Ms. SLAUGHTER. Mr. Speaker, I object that all Members of the House were not given enough time to speak.

CALL OF THE HOUSE

Mr. HYDE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 496]

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

☐ 1357

The SPEAKER. On this rollcall, 423 Members have recorded their presence by electronic devise, a quorum.

Under the rule, further proceedings under the call are dispensed with.

☐ 1400

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The SPEAKER. The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I yield myself 1½ minutes.

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

Mr. CONYERS. Mr. Speaker, to my Republican friends, sincerely, Gerald Ford has said that we must take the path back to dignity. I want that to weigh on the Members' hearts for this next hour, because more is at stake than the President's fate.

''Moving with dispatch,'' Gerald Ford said, ''the House Judiciary Committee should be able to conclude a preliminary inquiry into possible grounds for impeachment before the end of the year.''

I think that we can do it. Our resolution calls for it. I have talked incessantly in private meetings with the gentleman from Illinois (Chairman HYDE) toward this end, and I hope that all of us will commit ourselves to that goal.

Mr. Speaker, I just want Members to know that in my view, the American people have a deep sense of right and wrong, of fairness and privacy. I believe that the Kenneth W. Starr investigation may have offended those sensibilities. Who are we in the Congress? What is it that we stand for?

Do we want to have prosecutors with unlimited powers, accountable to no one, who will spend a million dollars investigating a person's sex life, is that the precedent we are setting, who then haul them before grand juries, every person that they have known of the opposite sex, every person that they had contact with, and then record and release videos to the public of the grand jury questioning the most private aspects of one's personal life?

Please, I beg the Members not to denigrate this very important process in Article II, Section 4.

Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. BARNEY FRANK), a senior member of the Committee on the Judiciary.

Mr. FRANK of Massachusetts. Mr. Speaker, someone inaccurately, well-intended but inaccurately, said the Democrats were agreeing there should be an inquiry. No, let me define what we say. We accept the fact that the statutorily designated Independent Counsel sent us a referral, and we are obligated to look at it.

But what our resolution says is, let us first look at what he has alleged, and assuming that it is true, decide whether or not those things are impeachable. There is a very real question. If we look at the dismissal of the charge that Richard Nixon did not pay his income tax because it was a personal matter, that would suggest some of these are not impeachable.

If we get to the question of lying, in fact, both the Speaker and I have been reprimanded by this House for lying before official proceedings. That has not kept either of us from continuing to do our duty to our best possible. We will have to look at whether or not these are impeachable issues. But the question is, do we look at those, or do we look at a whole lot of other things.

I think my Republican colleagues fear that there is not enough in those accusations to meet the impeachment standard. That is why they refuse and refuse and refuse to limit it, to get into not just a fishing expedition, but the deep sea fishing expedition of Whitewater and the other matters.

Scope affects time. It is because they are holding out the hope that something will turn up after 4 years about Whitewater and the FBI files and the travel office and all of these other accusations that have to date proven to be dry holes for those trying to get Bill Clinton, they want to not limit the time because they need to keep it open.

Here is what that means in terms of time. Under our resolution, which calls for a December 31 deadline, we would begin work right away, on our time. This Congress is about to adjourn, and on our time, which would otherwise be not dealing with the public's business, we are ready to get into it.

Under their resolution, let me make it very clear to the Members, they have no real plans to do anything during October. We have read about that. They are not going to start until after the election. They are not going to start until 2 months after we got Kenneth Starr's report, because they think it will not play out well in the election, so vote for their resolution, and Members will find that the American people's time will be taken up again next year.

We are ready to do it now on our time and get it out of the way. They are asking us to give them a mandate to stretch it out, wait until after the election, and let it dominate next year, to our detriment, just as it has so far.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman from California (Mr. ROGAN), a member of the committee.

Mr. ROGAN. Mr. Speaker, first, in entering this debate, I consider it a great personal privilege to be allowed to follow two men for whom I have such profound respect, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Massachusetts (Mr. FRANK).

I want to say, as a Republican, that as we begin this procedure, I start with the presumption that the President is deemed innocent of any allegation of wrongdoing unless and until the contrary is shown. Every reasonable inference that can be given to the President must be given to the President.

It is unfortunate that some of today's rhetoric would suggest that this resolution seeks nothing more than to have a carte blanche opportunity for Congress to inquire into the President's personal lifestyle. Nothing could be further from the truth. However, it is our purpose, it is our legal obligation, to review any president's potentially constitutional misconduct within the framework of the Constitution and the rule of law.

When serious and credible allegations have been raised against any president, the Constitution obliges us to determine whether such conduct violated that President's obligation to faithfully execute the law. We must make this determination, or else forever sacrifice our heritage that no person is above the law.

This Congress must decide whether we as a Nation will turn a blind eye to allegations respecting both the subversion of the courts and the search for truth. Mr. Speaker, I fear for my country when conduct such as perjury and obstruction of justice is no longer viewed with opprobrium, but instead is viewed as a sign of legal finesse or personal sophistication.

This House has an obligation to embrace the words of one of our predecessors, Abraham Lincoln, who called on every American lover of liberty not to violate the rule of law nor show toleration for those who do.

Mr. Speaker, there is a difference between knowing the truth and doing the truth. We have an obligation to both, and we have that obligation, despite whatever personal or political discomfort it might bring. For as Justice Holmes once said, ''If justice requires the truth to be known, the difficulty in knowing it is no excuse to try.''

Let our body be faithful to this search, and in doing so, we will be faithful both to our Founders and to our heirs.

Mr. CONYERS. Mr. Speaker, I am proud to yield the balance of our time to the gentleman from Michigan (Mr. Dave Bonior) to close debate on our side.

The SPEAKER. The gentleman from Michigan (Mr. BONIOR) is recognized for 3 and three-quarters minutes.

Mr. BONIOR. Mr. Speaker, we gather today to make a serious decision. What the President did is wrong. He should be held accountable. Today we have an obligation to proceed in a manner that is fair, that upholds our constitutional duties, and allows us to get this matter over with so we can get on with the business of the American people.

Unfortunately, the Republican proposal meets none of these standards. It is unfair, it is unlimited, and it prolongs this process indefinitely. Under the Republican plan, Congress will spend the next 2 years mired in hearings, tangled in testimony, and grinding its gears in partisan stalemate. Today is just another example of that partisanship, that unbridled partisanship.

There are 435 Members that serve in this body, more on the floor today than I have seen in a long time, representing each about a half a million people. What has happened in this proceeding today? Two hours of debate, 2 hours, with Members having to go and beg for 20 seconds to talk to their constituency about one of the most important votes they will ever have to cast.

As the Speaker just said a few minutes ago, this is one of the most important debates that we will have. Why are hundreds of Members of this body being denied the opportunity to express themselves? This is a charade of justice. The American people, through this truncated debate, are being railroaded. Today's proceedings are a hit and run.

The Republican leadership's long-term strategy is very, very clear: Drag this thing out week after week, month after month, and yes, year after year, not for the good of the country, but for their own partisan advantage. The Democratic amendment guarantees that any inquiry will be fair, that it will be limited, and that we will complete our work by the end of the year.

Mr. Speaker, the American people already have had all the sordid details they need, more than they ever wanted. Do we really want 2 more years of Monica Lewinsky, 2 more years of Linda Tripp, 2 more years of parents having to mute their TV sets so they can watch the 6 o'clock news? We in this Chamber have the power to stop this daily mudslide into the Nation's living rooms.

If the Republicans spend 2 years dragging this investigation out, when will they deal with education? If they spend 2 years dragging this investigation out, when will they deal with HMO reform? If they spend 2 years dragging this investigation out, when will they strengthen social security?

I urge my colleagues, let us put a limit, a limit on this investigation. Let us end it this year, this year. Let us get back to working for our children and our families and for our communities.

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

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

Mr. LEWIS of California. Mr. Speaker, I rise in support of the resolution.

Mr. DELAHUNT. Mr. Speaker, let me first express my affection and respect for my chairman, the Gentleman from Illinois, If Mr. HYDE says he hopes to complete this inquiry by the end of the year, I know he will do all he can to make good on that promise.

But if we adopt this resolution, the chairman's good intentions will not be enough to prevent this inquiry from consuming not only the remainder of this year but most of next year as well.

Nine days ago, I joined with Mr. BERMAN, Mr. GRAHAM and Mr. HUTCHINSON in a bipartisan letter asking Chairman HYDE and our ranking member, Mr. CONYERS, to contact the Independent Counsel—before we begin an inquiry—to ask him whether he plans to send us any additional referrals.

They wrote to Judge Start on October 2, and I wish to inform the House that last night we received his reply. He said, and I quote, ''I can confirm at this time that matters continue to be under active investigation and review by this Office. Consequently, I cannot foreclose the possibility of providing the House of Representatives with additional [referrals].''

There you have it, Mr. Speaker. Despite the fact that both Mr. HYDE and Mr. CONYERS had urged the Independent Counsel to complete his work before transmitting any referral to the House, what he has given us in essentially an interim report.

As the Starr investigation enters its fifth year, we face the prospect that we will begin our inquiry only to receive additional referrals in midstream. Under this open-ended resolution, each subsequent referral will become

part of an ever-expanding ripple of allegations. With no end in sight.

That is not a process, Mr. Speaker. It's a blank check. And I believe it's more than the American people will stand for.

They do not want us traumatizing the country and paralyzing the government for another year when we don't even know whether there is ''probable cause'' to begin an inquiry. And they don't want us abdicating our constitutional responsibility to an unelected prosecutor and accepting his referral on faith.

If we do that—if all a President's adversaries have to do to start an impeachment proceeding is secure the appointment of an Independent Counsel and await his referral—then we will have turned the Independent Counsel Act into a political weapon with an automatic trigger—a weapon aimed at every future President.

What the people want is a process that is fair. A process that is focused. And a process that will put this sad episode behind us with all deliberate speed.

The Majority resolution does not meet those standards. Our alternative does. It provides for the Judiciary Committee to determine first whether any of the allegations would amount to impeachable offenses if proven. Only if the answer to that question is ''yes'' would we proceed to inquire into whether those allegations are true. The entire process would end by December 31—the target date chosen by Chairman HYDE himself—unless the committee asks for additional time.

Mr. Speaker, that is a fair and responsible way to do our job. It is also the only way to ensure that when that job is done, the American people will embrace our conclusions, whatever they may be.

Mr. POMEROY. Mr. Speaker, as I have indicated repeatedly over the past weeks and months, President Clinton's conduct in having an improper relationship with Monica Lewinsky and not being truthful about it was wrong, plain and simple, and it has left me profoundly disappointed.

I believe the House Judiciary Committee should begin an inquiry into whether the report of Independent Counsel Kenneth Starr on these matters presents facts that warrant impeachment of President Clinton. The debate today in the House is not about whether to proceed with an impeachment inquiry. It is about how to proceed.

Because this is only the third time in our history that Congress has taken the step of initiating an impeachment inquiry against a President, it is vitally important that we proceed in a fair, deliberate and timely manner. We must always remember that our Founding Fathers did not intend the impeachment process to be an exercise in partisan wrangling to be pursued when the legislative and executive branches are controlled by different political parties. Instead, our Constitution establishes impeachment as a solemn and extraordinary removal process triggered only when grounds of ''treason, bribery or other high crimes and misdemeanors'' are established against a President.

