

# EXTENSIONS OF REMARKS

## THE STARR REPORT AND THE CONGRESSIONAL RESPONSE

**HON. LEE H. HAMILTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 1998*

Mr. HAMILTON. Mr. Speaker, I insert my Washington Report for Wednesday, September 23, 1998 into the CONGRESSIONAL RECORD.

### THE STARR REPORT AND THE CONGRESSIONAL RESPONSE

On September 9, 1998 Independent Counsel Kenneth Starr submitted his report to Congress regarding President Clinton's relationship with Monica Lewinsky. The U.S. House of Representatives now begins the process of reviewing the evidence the Independent Counsel has gathered from his grand jury investigation as well as evidence provided by the President and others. The House, after reviewing the Starr report and other evidence, will decide whether to proceed with formal impeachment hearings. The key judgment will be for the House to determine whether the President's conduct amounts to "High Crimes and Misdemeanors," the Constitutional standard for removing a President from office.

The Starr report: The 453-page Starr report alleges that President Clinton committed acts that may constitute grounds for impeachment. The report lays out in graphic detail the chronology of events surrounding the President's affair with Ms. Lewinsky, and concludes that the facts may establish 11 possible grounds for impeachment, including lying under oath in the Paula Jones case and before Starr's grand jury, obstructing justice, witness tampering, and abuse of power.

The President has acknowledged that he had an inappropriate relationship with Ms. Lewinsky and that his conduct was wrong, but rejects the view that he committed the offenses catalogued in the Starr report. Furthermore, the President's attorneys contend that his conduct, while inappropriate and wrong, does not rise to the level of "High Crimes and Misdemeanors," and therefore does not warrant Congress proceeding with an impeachment inquiry.

Presidential conduct: I have read the Starr report in full, and like many Americans, am shocked and dismayed by its contents. I recognize, of course, that the report represents only the prosecutor's assessment of the facts and that Congress has a duty to examine all the evidence, including evidence which tends to exonerate the President.

Putting the Starr report to one side, I have nonetheless been deeply disappointed by the President's conduct. The sexual misconduct was offensive but that really was not the worst of it. He misled his wife, his staff, and the country. His pattern these last several months to hide his improper relationship has been to conceal, fabricate, stonewall, and attack Starr. He surely could have saved the country much agony by making a confession months ago. His legalistic hair-splitting on the issue of lying insults the common sense of most of us.

Where we go from here: Congress now faces the grave responsibility of deciding whether to move ahead with a formal impeachment

proceeding against the President. Overturning the results of a popular election is very serious business. Next to declaring war, Congress perhaps has no greater duty under our Constitution. Hence, we must proceed in the weeks and months ahead with deliberate speed, but with caution and fairness, to seek the truth and make a judgment. This process is not about partisan political advantage, but about the future of our country.

The key question will be whether the President's conduct, disgraceful as it is, constitutes, "High Crimes and Misdemeanors." The Framers of the Constitution borrowed the expression from the English common law to suggest grave offenses against the state—offenses which undermined the integrity of the Presidency or our constitutional system of government—but did not define what precisely those offenses might be, aside from treason and bribery. "High Crimes and Misdemeanors" has been generally understood to encompass public misdeeds, such as abuse of official power that threatens the country, but not private misconduct.

Nature of process: The impeachment process is a mix of law, politics, and public opinion. It should not be used to remove a President with whom Congress has political differences, nor should it be limited to possible violations of criminal law. Rather, it should primarily ask whether a President's conduct is so bad that he can no longer be trusted to serve. President Clinton's ability to govern the country has been damaged. The looming question is whether he retains enough of the confidence of the American public that he will be able to govern effectively.

Congress will pay close attention to public opinion as this process unfolds. In effect two processes are now taking place: one in Congress and one in the public. Both are necessary. Of the two, the process in the American public is more important. The public deliberation taking place over the next several weeks will drive this process and will eventually drive congressional action.

Thus far, the American public does not support impeaching the President. The public is of two minds about the President. They believe Clinton is doing a good job as President and is a strong leader in touch with their problems. On the other hand, they do not like his morals and question his integrity and his character. The public today appears to favor some form of censure of the President, short of impeachment, and wants Congress to get through this process and back to the people's business as quickly as possible.

My assessment: The Starr report presents a strong case of Presidential misconduct. The evidence that the President lied under oath about the relationship with Ms. Lewinsky is persuasive. The President does not challenge the basic facts of the report, which paint a devastating portrait. Starr's charges of obstruction and, particularly, abuse of power are less compelling, and there is considerable conflicting testimony relative to these charges. I have doubts, at this point, whether the President's misconduct rises to the level of "High Crimes and Misdemeanors" to warrant his removal from office.

I am not advocating at this time censure, resignation or impeachment. Congress has the Constitutional obligation to weigh the evidence presented by the Independent Coun-

sel very carefully as well as evidence presented by the other side. I do not see how we can make a judgment about the President until we have had a chance to evaluate all the evidence. I do not think the Congress should adjourn while these issues about the President's future are unresolved.

The question on my mind is how best to get through the next two years with the least harm to the country. We must be very careful with the institution of the Presidency. We must avoid a paralysis of the Presidency and the inability of the President to lead effectively. I do think some kind of judgment needs to be given on the President's conduct. What kind of judgment it is will depend on the evidence. But even on the basis of the information we now have, we cannot permit the impression to prevail that the President's behavior is acceptable.

## WELCOMING AND CONGRATULATING PRIME MINISTER ATAL BIHARI VAJPAYEE OF INDIA

**HON. ROBERT MENENDEZ**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 23, 1998*

Mr. MENENDEZ. Mr. Speaker, I rise today to welcome Prime Minister Atal Bihari Vajpayee of India on his visit to the United States and meeting at the United Nations. This is Mr. Vajpayee's first visit to the United States since he was sworn in as Prime Minister for the second time on March 19, 1998.

On September 24th, the Prime Minister will address the 53rd Session of the United Nations, and shortly thereafter Mr. Vajpayee will receive the distinguished Dr. Ambedkar Award for this tremendous government service on behalf of the Indian people. The award will be presented by the founder and president of the Ambedkar International Mission U.S.A., Mr. Hardyal Singh. Dr. Ambedkar was the author of the Indian Constitution and was India's most prominent and vocal proponent of equal rights for Scheduled Castes.

Prime Minister Vajpayee's long and impressive parliamentary career began in 1957 when he was just 22 years old. Mr. Vajpayee was briefly Prime Minister in 1996 and later became the Opposition Leader.

The Prime Minister is also known as a scholar and an articulate speaker. He has published several collections of his poems and speeches including "Lok Sabha Mein Atalji", "Mrityu Ya Hatya", and "Amar Aag Hai." Mr. Vajpayee has also been an editor of several Hindi newspapers.

Prime Minister Atal Bihari Vajpayee has dedicated his career to the uplifting of Scheduled Castes and Tribes, promoting women's rights, and defending child welfare.

On behalf of the House of Representatives I welcome this able leader to our country and hope his stay proves to be a productive one.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.