleagues. You are

held up for ridicule. And I got to tell you, it is not something most people would want for themselves. It was an appearance of impropriety, and he was severely disciplined for it.

The PRESIDENT pro tempore. Are there any more questions?

The Chair recognizes the majority leader.

#### CLOSED SESSION

Mr. REID. Mr. President, I move that pursuant to impeachment rule 10, the Senate now close its doors to commence deliberations on the motions and impeachment articles and ask unanimous consent that floor privileges during the closed session be granted to the individuals listed on the document I now send to the desk.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The list is as follows:

#### IMPEACHMENT CLOSED SESSION

##### FLOOR PRIVILEGES

Parliamentarians: Alan Frumin, Elizabeth MacDonough, Peter Robinson, Leigh Hildebrand.

Legislative Clerks: Kathie Alvarez, John Merlino, MaryAnne Clarkson.

Journal Clerks: Scott Sanborn, William Walsh, Ken Dean.

Official Reporters: Valentin Mihalache, Pam Garland, Joel Breitner, Mark Stuart, Rebecca Eyster, Patrick Renzi, Julie Bryan and Paul Nelson.

Executive Clerk's Office: Jennifer Gorham. Majority Leader: Gavin Parke, Mike Castellano, Serena Hoy, Gary Myrick.

Republican Leader's Office: John Abegg. Democratic Secretary's Office: Tim Mitchell, Tricia Engle, Meredith Mellody.

Republican Secretary's Office: Laura Dove, Jody Hernandez.

The PRESIDENT pro tempore. The Senate will now close its doors and only Members and staff granted floor privileges shall remain.

The Sergeant at Arms will ensure the Chamber, the galleries, and the adjoining corridors are cleared of unauthorized persons.

(At 5:45 p.m., the doors of the Chamber were closed.)

At 7:56 p.m., the doors of the Chamber were opened, and the open session of the Senate was resumed.

#### LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now move to legislative session.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed

to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO WALT RULFFES

Mr. REID. Mr. President, I rise today to recognize the lasting achievements of the Walt Rulffes. His recent retirement from the post of Superintendent of Clark County School District means that southern Nevada is losing one of its most versatile leaders. Walt's impressive ability to lead, while often having to make tough decisions, has garnered the respect of all Nevadans. His guidance of one of the Nation's fast-growing school districts through good times and bad, will never be forgotten.

Born in Long Island, NY, Walt was raised on a ranch in Washington State. He grew up with a love for literature and learning. Although childhood dreams revolved around becoming a cowboy, he went on to obtain his M.B.A. from Gonzaga. Walt developed a background in Finance, which laid the foundation for later success. He also developed the ability to act decisively in a moment of need. Serving first as deputy superintendent of finance, then as interim superintendent, Walt eventually became the superintendent for the Clark County School District.

The Clark County School District is one of the country's largest local education agencies, serving over 300,000 students from a variety of backgrounds. Its superintendent, therefore, must be able to proficiently manage immense day-to-day activities as well as oversee financial affairs. Mr. Rulffes not only met these demands, but in fact exceeded all expectations. His success is mainly due to this fact: Walt has never forgotten the most important part of his job—the students. In one occasion, unsatisfied with the inconsistency of math teaching practices and tests, he implemented district-wide math textbooks and uniform testing to equip students with necessary mathematics skills for college. Scores improved and students are now much better prepared for college and careers. His focus on the development of career and technical schools likewise improved students' possibilities for education. Walt further implemented English language learning, ELL, programs and was a champion of the “Empowerment Schools,” a program that grants school principals greater autonomy.

Serving as the head of Clark County School District, Walt was also forced to master the art of adaption. From year to year, the issues facing the school district were never quite the same. CCSD went from building over 100 new schools to accommodate new