It is critical to establish appropriate ground rules for this extremely rare and constitutionally significant proceeding. A proper inquiry must focus squarely on the matters raised by the Starr report, evaluate the constitutional standard for impeachment, weigh the sufficiency of the evidence, and reach a recommendation on the question of impeachment by the end of this year.

As our Nation's history has shown, an ongoing impeachment inquiry is incredibly disruptive to the normal functioning of our government. It is therefore imperative that the process be concluded as quickly as can reasonably be accomplished. North Dakotans and all Americans believe that we must return to the urgent policy matters before us—strengthening the quality of our schools, preserving Social Security, and assisting our family farmers.

The inquiry process advanced by the majority on the House Judiciary Committee is fatally flawed because it lacks focus, a careful process, and a clear end point. While an appropriate inquiry should proceed, a drawn out procedure designed to prolong scandal and achieve political advantage must not. I will vote today against the majority's inquiry resolution and instead to amend the inquiry process so that this very important constitutional proceeding is fair and expeditious, allowing all of us to return to the people's business.

Mrs. KILPATRICK. Mr. Speaker, today I rise to express my trepidation over the potentially ominous precedent that the impending impeachment proceeding may lay out for the annals of our nation's history. In expressing my concern, I cannot ignore the history which has placed this important resolution before this august body. My unease arises because it seems that after years of investigating White Watergate, Travelgate, Filegate and other events, the linchpin of the Independent Counsel's case are charges of perjury which emanate from a private lawsuit funded predominantly by the most conservative, political enemies of the President.

While there is no question that the President's conduct was reprehensible, I take great pause in the facts which have compelled the leader of the free world before the American corpus and bared him virtually raw. I take great pause in what this means to the office of the President and, for that matter, any other leader in American society who chooses public policy contradictory to powerful opponents.

While many here today speak to the ''rule of law'' they neglect another American ideal which frames the rule of law. A bulwark of the American psyche is our embrace of the principle of fairness. It is the spirit of fairness that gave birth to the bedrock principle of American jurisprudence that the punishment must be proportional to the offense. It is with these principles in mind, that I suggest to my dear colleagues, that as we vote today in the people's house, and as this process moves forward, we must use all due deliberation to ensure fairness, and that any punishment meted out fit closely with the President's transgressions.

Now the nation and we here in Congress must turn our attention to whether or not to proceed with an impeachment inquiry. And more importantly, we must focus on how we should proceed with an impeachment inquiry. In reviewing the proposals before Congress today, I state my support for the Democratic Amendment. The Democratic Amendment is focused, fair, expeditious and deliberate. By requiring the consideration of a constitutional standard for impeachment, and a fair comparison of the allegations in the context of the well deliberated standard, the Democratic Amendment will allow the Congress to resolve this terrible blight on our nation's history expeditiously and decisively. The Democratic Amendment sets forth clear goals both for the scope and length of this investigation so as to prevent the further agony of dragging the country through a long and intrusive fishing expedition.

It is my fervent belief that the inappropriate actions of President Clinton do not rise to the standard of high crimes, treason, bribery or misdemeanors envisioned by the Framers of the Constitution. It is my sworn duty to protect the Presidency, and not the President. As such, it is my conclusion and the conclusion of most reasonable American citizens, that the last two elections must not be usurped by Congress. I cannot support a broad-based, infinite inquiry on the alleged actions of the President.

In summation, I will not support the further abuse of taxpayer dollars. I will not support a potentially unending fishing expedition based on facts that are no longer under dispute. I will not support this blatant pillage of the rights of all Americans. I will not support the Republican resolution to begin an impeachment inquiry upon our President. It is time for Members of Congress to stand up and protect our Constitution and reject this onerous precedent.

Mr. NUSSLE. Mr. Speaker, the question before us today is whether to look forward or look away.

After reading the referral Independent Counsel Kenneth Starr presented to the House of Representatives on September 9, 1998, and reviewing the materials made available to us since then, I believe there is enough information to continue on with an inquiry into the impeachment of the President.

Our colleagues on the House Judiciary Committee have already approved this resolution and believe a further investigation into the allegations against the President is appropriate. A vote in favor of this resolution by the full House will enable the House Judiciary Committee to proceed with their Constitutional obligations to conduct this investigation and make the necessary recommendations concerning the impeachment of the President.

I vote in favor of moving the process forward.

Mr. WEYGAND. Mr. Speaker, with a heavy heart and a clear conscience, I rise today to support the resolution commencing an impeachment inquiry into the President of the United States.

Congress and the American people are faced with a dilemma. On one hand, we are aware of admitted wrongdoings by the leader of our nation and on the other hand, we are faced with what I feel is overzealous and partisan conduct of the Independent Counsel. Both are wrong. We cannot and must not compromise our principles because of their lack of principles. We deserve a process which is independent of these two forces, so we can work responsibly on our duties as outlined by the Constitution.

My decision to vote in this manner was reached after self-examination and painstaking reflection on my own deeply held beliefs. This process is not one that I enter, nor should be entered into lightly and hope that we can work to make this inquiry progress smoothly and without partisanship, which has become all too commonplace in the House. Lately, I have been concerned over the overt partisan tone on both sides of the aisle. We cannot continue to view this process through politicians' eyes,

which have the tendency to become jaded by an individual's political beliefs. We cannot be cavalier and must be conscientious. As we continue this process, we must strive to be not only bi-partisan, but non-partisan because the framers of our Constitution and the people of our nation deserve nothing less.

We must remain focused on the true meaning of this action today. This vote is not a vote for impeachment nor does it authorize the removal of the leader of our nation from his post. This step today is taken so Congress can study if the admitted transgressions of the President warrant an official action or indictment by this chamber.

It is my sincere belief that this inquiry is the proper forum in which the House of Representatives can undertake its solemn responsibility of deliberating if any of the President's actions rise to the level of impeachment. I desire nothing more than to have a quick and resolute end to this distressing situation. I believe that ignoring the President's situation will force our nation to endure this pain even longer. I feel an inquiry serves as the best avenue for the President to provide his defense and for Congress to reach the deliberative end for which our nations yearns.

My preference would be to limit this inquiry, by setting a deadline and imposing limits on what the inquiry would cover. These parameters were offered by the Democrats and I support these reasonable efforts. I had hoped the Democratic alternative would be the roadmap that Congress would take for this inquiry. To my dismay, this effort failed. I support the underlying resolution.

As I have said, today's vote is not a vote to impeach the President. In fact, based on the knowledge I have today, I would not support an impeachment of the President. I have serious misgivings about the President's actions and am disappointed with the extremely poor choices he made.

Each session, Members of Congress face a great number of votes. Some of these votes are merely procedural while others are more weighty relating to crucial issues affecting the welfare of our nation. All of these votes, seem to pale in comparison to the vote we cast today. Barring a vote on the declaration of war, I believe this is one of the most important votes we are called to make. I am guided by my strong beliefs and distinct desire to move on with this inquiry and come to a thoughtful, quick and appropriate resolution.

Mr. HASTERT. Mr. Speaker, We stand at a solemn moment in our nation's history. Today, the House votes on a recommendation from the Judiciary Committee to proceed with a fair and judicious inquiry into the charges contained in the report from the Independent Counsel. Like most of the people on Illinois' 14th Congressional District, I am very sad about this whole situation, and I am concerned that the President's actions have harmed not only his own reputation, but the trust and confidence that people have in the Presidency.

We live in a dangerous world. And our economy, while good, is threatened by problems from abroad. In these times, we need leadership that people can trust if our democracy is to work. Confidence in government is built upon trust. Despite all the media hype and sensationalism, I believe the Judiciary Committee must calmly and professionally do its work and uncover the truth, because that is the only way we can put this matter behind us. Sweeping the matter under the rug just won't work but that would be a disservice to the American people. We must stand up for the Constitution and the laws of our land.

Today, I will vote to allow the inquiry to begin so we can move quickly to uncover the truth. Every member of the Judiciary Committee, Republican and Democrat, voted for an investigation; they only disagreed on whether it should be artificially limited. The Committee must be free to follow all of the facts until they find the truth. I prefer not to set an arbitrary deadline because it will encourage those who do not want to get to the truth to run out the clock. Watergate Chairman Peter Rodino understood that, and that's why he rejected a time limit when Republicans sought one during the Watergate Hearings. I am satisfied with Chairman HYDE'S commitment to try and get this matter resolved by the end of the year.

Much as we wish we could just jump to an end result, the Founding Fathers were wise in establishing a balanced and deliberative process. It is the only path to the truth—the lifeblood of our justice system and of our democracy. Today, we begin a process to uphold the rule of law and help the nation heal.

Mr. DELAHUNT. Mr. Speaker, I oppose the resolution of inquiry as reported by the Judiciary Committee. I do so based on the concerns expressed in the Minority's dissenting views, and for the additional reasons set forth below.

I

On September 9, 1998, Independent Counsel Kenneth W. Starr referred information to the House that he alleged may constitute grounds for impeaching the President. In the 30 days that have elapsed since our receipt of that referral, neither the Judiciary Committee nor any other congressional committee has conducted even a preliminary independent review of the allegations it contains.

In the absence of such a review, we have no basis for knowing whether there is sufficient evidence to warrant an inquiry—other than the assertion of the Independent Counsel himself that his information is ''substantial and credible'' and ''may constitute grounds for impeachment.''

I believe that our failure to conduct so much as a cursory examination before launching an impeachment proceeding is an abdication of our responsibility under Article II of the Constitution of the United States. By delegating that responsibility to the Independent Counsel, we sanction an encroachment upon the Executive Branch that could upset the delicate equilibrium among the three branches of government that is our chief protection against tyranny. In so doing, we fulfill the prophecy of Justice Scalia, whose dissent in *Morrison* v. *Olson* (487 U.S. 654, 697 (1988)) foretold with uncanny accuracy the situation that confronts us.

II

The danger perceived by Justice Scalia flows from the nature of the prosecutorial function itself. He quoted a famous passage from an address by Justice Jackson, which described the enormous power that comes with ''prosecutorial discretion'':

> What every prosecutor is practically required to do is to select the cases . . . in which the offense is most flagrant, the public harm, the greatest, and the proof the most certain. . . . If the prosecutor is obliged to choose his case, it follows that he can choose his defendants. Therein is the most dangerous power of the prosecutor: that he will pick people that he thinks he should get, rather than cases that need to be prosecuted. With the law books filled with a great assortment of crimes, a prosecutor stands a fair chance of finding at least a technical violation of some act on the part of almost anyone. In such a case, it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then searching the law books, or putting investigators to work, to pin some offense on him. It is in this realm—in which the prosecutor picks some person whom he dislikes or desires to embarrass, or selects some group of unpopular persons and then looks for an offense, that the greatest danger of abuse of prosecuting power lies. It is here that law enforcement becomes personal, and the real crime becomes that of being unpopular with the predominant or governing group, being attached to the wrong political views, or being personally obnoxious to or in the way of the prosecutor himself. Morrison, 487 U.S. 654, 728 (Scalia, J., dissenting), quoting Robert Jackson, The Federal Prosecutor, Address Delivered at the Second Annual Conference of United States Attorneys (April 1, 1940).

The tendency toward prosecutorial abuse is held in check through the mechanism of political accountability. When federal prosecutors overreach, ultimate responsibility rests with the president who appointed them. But the Independent Counsel is subject to no such constraints. He is appointed, not by the president or any other elected official, but by a panel of judges with life tenure. If the judges select a prosecutor who is antagonistic to the administration, ''there is no remedy for that, not even a political one.'' 487 U.S. 654, 730 (Scalia, J., dissenting). Nor is there a political remedy (short of removal for cause) when the Independent Counsel perpetuates an investigation that should be brought to an end:

> What would normally be regarded as a technical violation (there are no rules defining such things), may in his or her small world assume the proportions of an indictable offense. What would normally be regarded as an investigation that has reached the level of pursuing such picayune matters that it should be concluded, may to him or her be an investigation that ought to go on for another year. 487 U.S. 654, 732 (Scalia, J., dissenting).

Under the Independent Counsel Act, there is no political remedy at any point—unless and until the Independent Counsel refers allegations of impeachable offenses to the House of Representatives under section 595(c) At that point, the statute gives way to the ultimate political remedy: the impeachment power entrusted to the House of Representatives under Article II of the Constitution.

III

Section 595(c) of the Independent Counsel Act provides that:

> An independent counsel shall advise the House of Representatives of any substantial and credible information which such independent counsel receives, in carrying out the independent counsel's responsibilities under this chapter, that may constitute grounds for an impeachment. 28 U.S.C. 595(c).

The statute is silent as to what the House is to do once it receives this information. But under Article II, it is the House—and not the Independent Counsel—which is charged with the determination of whether and how to conduct an impeachment inquiry. He is not our

agent, and we cannot allow his judgments to be substituted for our own. Nor can we delegate to him our constitutional responsibilities.

Never in our history—until today—has the House sought to proceed with a presidential impeachment inquiry based solely on the raw allegations of a single prosecutor. The dangers of our doing so have been ably described by Judge Bork, who has written that:

> It is time we abandoned the myth of the need for an independent counsel and faced the reality of what that institution has too often become. We must also face another reality. A culture of irresponsibility has grown up around the independent-counsel law. Congress, the press, and regular prosecutors have found it too easy to wait for the appointment of an independent counsel and then to rely upon him *rather than pursue their own constitutional and ethical obligations.* Robert H. Bork, *Poetic Injustice,* National Review, February 23, 1998, at 45, 46 (*emphasis added*)

We must not fall prey to that temptation. For when impeachment is contemplated, the *only* check against overzealous prosecution is the House of Representatives. That is why—whatever the merits of the specific allegations contained in the Starr referral—we cannot simply take them on faith. Before we embark on impeachment proceedings that will further traumatize the nation and distract us from the people's business, we have a duty to determine for ourselves whether there is ''probable cause'' that warrants a full-blown inquiry. And we have not done that.

IV

What will happen if we fail in this duty? We will turn the Independent Counsel Act into a political weapon with an automatic trigger—a weapon aimed at every future president.

In *Morrison,* Justice Scalia predicted that the Act would lead to encroachments upon the Executive Branch that could destabilize the constitutional separation of powers among the three branches of government. He cited the debilitating effects upon the presidency of a sustained and virtually unlimited investigation, the leverage it would give to the Congress in intergovernmental disputes, and the other negative pressures that would be brought to bear upon the decision making process.

Whether these ill-effects warrant the abolition or modification of the Independent Counsel Act is a matter which the House will consider in due course. For the present, we should at least do nothing to exacerbate the problem. Most of all, we must be sure we do not carry it to its logical conclusion by approving an impeachment inquiry based solely on the Independent Counsel's allegations. If all a president's political adversaries must do to launch an impeachment proceeding is secure the appointment of an Independent Counsel and await his referral, we could do permanent injury to the presidency and our system of government itself.

V

If the House approves this resolution, it will not be the first time in the course of this unfortunate episode that it has abdicated its responsibility to ensure due process and conduct an independent review. It did so when it rushed to release Mr. Starr's narrative within hours of its receipt, before either the Judiciary Committee or the President's counsel had any opportunity to examine it. It also did so when the committee released 7,000 pages of secret grand jury testimony and other documents hand-picked by the Independent Counsel—putting at risk the rights of the accused, jeopardizing future prosecutions, and subverting the grand jury system itself by allowing it to be misused for political purposes.

These actions stand in stark contrast to the process used during the last impeachment inquiry undertaken by the House—the Watergate investigation of 1974. In that year, the Judiciary Committee spent weeks behind closed doors, poring over evidence gathered from a wide variety of sources—including the Ervin Committee and Judge Sirica's grand jury report, as well as the report of the Watergate Special Prosecutor. All before a single document was released. Witnesses were examined and cross-examined by the President's own counsel. Confidential material, including secret grand jury testimony, was never made public. In fact, nearly a generation later it remains under seal. The Rodino committee managed to transcend partisanship at a critical moment in our national life, and set a standard of fairness that earned it the lasting respect of the American people.

Today the Majority makes much of the claim that their resolution adopts the language that was used during the Watergate hearings. While it may be the same language, it is not the same process. Too much damage has been done in the weeks leading up to this vote for the Majority to claim with credibility that it is honoring the Watergate precedent. But it is not too late for us to learn from the mistakes of the last three weeks. If we adopt a fair, thoughtful, focused and bipartisan process, I am confident that the American people will honor our efforts and embrace our conclusions, whatever they may be.

Mr. THORNBERRY. Mr. Speaker, I support the Resolution before us today. The bottom line question is: Should we investigate the allegations that have been made against the President. As someone has said, ''Do we look further or do we look away.'' To fulfill the oath that each of us took, I believe that we must look further.

Some may try to change the subject by quibbling with the parameters of the inquiry or the lack of a time limit. Those are details—if not excuses—which do not change the fundamental question. The only precedent of modern times, the Watergate inquiry, is being followed.

Others seem to have concluded that even if all of the charges are true, it doesn't matter; they do not constitute an impeachable offense. Those Members are wrong. Perjury, obstruction of justice, abuse of power do matter—by anyone—and especially by the one person charged in the Constitution with executing the laws of the land.

We must fulfill our oath to the Constitution that we have sworn to ''support and defend.'' We cannot stick our heads in the sand and wish this unpleasant duty away. We cannot pass along our responsibility to polls, the media, or the other body. We have to try to do what is right, wherever that may take us, even if some of the facts are distasteful.

But, we must also remember that our response to these facts will help determine what kind of nation we will be in the future. Young people—and even those not so young—are watching. They are learning lessons—lessons about telling the truth, lessons about selfish, reckless behavior, lessons about self-discipline and responsibility. They are watching to see if we really mean what we say, whether actions really do have consequences. We can teach them good, constructive lessons, or we can teach them lessons of another kind.

How we all handle this episode—what we say about it and what we do about it—will affect how much trust people are willing to give their elected representatives and the institutions which have navigated us through more than 200 years of often treacherous waters. Even more importantly, however, how we handle this episode will affect the values and moral character of a whole generation of Americans.

There are important decisions to be made in Washington over the coming weeks, but there are even more important decisions to be made around the kitchen table in every American home. I pray we all make the right decisions.

Mr. RIGGS. Mr. Speaker, this is a historic moment. Only twice before in the history of our great Republic have we stood at the brink of such dramatic action concerning a sitting President. The burden upon us as Members of this House is great, and one that I do not take lightly. I know a majority of our colleagues feel the same way. The eyes of the nation are on us as we perform this duty with the best interests of our democracy at heart.

I rise today to urge bipartisan support of an impeachment inquiry into the very serious allegation of felony criminal conduct by the President of the United States. Our oath of office requires no less.

It has become clear over the last several months that the President lied under oath in the Paula Jones case, lied under oath to the grand jury, and after taking an oath to the nation—an oath in which he swore to uphold the Constitution and faithfully execute the law—he lied to the American people.

Our American government—our systems of laws—is based on truth. We all rely on our leaders to respect and uphold that system. The President of the United States is the chief law enforcement officer in our country, and when the chief law enforcement officer shows utter disregard for the truth and such little respect for the judicial process, it is no less than an assault on the rule of law. Congress cannot stand idly by. We have a prescribed Constitutional duty, as the people's representatives. The founding fathers charged us with the first step in this most solemn process. We do not sit in judgment today. Instead we are here to ensure that the President is held accountable for his actions in order to protect the dignity of the office he holds.

Equality is another principle fundamental to our nation, and one that Americans hold dear. Every person should be equal before the law. If any other American citizen lied in a civil deposition, as the President did—lied to a grand jury, as the President did—or refused to answer grand juror questions without asserting a Fifth Amendment privilege, as the President did—that citizen would be prosecuted, and that citizen would face certain punishment, including possible imprisonment. Should such

offenses be acceptable in a President? The answer is no.

But there are larger issues here than just narrow legal questions of perjury or obstruction of justice, Mr. Speaker. A President does not merely watch over the daily operations of the federal government. He is our leader, using his moral authority to guide our nation. A President has singular power to influence our history, set our agenda, and to send our sons and daughters into harm's way. There is a sacred trust which exists between the President of the United States and the people. When Bill Clinton made the decision to repeatedly lie and mislead the American people, he violated that trust and broke that faith. I believe he can no longer effectively lead our country or perform the duties expected of his office with that trust shattered. Long before we reached the point we are at today, the point of moving forward with an impeachment of the President, I joined many of my colleagues from both sides of the aisle in suggesting that Bill Clinton should do the honorable thing and resign. He could have ended this painful episode at the beginning of this year by telling the truth. But he made the decision to prolong this ordeal and continue to obfuscate, hiding behind veiled lies while parsing legal definitions. Seven months after shaking a finger at the American people and spending millions of taxpayer dollars in his defense, finally he begrudgingly admitted his lies.

Bill Clinton's dependence on strained, anguished legalisms continues to force the American people down the path of impeachment. The choice our President has left us with is clear: We can proceed with our Constitutionally mandated duty and move forward with this impeachment inquiry, or we can knowingly let dishonest, perjurious—possibly felonious—behavior slide in the highest office in our nation.

This resolution is the right course of action for the House to take today. It lays out a procedure that is fair and just, both to the President and to the members of his party here in the House. Now is not the time for partisanship. Some of my colleagues on the other side of the aisle have put forth their own resolution which would force any inquiry into an artificial time constraint, encouraging partisan stalling and bickering. We need to move ahead in a bipartisan, statesmen-like manner in this most grave of responsibilities. Chairman HYDE and the members of his Judiciary Committee have given us the vehicle to do that. I congratulate them on their hard work and evenhandedness. The American people and the Congress have been given unprecedented access to the facts, regardless of their political import, and now we must act on those facts.

It is with a heavy heart and a deep sense of responsibility to my office and to my constituents that I vote in favor of this resolution today.

Ms. ROS-LEHTINEN. Mr. Speaker, 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 resolution to undertake an impeachment inquiry of the conduct of the President of the United States. As a Representative in Congress, I can do no less in fulfilling my trust responsibility to the Constitution and to all who have preceded me in defending the Constitution from erosions of the rule of law.

The impeachment inquiry is necessary to determine the facts surrounding the public conduct of the President, including allegations of lying under oath, obstruction of justice, and conspiracy. The supporting evidence is clearly sufficient to warrant further investigation. Without further investigation, we would be ignoring the charges and clear preliminary evidence without cause or reason. The truth should be our only guide, and only a thorough investigation can produce the truth. Those who seek to avoid a thorough investigation are really seeking to avoid the truth.

These allegations of lying under oath, obstruction of justice, and conspiracy are not about private conduct, but instead about public conduct in our courts of law. Our courts of law and our legal system is the bedrock of our democracy and of our system of individual rights. Lying under oath in a legal proceeding undermines the rights of all citizens, who must rely upon the courts to protect their rights. If lying under oath in our courts is ignored or classified as ''minor'', then we have jeopardized the rights of everyone who seek redress in our courts. Lying under oath and obstruction of justice are ancient crimes of great weight because they shield other offenses, blocking the light of truth in human affairs. They are a dagger in the heart of our legal system and our democracy; they cannot and should not be tolerated.

We all 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.

The Office of the Presidency is due great respect, but the President (whoever may hold the office) is a citizen with the same duty to follow the law as all other citizens. The world marvels that our President is not above the law, and my vote today helps ensure that this rule continues.

Mr. RILEY. Mr. Speaker, I rise in support of House Resolution 581 to begin an inquiry to determine whether to impeach the President. Mr. Speaker this is a historic day in the House. It is also a sad and solemn day. It is with great regret and respect that the House considers this resolution before us today.

Mr. Speaker, I sympathize with the plight of our friends across the aisle. Yes that's right they have my sympathy and my understanding. Twenty-five years ago when the Watergate facts became public, Republicans initially opposed efforts to move forward with impeachment proceedings against President Nixon. It took some time, but after examining the facts and laying aside partisan allegiances, Republicans came forward for the good of the country and joined with House Democrats to support the House proceedings regarding President Nixon and Watergate. That took courage, open mindedness, a sense of duty to the people those Members of Congress represented, and an understanding of the oath of office each one of them, and each one of us, has taken. It was the same oath taken by the President. It was an oath taken with our hands on the Bible and sworn before God.

Today, our colleagues across the aisle face the same issues we Republicans did twenty-five years ago. I think our colleagues are wrong to oppose this resolution and wrong to attack the investigation and findings turned over to the House. But I understand their opposition. I have hope that, in time, after examining all the facts, evidence and allegations regarding President Clinton, they too will, for the good of the country, join us in moving forward with these proceedings to determine whether the President's action warrant removal from office. It is our constitutional duty to move forward today just like it was twenty-five years ago.

For those of my Democrat colleagues who support this resolution I say thank you. I look forward to working in a bipartisan matter to further investigate the charges against President Clinton and recommend a course of action for our colleagues in the other body. For those of my Democrat colleagues who oppose this resolution, I ask them to put aside politics. This issue is too important and too grave to proceed without you. I believe, in time, they too will understand the need to move forward and work together in a true bipartisan matter for the good of our country.

I urge my colleagues, support House Resolution 581. The American people deserve no less, and our responsibilities as Members of Congress preclude us from no less.

Mr. HOYER. Mr. Speaker, today we confront one of our most solemn responsibilities as Members of Congress, that of the question of impeachment of a President of the United States. In doing so, we consider embarking upon a task of the gravest consequence in democracy: the removal of the elected leader of our Nation by other than electoral process. We have considered this course on only two other occasions in the 209 year history of our Constitution and Government. It is plain that we should proceed judiciously and fairly in carrying out this duty.

Today's vote is how we should undertake this task. There are two proposals: The Republican proposal suggests that we authorize the Judiciary Committee to pursue an open ended investigation, consider all things that the Committee majority deems relevant for such time as that inquiry might take.

The Democratic proposal provides for the Judiciary Committee to pursue an analysis of the facts referred by the Independent Counsel and the law and to make such recommendations to the House as it deems appropriate after such review.

I shall vote for the Democratic proposal and against the Republican one. My constituents should know why.

First, I believe the President's conduct and public representations merit the disdain and deep disappointment, and, yes, even anger, of the American people. Having said that, I believe we must act according to the Constitution, the facts, and with a view to the precedents of history and the precedents we will establish for the future.

In many ways the situation that confronts us is unique. This matter comes to us from the Office of Independent Counsel after four and one-half years of extensive investigation, at a cost of over forty million dollars. In addition the House and Senate have themselves spent over ten million dollars and thousands of hours on hearings, depositions, investigation, and consideration of allegations against the President and his administration.

I believe the Republican proposal to undertake additional investigation and hearings is

not only unnecessary and redundant, it is also not in the best interests of our Country. I have stated before that I think this is the conclusion of the American public. Whatever action they favor, I believe they strongly support a prompt resolution so that whatever the outcome we can again focus on a public agenda reflecting the concerns, aspirations, and realities of our people's lives and our Country's in the international community. To do otherwise will jeopardize our future both in the short and long term. We must not continue to mire our public discourse in muck, ridicule, and nationally demeaning debate.

Secondly, I am convinced that we must decide whether the allegations contained in the referral from the Office of Independent Counsel, even if true, constitute impeachable offenses. It is clear that there is disagreement on that question among legal scholars.

The Republican resolution is clearly focused on procedures for further investigation and fact finding rather than a consideration of the information, allegations and conclusions referred by the Independent Counsel. It is difficult for me not to conclude that this is simply intended to prolong this matter for another year or two for political rather than Constitutional reasons. From circus-like delivery of the Counsel's report to the Congress the purpose of which, as quite obviously, to heighten public frenzy and expectation; to the almost immediate release of a salacious report designed, in my opinion, for sensationalism and to add to the debasement of the President, to the subsequent release of volumes of raw material for consumption by the public; to two days consideration weeks before a national election with the gag procedures imposed upon debate of the two alternatives, it is impossible to view these deliberations as either fair or judicious. Such action ill serves our Constitution or our Country. It is, I sadly lament, nevertheless, consistent with the totally partisan tenor of the leadership of this Congress.

The alternative resolution I will support provides that the Judiciary Committee will review the evidence referred to it and either recommend to the House to impeach, to impose such sanctions as it deems warranted or to take no further action. The Committee is directed to do so prior to December 31, 1998—a time frame deemed possible by the Chairman. Furthermore, if the Committee finds that it is unable to accomplish its work in the time frame provided it may ask the House for more time.

Neither this President nor any other can carry out the duties required of him by the Constitution and laws of this Nation while under constant investigation and attack. The American people understand that, which is why they want this matter brought to a close.

Our decisions should not be made based upon poll or plebiscite. But, I am convinced the people are absolutely correct in their judgment that we must conclude this tragic chapter in our Nation's history quickly before it demeans us further and debilitates us more.

Mr. SANDLIN. Mr. Speaker, I rise in support of the Democratic alternative and against the Republican resolution. This is not a vote about whether there will be an inquiry. Rather it is a vote about how it will be done.

Obviously, this is a somber day in our nation's history. Today, we officially embark on a journey that only two Congresses before us have—that of an impeachment inquiry. On a matter of such import it is critical that this body act in a responsible manner, not in a partisan manner. We must rise above politics. It is critical that our vote be dictated by conscience and by the rule of law—not by party.

Even the gentleman from Georgia, Mr. LINDER, seemed to recognize the great harm that we can do by reducing the serious matter of impeachment of a President to mere politics. He stated in an interview last month, ''If all Starr has is what we've seen, I don't think the public is ready for impeachment. I have said all along that one party cannot impeach the other party's president.''

The Constitution grants us an awesome responsibility and I believe our Founding Fathers would be deeply disappointed to know that some among us would turn that responsibility into a political game. Alexander Hamilton fought for a high standard for impeachment of a President. He understood the inherently political nature of allowing such an issue to be decided by a legislative body. In fact, he warned that ''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.''

In 1974, this body voted 410 to 4 in favor of a resolution similar to that being offered by the Republicans today. That action was clearly a bipartisan decision. According to the report by the Judiciary Committee staff at that time, ''Constitutional Grounds for Presidential Impeachment,'' the action was not ''intended to obstruct or weaken the presidency. It was supported by members firmly committed to the need for a strong presidency and a healthy executive branch of our government.'' We clearly do not have a near unanimous decision today. While I would never question the motives of any of my colleagues, I am concerned that the motives of some in 1998 are not as pure as the motives of this body in 1974.

A review of the debate of our Founding Fathers reveals their concern over the potential for capricious use of the impeachment power. It becomes clear after a review of history that the Founding Fathers intended that an impeachable offense was an offense against the United States. There was a clear difference between public service and private conduct. They did not want Congress to have the unlimited right to decide who is President. They believed that only in the most extreme cases should the Congress undo an election of the American people.

Eight previous Presidents—John Tyler, Andrew Johnson, Grover Cleveland, Herbert Hoover, Harry S. Truman, Richard M. Nixon, Ronald W. Reagan, and George H.W. Bush—have had proposed articles of impeachment filed against them in the House of Representatives. The charges have fallen into two broad categories—behavior considered to be offensive, but not necessarily illegal; and acts that violate statutory or constitutional law. Only one of those presidents was impeached and the second resigned before the House could vote to impeach. In both instances, a clear crime was alleged to have been committed against the State.

After a review of the intent of the framers and of various impeachment resolutions that have been filed, it is clear that, with the possible exception of the charge of ''shameless duplicity, equivocation, and falsehood with his late Cabinet and Congress'' against President Tyler, the charges leveled against President Clinton to date do not come close to any of the charges brought against other Presidents—even those in which no impeachment resolution was given serious consideration. While other impeachment charges have dealt almost exclusively with alleged crimes against the state and therefore interfered with the Presidential duties, the charges against President Clinton allege actions that did not interfere with his Presidential duties.

Because of the nature of the charges against President Clinton, the investigation should be disposed of as quickly as possible. The Democratic resolution lays out specific time frames in order to fully and fairly conduct an inquiry and, if appropriate, to act upon the referral from the Independent Counsel in a manner that ensures the faithful discharge of the constitutional duty of Congress and concludes the inquiry at the earliest possible time.

To date, I believe this matter has significantly disrupted the progress of the Congress. It would be irresponsible for us not to limit the scope of the investigation and the time in which we conduct this investigation. We must get back to the business of the people as soon as possible and stop allowing this matter to paralyze the country. The working families of America need our help and they need it now. We have done nothing to ensure that home health agencies are able to continue their business into next year. There is no managed care reform. There is no legislation to reduce class size and modernize schools. There has been no action on funding the IMF and rescuing the world economy. My constituents did not elect me to participate in endless investigations. They elected me to take care of the business of the people.

Mr. Speaker, we must carefully consider the matter at hand today and ask ourselves, ''How can we best proceed in this matter to prevent the fears of our Founding Fathers from coming true?'' I submit to you that the most responsible course of action is to impose upon ourselves the deadlines provided in the Democratic alternative. Only swift and deliberate action can meet the standards of Hamilton. There should be no reason why we cannot meet these deadlines and return to the business of the people.

Mr. DELAHUNT. Mr. Speaker, the issue before us today is not just the conduct of the President. The overriding issue is how this committee will fulfill its own responsibilities at a moment of extraordinary constitutional significance.

Three weeks ago, the Independent Counsel referred information to Congress that he alleged may constitute grounds for impeaching the President.

But it is not the Independent Counsel who is charged by the Constitution to determine whether to initiate impeachment proceedings. That is our mandate. He is not our agent, and we cannot allow his judgments to be substituted for our own.

I am profoundly disturbed at the thought that this committee would base its determination solely on the Starr referral.

Never before in our history has the House proceeded with a presidential impeachment inquiry premised exclusively on the raw allegations of a single prosecutor. Let alone a prosecutor whose excessive zeal has shaken the confidence of fair-minded Americans in our system of justice.

It is the committee's responsibility to conduct our own preliminary investigation to determine whether the information from the Independent Counsel is sufficient to warrant a full-blown investigation. And we have not done that.

If we abdicate that responsibility, we will turn the Independent Counsel Statute into a political weapon with an automatic trigger—aimed at every future president. And in the process, we will have turned the United States Congress into a rubber stamp.

Just as we did when we rushed to release Mr. Starr's narrative within hours of its receipt, before either this committee or the President's counsel had any opportunity to examine it.

Just as we did when we released 7,000 pages of secret grand jury testimony and other documents hand-picked by the Independent Counsel—subverting the grand jury system itself by allowing it to be misused for a political purpose.

Just as we are about to do again: by launching in inquiry when no member of Congress even now, has had sufficient time to read, much less analyze, these materials. Not to mention the 50,000 pages we have not released.

For all I know, there may be grounds for an inquiry. But before the committee authorizes proceedings that will further traumatize the nation and distract us from the people's business, we must satisfy ourselves that there is ''probable cause'' to recommend an inquiry.

That is precisely what the House instructed us to do on September 10. The chairman of the Rules Committee himself anticipated that we might return the following week to seek ''additional procedural or investigative authorities to adequately review this communication.''

Yet the committee never sought those additional authorities. Apparently we had no intention of reviewing the communication.

That is the difference between the two resolutions before us today. The Majority version permits no independent assessment by the committee, and asks us instead to accept the referral purely on faith.

Our alternative ensure that there is a process—one that is orderly, deliberative and expeditious—for determining whether the referral is a sound basis for an inquiry.

The Majority has made much of the claim that their resolution adopts the same process—indeed, the very language—that was used during the Watergate hearings of 24 years ago.

It may be the same language. But it is not the same process.

In 1974, the Judiciary Committee spent weeks behind closed doors, poring over evidence gathered from a wide variety of sources—including the Ervin Committee and Judge Sirica's grand jury report, as well as the report of the Watergate Special Prosecutor. All before a single document was released. Witnesses were examined and cross-examined by the President's own counsel. Confidential material, including secret grand jury testimony, as never made public. In fact, nearly a generation later it remains under seal.

It is too late now to claim that we are honoring the Watergate precedent. The damage is done. But is not too late for us to learn from the mistakes of the last three weeks. If we adopt a fair, thoughtful, bipartisan process, I am confident the American people will embrace our conclusions, whatever they may be.

If the Majority chooses to do otherwise, it certainly has the votes to prevail. Just as the Democratic majority had the votes in 1974. But the Rodino committee recognized the overriding importance of transcending partisanship. And it earned the respect of the American people.

It is our challenge to ensure that history is as kind to the work of this committee.

Mr. POSHARD. Mr. Speaker, the vote today is not a vote for or against impeachment. It is not a vote on whether to proceed with the investigation. It is a vote on how to proceed. It is a vote to determine the parameters of the Judiciary Committee's investigation. The Republican proposal wants an investigation which is open-ended, without time limits and not limited to the Starr report. The Democratic alternative focuses the scope of the inquiry to the matter actually before the House in the referral by Mr. Starr. The independent counsel at this time has leveled very specific charges, and these are the ones that should be investigated. The Democratic resolution would first determine if these charges constitute grounds for impeachment. If that determination is reached, a focused inquiry will follow, and this Congress would then get to vote on the Committee's final recommendation. This is a fair process.

I will make my final decision regarding the President's actions after the deliberations of the Judiciary Committee are finished. I hope my colleagues all do the same. Based on the President's admitted behavior, I have strongly condemned his actions and believe he must experience the consequences of his behavior. Whether those consequences rise to the level of impeachment cannot be determined until the Committee investigation is finished, and I believe the Democratic alternative which I support is the most focused, fair, and expeditious way for the Committee to proceed.

Mr. SERRANO. Mr. Speaker, I rise in strong opposition to the Republican resolution calling for further interminable, open-ended, partisan investigation of the President of the United States. My constituents share my outrage at the attacks on President Clinton, and many—more than on any other issue in my eight years in this House—have called, written, and emailed me to share their views on the course Congress should take in this matter.

As many of my colleagues on both sides have said, the duty imposed on the House by allegations of Presidential treason, bribery, or other ''high crimes and misdemeanors'' is very grave. Faced with such allegations, the House must carry out its responsibility in the fairest, most non-partisan manner possible. This is vital to preserving the integrity of a Constitutional process, and we owe it to the President and to the American people.

Having said that, I, and my constituents, believe that this process, based on these allegations, has been unfair and partisan, that the offenses alleged against the President are not impeachable, and that the House Republican leadership should end the investigation and try to do as much of the people's business as is possible in the few days left before Congress adjourns for the year.

On September 11, I voted against immediate release of the Starr report. Basic fairness, like that extended to you, Mr. Speaker during the Ethics Committee investigation into your dealings, would have given the President the chance to review the allegations against him and to respond. After all, the Independent Counsel and his lawyers have spent more than four years and over $40 million focusing all their attention on finding wrongdoing by the President. And the grand jury process, which led to the report, is supposed to present only the prosecutor's version of the facts, not the accused's.

And no-one in Congress reviewed the Starr referral before it was dumped into print and onto the Internet, even though innocent people's reputations were damaged by it, and much of the material was so salacious that our children shouldn't have such easy access to it. Nor was there any apparent reason to release the additional material other than to further humiliate the President.

I believe it would be a bad precedent and a big mistake to remove the President, whom the people elected twice and whose performance in office the people still support, over a private consensual relationship. We must understand, as my constituents clearly do, that liberty and privacy are tightly linked, and that the more we permit intrusion into and exposure of the private lives of our people, even our Presidents, the more we jeopardize our liberty.

I believe the House should not proceed with any further investigation and should instead get on with the unfinished business of America. Therefore, I will vote against both resolutions, and I urge my colleagues to do the same.

Mr. CASTLE. Mr. Speaker, in accordance with the responsibilities placed on Congress by the Constitution, I support House Resolution 581 to authorize the Judiciary Committee to conduct an inquiry to determine whether the actions of the President of the United States require articles of impeachment to be filed against him.

It is a sad and somber moment for the Congress and for the country. No one should take any joy in the fact that Congress must examine these issues. The House Judiciary Committee should now conduct its investigation in a fair and expeditious manner. The President should be afforded every opportunity to address each point in the inquiry. There should be no rush to judgement, but there should also be no effort to delay or obstruct the legitimate examination of evidence and witnesses. I do not support an endless investigation, but a short, artificial time limit would encourage delays in responding to legitimate questions that must be answered.

It is important to emphasize that this is an inquiry. No determination has been made on the fate of the President. We should have an expeditious and open process in effort to complete this unfortunate, but necessary task as quickly as possible. When the inquiry is complete, the House should make a fair determination based on the facts, the law, and on what is in the best interest of our Nation.

Mr. LEVIN. Mr. Speaker, I reiterate my deep dismay at the President's personal conduct and his misleading the American people. We need a process that appropriately punishes the President without unduly punishing our nation. Today's debate is not about whether there will be an impeachment inquiry, but about how the impeachment inquiry should proceed and for how long.

The House should approve an impeachment inquiry today that refers the allegations contained within the Starr Report to the Judiciary

Committee to determine if they constitute impeachable offenses in a manner that assures an early conclusion and is clearly defined as to its scope. The Hyde proposal meets none of these criteria.

I agree with President Gerald Ford who recently wrote that ''the Judiciary Committee should be able to conclude a preliminary inquiry into possible grounds for impeachment before the end of the year.''

The impeachment inquiry we approve today should be focused and clearly defined as to its scope. The Hyde proposal is neither focused nor clearly defined and places no limit on how long the investigation can go on.

I believe the impeachment inquiry proposal that will be offered by Mr. BOUCHER meets appropriate standards and the interests of the American people. The Hyde proposal does not.

Mr. COYNE. Mr. Speaker, I rise today to address the serious business before us—the resolution authorizing the House Judiciary Committee to undertake an impeachment inquiry into the admitted and alleged misdeeds of President Clinton.

We all know that President Clinton did something wrong. He had an affair and he lied about it. He admitted that to the nation in August. I was sorely disappointed by his misbehavior. His actions are to be condemned.

The question that Congress must address in the coming weeks and months, however, is whether his misdeeds merit impeachment. That means that we must sort out what he did, what his intentions were, and whether his actions constituted impeachable conduct.

The first step—and only the first step—in this process was the submission of Independent Counsel Kenneth Starr's referral to Congress last month. The last sections of the referral documents were released to the public last week, and at this point Americans have had enough time to begin to digest the contents of the Independent Counsel's report.

Congress now has the responsibility of weighing the Independent Counsel's charges objectively and determining whether to proceed with the next step in the impeachment process, which consists of an impeachment inquiry by the House Judiciary Committee.

I believe that given the seriousness of the charges, an impeachment inquiry is appropriate. The Starr Report is clearly not objective, but we must remember that it is not supposed to be objective. A grand jury proceeding is supposed to make the most compelling case possible for prosecution. The House should now review the Independent Counsel's referral, allow the President to present his side of the story, and require testimony from any other source that it deems necessary. Consequently, I support legislation authorizing the House Judiciary Committee to undertake an impeachment inquiry.

I am concerned, however, that an open-ended inquiry with the authority to re-visit every allegation made against President Clinton over the last 25 years would be excessive. Many of these charges have been investigated extensively—by Congressional committees, the Justice Department, and the Independent Counsel's office.

Consequently, I will vote today for the Democratic alternative to this resolution, which would authorize an impeachment inquiry but limit its scope to the Independent Counsel's referral. If, as I suspect, that alternative is rejected, I will vote against the resolution. I want to make clear, however, that I support an inquiry. I will vote against the resolution because I believe that an inquiry should focus on the charges set forth in the Independent Counsel's referral. It shouldn't be an open-ended, partisan fishing expedition.

Impeachment of a president is one of the most serious actions that the House of Representatives can take. I know that my colleagues all appreciate the gravity of what we are about to do. I urge my colleagues to act with the country's long-term interests in mind. Thank you.

Mr. BALLENGER. Mr. Speaker, today I rise in support of H. Res. 581, a resolution to open an inquiry by the House Judiciary Committee to determine whether substantial evidence exists to recommend the impeachment of the President of the United States.

When taking his oath of office, President Clinton vowed to ''preserve, protect, and defend the Constitution of the United States.'' Independent Counsel Kenneth Starr's report outlines eleven potentially impeachable offenses against President Clinton suggesting he did not honor his oath. An investigation into these allegations is necessary to determine if there is substantial evidence to prove that President Clinton did, in fact, commit these crimes and to determine if these offenses warrant impeachment. Contrary to some opinions, this impeachment inquiry is not an attempt to disgrace the President but an honest effort to discover the truth.

I endorse this impeachment inquiry by the Judiciary Committee. Like all Americans, I hope it can proceed fairly and conclude expeditiously. Just as Clinton took an oath of office when being sworn in as President of the United States, I also took an oath of office as a Member of Congress to uphold the laws of the land. For that reason, I support H. Res. 581—a vote for truth and justice.

Mr. PASCRELL, of New Jersey. Mr. Speaker, today, I cast my vote for the proposal offered by Representative RICK BOUCHER for an impeachment inquiry. I firmly believe that this is the best course of action for our country. The Hyde proposal, in an effort to advance a political agenda, would allow this inquiry to go on indefinitely. But the American people deserve to have closure on this matter as soon as possible.

Alexander Hamilton, over 200 years ago, warned our great nation of the divisive nature of unfair inquiries. Our proposal would allow us to uphold our Constitutional responsibilities, namely to determine whether these charges made against the President are true and if true, they mandate the President's impeachment.

We have a duty to our constituents to get back to work on the many issues that affect our nation's families. That is why I, and everyone in this room, was sent here in the first place. The deadline our proposal imposes would grant ample time to review the Starr Report, make these difficult decisions, and refocus our energies on other vital matters. My fear of the Hyde proposal is based solely on its open ended nature and the financial toll another lengthy investigation will place upon us.

Make no mistake, I think the President's admitted behavior is indefensible and that this matter has done great harm to our country and the office of the President. But, we need to move on and bring closure to this issue. I will not allow the House Leadership to bring down the institution in which I so proudly serve. And I will do my best to insure that the decisions made best serve our Constitution and our nation. No individual and no party is privy to virtue.''

Mr. BOUCHER. Mr. Speaker, at the conclusion of this debate, I will offer a motion to recommit the resolution offered by the gentleman from Illinois to the Committee on the Judiciary with the instruction that the Committee immediately report to the House the resolution in the form of our Democratic alternative.

While we would have preferred that Democrats have a normal opportunity to present our resolution as a amendment, the procedure being used by the House today does not make a Democratic amendment in order. The motion to recommit with instructions, however, offers an opportunity for adoption by the House of our alternative.

The Democratic amendment is a resolution for a full and complete review by the Judiciary Committee of the material referred to the House by the Office of the Independent Counsel. The Republican resolution also provides for that review. The difference between the Democratic and Republican alternatives is only over the scope of the review, the time that the review will take, and the requirement in our Democratic alternative that there be a recognition of the historical Constitutional standard for impeachment.

The public interest requires that a fair and deliberate inquiry occur. Our resolution would assure that it does.

But the public interest also requires an appropriate boundary on the scope of the inquiry. It should not become an invitation for a free ranging fishing expedition, subjecting to a formal impeachment inquiry matters that are not before the Congress today. The potential for such a venture should be strictly limited by the resolution of inquiry. Our proposal contains those appropriate limits. It would subject to the inquiry the material presented to us by the Office of the Independent Counsel which is the only material before us at the present time.

The public interest also requires that the matter be brought to conclusion at the earliest possible time that is consistent with a complete and through review.

The country has already undergone substantial trauma. If the Committee carries its work beyond the time reasonably needed for a complete resolution of the matter now before us the injury to the nation will only deepen.

We should be thorough, but we should be prompt. Given that the facts of this matter are generally well known, and given that there are only a handful of witnesses whose testimony is relevant, all of whom have already undergone grand jury scrutiny, there is no reason to prolong the Committee's work into next year. A careful and thorough review can be accomplished between now and the end of this year. Our resolution so provides.

Our resolution requires that the Committee hold hearings on the Constitutional standard for impeachment which has evolved over two centuries and which was recognized most recently by the Committee and by the House in 1974.

Our substitute then directs the Committee to compare the facts stated in the referral to the Constitutional standard and determine which if any of them rise to the standard.

Any of the facts stated in the referral which pass that initial test would then become the subject of a formal inquiry and investigation following which the Committee could reach its conclusion. It could recommend articles of impeachment, alternative sanctions or a no action option.

Under our resolution the committee will begin its work on October 12 and conclude all proceedings, including the consideration of recommendations in December. The House could then complete its consideration of any recommendations the Committee may make by the last week in December.

This approach is fair. It's in the public interest, and it is what the American public expects.

It gives deference to the Constitutional standard for impeachment recognized by the House in its 1974 report. It offers ample time to consider carefully, any of the allegations which rise to the Constitutional standard.

It assures that the entire matter will be resolved promptly and that the Nation is not distracted by a prolonged inquiry which is clearly not justified by the material presented in the referral.

It presents a framework that will enable the Committee and the House of Representatives to discharge their Constitutional obligations in a manner which is both thorough and expeditious.

I urge approval of the Democratic plan as rules of proceeding which are well tailored to the challenge before us.

Mrs. MORELLA. Mr. Speaker, today is a sad day for our country. I take no pleasure in today's proceedings, or the events which have brought us to this point. I have been entrusted by the people of my district to exercise my judgment in this matter, and I take seriously their confidence in me to use my best judgment and to carry out my Constitutional responsibilities in a somber and thoughtful manner.

We are a nation of law. In conformity with our Constitutional obligation to oversee the Executive Branch of government, Congress passed an independent counsel law, which was signed by President Clinton. The independent counsel appointed pursuant to that law to investigate allegations of illegal conduct within the Executive Branch has, pursuant to that law, forwarded to the Judiciary Committee his report detailing possible impeachable offenses committee by President Clinton.

In forwarding to the full House a resolution regarding an inquiry of impeachment, all members of the Judiciary Committee voted for an inquiry; they differed only on the inquiry's time and scope. Regardless of whichever resolution we pass today, the authorization to conduct an inquiry will expire at the end of this Congress.

Some have suggested that we simply censure President Clinton for his conduct and move on. However, there is no Constitutional provision for censuring a president, and we do not have a censure resolution before us today. While some have pointed to former President Ford's suggestion that the President be censure, they fail to take note of his view that such a censure would follow a presumptive finding by a Judiciary Committee inquiry that the President has not committed impeachable offenses.

We must follow the course set out in the law and the Constitution. It is our duty and responsibility to determine through an inquiry whether or not impeachable offenses were committed. I have every expectation that the House will conduct this inquiry as expeditiously as possible so that the country may achieve closure and move on.

Mr. STARK. Mr. Speaker, today the House considers whether the information sent to the Congress for consideration in the Independent Counsel Report warrants the start of an impeachment inquiry by the House.

The President has admitted that he had an extramarital affair and then lied about it. No one disputes that fact. The President's conduct, while reprehensible, was a betrayal of his vows to his wife but not his oath of office. His actions were personal in nature. If his lies to cover up his conduct amount to perjury, he can and should be held accountable through our judicial system.

Our founding fathers had something quite different in mind when they drafted the Constitutional language on impeachment, a political remedy for tyrannical acts. The Federalist papers shed some light on that. George Mason said that the phrase ''high crimes and misdemeanors'' refer to presidential actions that are great and dangerous offenses or attempts to subvert the government. Alexander Hamilton, in the Federalist paper 65, wrote that impeachable offenses relate chiefly to injustices done immediately to society. Ben Franklin spoke of impeachment as an alternative to assassination.

When this House voted to proceed with an inquiry to impeach President Nixon in 1974, the offenses in the impeachment resolution contained serious abuses of official power: President Nixon used government agencies to carry out his personal and political vendettas against citizens. Not included in the list of impeachable offenses for President Nixon was his deliberate backdating of a tax document and his false filing under oath of IRS returns by which he sought to fabricate a huge, tax deduction. That conduct was felonious but determined not to be an impeachable offense in 1974 because it did not threaten our form of government; it was personal, reprehensible conduct.

I will cast my vote against the Hyde resolution. It leads us into an impeachment inquiry without focus or time limitation.

I will support the Democratic motion to recommit because we need to resolve the issue of impeachment this year and then move on with the business of governing. We have serious work to do to resolve the solvency of the Social Security and the Medicare trust funds; we have children in need of heath care and quality child care; our schools are overcrowed. The needs of real people will not be addressed until we bring closure of this issue.

Mrs. WILSON. Mr. Speaker, I am the junior member of this House. The one who, arguably, comes to this decision with the cleanest slate, the least experience, and a perspective formed largely outside of these halls.

This morning, as we began our business, every member of this body gathered, faced the flag and repeated the same pledge that school children from Long Island to Los Angeles, from Seattle to Saratoga recited this morning. ''I pledge allegiance * * *'' With our hands over our hearts, we told the country and each other than we are one nation, under God, with liberty and justice for all. Liberty and justice for all.

The meaning of justice in a free society governed by a constitution is what has been on my mind in the last weeks. I have read the Independent Counsel's report and much of the supporting information which he has transmitted to us. Like my colleagues from both parties on the Judiciary Committee, I have come to the conclusion that we have been presented with substantial and credible evidence concerning the President of the United States that may constitute grounds for impeachment. We must do our duty and fully and fairly investigate these matters.

I have reached this conclusion with a profound sense of sadness. America is a great nation, and we are not less great because we are governed by fallible men and women. Indeed, our founding fathers knew well our failings, and led us to rely not upon the rule of men, but upon the rule of law. That is what is at stake here today—equal justice under the law.

I am 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. That includes the President of the United States. It is a powerful symbol. And today, it is one we must live up to.

We are not called upon today to vote on articles of impeachment. We are only voting on whether to proceed, or to look away.

We are a nation ruled by laws. It is up to us to keep it that way.

Mr. SMITH of Michigan. Mr. Speaker, I favor further inquiry by the Judiciary Committee. The issue before us today is straightforward: Do the allegations of possible impeachable offense merit further investigation? Anyone who answers ''no'' and asserts that there should be no further review has a very high burden to meet. I think that the Judiciary Committee's careful, fair and expeditious review of all of the facts in light of the relevant law is precisely the Constitutional duty required of us by our oath of office. I also think that such a review is the duty we owe the American people.

Congress has received substantial and credible evidence that the President of the United States repeatedly violated the criminal laws of this country. I believe it would be a dereliction of duty of the highest order for us to decide today that no further review is needed. After meeting with Chairman HYDE, I am convinced that we will move forward fairly, quickly and in a bipartisan manner. I am also troubled by reports that the White House is pressuring Democrats to vote against this inquiry.

My office has received over a thousand calls and letters in the past month on this scandal. Additionally, my web page also gives constituents an opportunity to express their views. Eighty percent of the people who have contacted me have urged me to move forward with this investigation.

Despite much of the rhetoric, today's final vote only answers one question: Should we investigate the allegations or forget it? Those who vote against the resolution are, in fact, saying that we should just ignore all the allegations against the President and have no further inquiry.

I have not decided whether President Clinton has technically committed impeachable offenses. However, I have called for President Clinton's resignation. Whether his actions rise to the level of 'high Crimes and Misdemeanors' is still to be determined. The point is that

we need to investigate the actions of the President and we need to get this situation behind us as quickly as possible, hopefully by the end of the year.

Today's vote marks only the third time in American history that the House has opened an inquiry into possible impeachment of a President. It is a serious vote for all of us, possibly one of the most important votes I will take. I have made the decision to vote yes because I truly believe to do otherwise would not be in the best interest of our country's future.

Mr. FRANK of Massachusetts. Mr. Speaker, our former colleague from Oklahoma, Mickey Edwards, has gone from service in the House of Representatives to a very distinguished career teaching at the Kennedy School of Government at Harvard. He has combined this with a role as a thoughtful commentator on public affairs. Mr. Edwards is as those who served with him know a very thoughtful conservative, and I disagree with him on many policy issues. Indeed, I disagree with his assessment of the policy impact of the Clinton administration, in foreign policy and elsewhere, which is included in this article. But on the whole it seems to me an extremely thoughtful essay that sheds a good deal of light on the difficult task we face in the coming weeks and months in dealing with the Independent Counsel's investigation of the President.

Both because of the thoughtful nature of this work, and because of Mr. Edwards credentials as one of the most intellectually honest of our political commentators, I ask this his thoughtful essay from the Boston Herald be printed here.

STARR ELECTS TO TOPPLE 1996 ELECTION

This is what we know:

First, that the president has committed adultery and is accused of lying about it before a grand jury. Second, and even more disturbing, we know that we now have in the United States a prosecutor to whom our civil liberties are an inconvenience.

As a conservative, I have dedicated my adult life to opposing the spread of statist power. I have feared, and fought against, the intrusions of Big Brother into the private lives of American citizens. That is why I am disturbed by Bill Clinton but frightened by Kenneth Starr.

Here is the situation: The Constitution grants to the people, through their representatives, the power to remove a president who is guilty of criminal behavior. It is a discretionary power; it has been delegated to a political branch of government and the decision is intended to be based on political as well as legal considerations.

Bill Clinton has twice been elected president. Many of the facts we know about his patterns of behavior were known before the people placed him in office. Perhaps citizens have learned more about the president's tendencies, about his behavior, but if there is any surprise it is about the extent of that behavior, not about its existence.

Because we know all this, the questions that matter most are not whether we should be appalled by the behavior of this president, but about how reluctant we should be to overturn the results of an election, and, second, the extent to which we should sanction the activities of an extra-constitutional inquisitor whose activities threaten not merely our sensibilities but our civil liberties as well.

I am not among the president's defenders. For his indiscretions and lies, he alone is responsible. Even had his activities been less unsavory, he would still be judged by history to be a president of modest accomplishment. His ineptitude in foreign policy alone would doom him to the ranks of mediocrity. But—this is a big distinction—even though I might wish Mr. Clinton had never been elected, he was; he defeated a sitting president and a prominent senator. His election was not a fluke; it was a decision.

Prudence dictates caution in removing from office a man or woman whom the people have placed there. A president's activities may be so heinous that he must be removed at any cost, but in a democratic society, the overturning of an election must rest on more than shocked sensibility. What Mr. Clinton has lied about is an adulterous affair. If he is found to have lied to the grand jury, his actions may be oath reprehensible and illegal. But there is a question of context: what he lied about was whether he carried on a consensual sexual relationship. It may be enough to make one gap; it is not enough to overturn the will of the people that he should be the president.

This brings us to a more serious matter. When Richard Nixon was our president, a Democratic Congress, asserting that a Republican Justice Department could not be trusted to act in the public interest, circumvented the existing governmental structure by creating a special prosecutor (the title is ''independent counsel,'' but as Kenneth Starr has demonstrated, it is an office with the power to function in a disturbingly aggressive manner).

We should all be concerned about the danger inherent in giving the state the ability to trample underfoot the rights of a citizen on behalf of some presumed ''greater good.'' There are ''greater goods,'' those common national interests that sometimes transcend narrower individual interests, but even in the pursuit of such common interests the civil rights of citizens must be preserved.

Kenneth Starr has no such sensibility. He began with a mandate to consider such matters as the possible misuse of secret FBI files, but from that starting point, he ended up in Bill Clinton's bedroom (or, in this case, his Oval Office). He intimidated witnesses. He looked into what books his witnesses read and what movies they watched. He subjected the public to the kind of voyeurism he has publicly criticized. (If he felt the need to illustrate what Mr. Clinton and Monica Lewinsky did, to prove that Mr. Clinton had lied, one example would have been sufficient; even that would not have been necessary if one assumes members of Congress can decide for themselves what does, and does not, constitute ''sex.'')

Bill Clinton may be an embarrassment, but the Congress should not overturn a national election simply because a president lied about matters about which he should have never been questioned. And whatever Mr. Clinton's flaws, the real danger here is not Mr. Clinton's flaws, the real danger here is not Mr. Clinton's immaturity but Mr. Starr's casual disregard for those considerations which protect the citizen against the excessive intrusions of the state.

Mr. HALL of Ohio. Mr. Speaker, this is only the third time since the founding of our Nation that the House of Representatives has seriously considered impeaching the President of the United States. Consequently, I have deliberated extensively over the upcoming vote. Having reached a decision, there is little doubt in my mind that the Judiciary Committee of the House of Representatives should conduct a limited, clearly defined inquiry into whether President Bill Clinton should be impeached. The alternative, a broad-based impeachment investigation with no time limits is unnecessary, unwarranted, and potentially harmful to our Nation.

Removing the President from office would invalidate the election of Bill Clinton by the American people. The standard for impeachment must be set high for Congress to revoke decisions made by the people at the ballot box. The authority to impeach is an awesome power which, if misused, threatens the foundation of American democracy.

There is probably no individual in history who has been investigated more than President Clinton. Independent Counsel Kenneth Starr and his predecessor have taken more than four years, spent almost $45 million, and employed 60 attorneys, investigators, and other staff to examine President Clinton's activities for evidence of wrongdoing. In addition, more than half a dozen House and Senate committees have investigated potential abuses by President Clinton and the First Lady—including many of the same subjects the Independent Counsel investigated—at additional expense to taxpayers.

I have read the report by Independent Counsel Starr and seen some of the evidence produced by the other investigations. I have strong doubts that they justify impeaching the President, or starting a new, lengthy investigation. The U.S. Constitution permits the Congress to remove the President upon conviction of ''treason, bribery, or other high crimes and misdemeanors.'' President Clinton's actions are unbecoming to the office of the President and thoroughly offensive to the American people and to me. But they are not impeachable offenses.

The impeachment process is filled with potential dangers for America. With the near-collapse of the economies of Russia and several Asian countries, the world is on the verge of an international economic crisis. Military action may be necessary to stem the genocide in Kosovo. The threat of terrorism against U.S. citizens and interests abroad has never been greater. The impeachment process will weaken the President and hurt our Nation's ability to deal with international problems. Our military and economic risk increases the longer it drags on.

A long impeachment process will further distract the attention of Congress from more important issues, such as health care, education, tax reform, protecting Social Security, and reducing hunger and poverty. We should be dealing with these problems, not conducting endless investigations. An open-ended inquiry could cost millions of dollars—money which could be spent more productively. We are becoming a government that sees as its principal mission the investigation of its officers and citizens. Such a government does not serve the people.

Our task is to make the best decision—one that will bring the President to justice and spare the American people from further pain. This vote is not about whether President Clinton will be punished. I believe the President should be punished for his misconduct. We must send a clear and unambiguous signal that this type of behavior is not acceptable. But let's not punish the entire Nation by going forward with an unlimited investigation. If, after a limited investigation, new and unexpected impeachable offenses are discovered, then that avenue should be pursued vigorously. But if that does not happen, the House should consider the recent suggestion of former President Gerald Ford that we publicly rebuke President Clinton. More than any other living

American, Mr. Ford knows the pain and public divisiveness an impeachment process imposes on our country and its citizens.

If we vote for an unlimited investigation, when will it end? We have the assurance of well-meaning House leaders that it can be wrapped up by the end of the year. But if that is the goal, why not put it in this resolution? The Judiciary Committee took five months to write articles of impeachment against former President Nixon. The case against President Clinton, which already has become more partisan and controversial, probably will take longer. If we proceed with an unlimited investigation, we are likely to see our newspapers and airwaves filled with still more stories about Monica Lewinsky, Whitewater, and alleged White House scandals from now until the end of the 106th Congress in the year 2001.

I recognize that my own constituents are deeply divided on this issue. Daily I have been receiving thoughtful and passionate telephone calls, letters, and e-mails from residents of Dayton and Montgomery County, Ohio, which I am privileged to represent. After listening to both sides, I have concluded that another investigation by the House of Representatives is not warranted by the evidence, nor is it likely to find anything that has been missed already by investigators. An open-ended inquiry will just be a waste of taxpayers' money and a drain on the Nation. Therefore, I will not vote for another endless round of hearings, depositions, and testimony that serve no purpose.

The alternative I support calls for the Judiciary Committee to begin an impeachment investigation that will finish no later than December 31, 1998, and will be confined in scope to the charges forwarded to the House by the Independent Counsel. This approach does not rule out additional investigations if new, credible information is presented by the Independent Counsel or any other source.

President Clinton has shamed himself and the office of the President, a blot that will stain his record in history. The question is now whether we will shame the House of Representatives by letting this trauma linger on endlessly and drag our Nation down.

Mr. Speaker, this vote is really about setting limits. The Independent Counsel has conducted an unlimited investigation with unlimited time and money. The House of Representatives has given virtually unlimited public access to the documents and evidence he produced. Now, the House is about to authorize another unlimited investigation. I'm willing to say there should be limits. We as a Congress and a Nation have too many other important things to do. It is time for members of the House to put some limits on this process and get on with fulfilling the many other responsibilities we have to the American people.

Mr. DELAHUNT. Mr. Speaker, on September 18, 1998, the House Judiciary Committee voted to release to the public several volumes of supporting material received from the Independent Counsel nine days ago, including grand jury transcripts and the President's videotaped testimony.

In my judgment, the headlong rush to publicize secret grand jury testimony not only endangers the rights of the individuals involved in this particular case, but also undermines the integrity of one of the cornerstones of our system of justice—the grand jury system itself.

Unfortunately, the readiness of the majority to ignore these perils also calls into question the fundamental fairness of our own proceedings.

THE PACE ACCELERATES

On September 9, Independent Counsel Kenneth Starr sent the House of Representatives a 445-page report, together with some 2,000 pages of supporting materials, telephone records, videotaped testimony and other sensitive material, as well as 17 boxes of other information.

Within 48 hours, the House had voted to release the report and give the Judiciary Committee until September 28 to decide whether any of the remaining material should be kept confidential. While I agreed that we should release the report, I opposed our doing so before either the President's attorneys or members of the Committee had been given even a minimal opportunity to review it.

That vote was seven days ago. Since then, the breakneck pace has only accelerated. Today, we were asked to vote—10 days ahead of schedule—on whether to release what may well be the most sensitive materials of all—the grand jury transcripts, together with the videotape of the President's testimony.

Those of us who serve on the Committee had been doing our best to review these materials so that we would be in a position to evaluate whether or not they ought to be released. I cannot speak for other members, but I have been as diligent as possible, and had managed by this morning to get through—at most—some 30 percent of this material.

How can anyone make a considered judgment under such circumstances? How can we properly weigh the benefits of immediate disclosure against the harm it might cause? I have done my utmost not to prejudge the outcome of this investigation. I am prepared to follow the facts wherever they lead. But if the American people are to accept the eventual result of our deliberations, they must be satisfied that our proceedings have been thorough, disciplined, methodical and fair.

I seriously doubt that an objective observer looking back on these past nine days could characterize our proceedings in that manner. The process continues to careen forward—without a roadmap—a dizzying pace.

FUNDAMENTAL FAIRNESS

One portion of the Independent Counsel's report that I made sure to read—not once, but twice—was Mr. Starr's transmittal letter, which cautioned that these supporting materials contain ''confidential material and material protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure'' (the rule that provides for the secrecy of grand jury records).

The implication of that warning is that the public disclosure of protected grand jury material could do serious and irrevocable harm—not only to the President, but to the many other individuals caught up in the vast web of the Starr investigation, including innocent third-parties, witnesses, and other potential targets of ongoing (and future) investigations.

In the United States, those accused of criminal wrongdoing are presumed innocent—be they presidents or ordinary citizens. Yet if raw, unproven allegations are disclosed to the public before they can be challenged, the ''presumption of innocence'' loses all meaning. Minds are made up, judgments rendered, and the chance for a fair determination of the facts is lost.

That is one reason why federal grand jury testimony—whether in printed or in audio-visual form—is explicitly shielded from public disclosure under Rule 6(e).

But grand jury secrecy also serves the interests of the prosecution, by encouraging witnesses to come forward and ensuring that prejudicial material will not poison the jury pool and make it impossible to hold a fair trial. This is especially important when the targets and potential targets of an investigation are public figures.

The pre-indictment release of secret testimony compromises both objectives—trampling on the rights of the accused and jeopardizing subsequent indictments. Beyond this, it calls into serious question the fairness and integrity of the grand jury system itself.

''LAUNDERING'' THE EVIDENCE

Through its action today, the Judiciary Committee has engaged in an abuse of the grand jury process that has enabled it to accomplish indirectly what the Independent Counsel was prohibited from doing directly.

The Independent Counsel has developed his case by using the grand jury to compel testimony from various witnesses. Although the grand jury voted to subpoena the President, the videotaped testimony was ultimately obtained under a negotiated agreement, under which the Independent Counsel agreed to treat the testimony as secret grand jury proceedings pursuant to Rule 6(e). It was solely on this basis that the President consented to testify.

The Independent Counsel subsequently receive permission from the court to release the videotape, together with the other grand jury material, to the Congress. But the court order did not authorize its further release to the public or the press.

By releasing that testimony to the public, we are—in effect—laundering the evidence so as to nullify the express agreement under which it was obtained. This is an abuse of the grand jury that can only damage the public's faith in that institution and impair its ability to perform its essential role.

And what are the benefits that justify these evils? We are told only that the public has a ''right to know''—an interest in the case that entitle sit to the information. Some have even suggested that that interest is a financial one—that the public ''paid'' for this material and is entitled to it.

To this, one can only respond that the public pays for the grand jury testimony in every case. The public has an interest in every case—especially where the case involves high officials or other celebrities. We accommodate that interest by requiring that trials be held in open court. But the public is no more entitled to secret grand jury testimony than it is to classified intelligence. Not even when the case is concluded, let alone while it is still going on.

In an ordinary criminal trial, grand jury testimony is disclosed under Rule 6(e) only under certain specific circumstances. For example, criminal defendants are entitled to see grand jury proceedings in order to cross-examine witnesses or challenge their credibility on the basis of prior inconsistent statements.

On the other hand, the public release of material of this nature would violate not only Rule 6(e), but Department of Justice guidelines, court precedents and ethical rules binding on prosecutors in every jurisdiction in this country. A party found to have disclosed the material would be subject to sanctions, and the material itself would be excludable in court. The

court might even grant a defendant's motion to dismiss the case for prejudice.

LOOKING TO PRECEDENT

This is certainly not an ordinary case. But neither is it so exceptional as to justify our riding roughshod over precedent and due process.

In the one historical precedent that is closest to the present situation, due process was scrupulously observed. Twenty-four years ago, a Republican president was under investigation by a Democratic House.

The Judiciary Committee spent seven weeks in closed session, reviewing judge Sirica's grand jury materials prior to their release. President Nixon's lawyers were permitted not only to participate in these sessions, but to cross-examine witnesses before their testimony was made public.

While there are obviously major differences between the current controversy and the Watergate affair, President Clinton is entitled to the same due process protections afforded President Nixon in the course of that investigation.

In fact, the case for preserving the confidentiality of the evidence is even stronger here than it was in the Watergate case. Mr. Starr's grant jury has made no findings whatsoever with respect to the evidence. The material we have consists merely of selected portions of what the persecutor put before the grand jury, together with his interpretation of that material. The jurors were never asked whether they thought that the video tape—or any other testimony—provided credible evidence of perjury or other wrongdoing. Having used the grant jury as a tool to gather information, the Independent Counsel bypassed it as a fact-finding body.

That is his prerogative. But the Judiciary Committee has a duty to see that the material provided to us is handled appropriately. If we act carelessly, and in haste, we will not only cripple this President, but will do lasting harm to the values and institutions we hold most dear.

Mr. SOLOMON. Mr. Speaker I would like to enter into the record a General Accounting Office report: Executive Office of the President, Procedures for Acquiring Access and to and Safeguarding Intelligence Information

This report is a significant and impressive audit performed by the National Security and International Affairs Division of the GAO. It builds on the work previously requested by Chairman Goss and will be the foundation for further oversight by the Permanent Select Committee on Intelligence.

The President's stewardship in protecting the National Security of the United States of America is his highest responsibility. There is no higher calling. I believe that this report raises significant questions that should be addressed.

GAO REPORT TO THE CHAIRMAN, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES

EXECUTIVE OFFICE OF THE PRESIDENT—PROCEDURES FOR ACQUIRING ACCESS TO AND SAFEGUARDING INTELLIGENCE INFORMATION

U.S. GENERAL ACCOUNTING OFFICE,
NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, September 30, 1998.

Hon. GERALD B. H. SOLOMON,
Chairman, Committee on Rules, House of Representatives.

DEAR MR. CHAIRMAN: This report responds to your request of November 6, 1997, asking us to determine whether the Executive Office of the President (EOP) has established procedures for (1) acquiring personnel access to classified intelligence information, specifically Sensitive Compartmented Information (SCI), and (2) safeguarding such information. You asked that our review include the following offices for which the EOP Security Office provides security support: White House Office, Office of Policy Development, Office of the Vice President, National Security Council, President's Foreign Intelligence Advisory Board, Office of Science and Technology Policy, Office of the United States Trade Representative, Office of National Drug Control Policy, and Office of Administration.

BACKGROUND

SCI refers to classified information concerning or derived from intelligence sources, methods, or analytical processes requiring exclusive handling within formal access control established by the Director of Central Intelligence. The Central Intelligence Agency (CIA) is responsible for adjudicating and granting all EOP requests for SCI access. According to the EOP Security Office, between January 1993 and May 1998, the CIA granted about 840 EOP employees access to SCI.

Executive Order 12958, Classified National Security Information, prescribes a uniform system for classifying, safeguarding, and declassifying national security information and requires agency heads to promulgate procedures to ensure that the policies established by the order are properly implemented, ensure that classified material is properly safeguarded, and establish and maintain a security self-inspection program of their classified activities.

The order also gives the Director, Information Security Oversight Office (an organization under the National Archives and Records Administration), the authority to conduct on-site security inspections of EOP's and other executive branch agencies' classified programs. Office of Management and Budget Circular Number A–123, Management Accountability and Control, emphasizes the importance of having clearly documented and readily available procedures as a means to ensure that programs achieve their intended results.

Director of Central Intelligence Directive 1/14, Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information, lays out the governmentwide eligibility standards and procedures for access to SCI by all U.S. citizens, including government civilian and military personnel, contractors, and employees of contractors. The directive requires (1) the employing agency to determine that the individual has a need to know;[1] (2) the cognizant Senior Official of the Intelligence Community to review the individual's background investigation and reach a favorable suitability determination; and (3) the individual, once approved by the Senior Official of the Intelligence Community for SCI access, to sign a SCI nondisclosure agreement.[2] Additional guidance concerning SCI eligibility is contained in Executive Order 12968,[3] the U.S. Security Policy Board investigative standards and adjudicative guidelines implementing Executive Order 12968,[4] and Director of Central Intelligence Directive 1/19.

Governmentwide standards and procedures for safeguarding SCI material are contained in Director of Central Intelligence Directive 1/19, Security Policy for Sensitive Compartmented Information and Security Policy Manual.

The EOP Security Office is part of the Office of Administration. The Director of the Office of Administration reports to the Assistant to the President for Management and Administration. The EOP Security Officer is responsible for formulating and directing the execution of security policy, reviewing and evaluating EOP security programs, and conducting security indoctrinations and debriefings for agencies of the EOP. Additionally, each of the nine EOP offices we reviewed has a security officer who is responsible for that specific office's security program.

As discussed with your office, we reviewed EOP procedures but did not verify whether the procedures were followed in granting SCI access to EOP employees, review EOP physical security practices for safeguarding classified material, conduct classified document control and accountability inspections, or perform other control tests of classified material over which the EOP has custody. (See pages 8 and 9 for a description of our scope and methodology.)

EOP-WIDE PROCEDURES FOR ACQUIRING SCI ACCESS SHOULD BE MORE SPECIFIC

The EOP Security Officer told us that, for the period January 1993 until June 1996, (1) he could not find any EOP-wide procedures for acquiring access to SCI for the White House Office, the Office of Policy Development, the Office of the Vice President, the National Security Council, and the President's Foreign Intelligence Advisory Board for which the former White House Security Office[5] provided security support and (2) there were no EOP-wide procedures for acquiring access to SCI for the Office of Science and Technology Policy, the Office of the United States Trade Representative, the Office of National Drug Control Policy, and the Office of Administration for which the EOP Security Office provides security support. He added that there had been no written procedures for acquiring SCI access within the EOP since he became the EOP Security Officer in 1986. In contrast, we noted that two of the nine EOP offices we reviewed issued office-specific procedures that make reference to acquiring access to SCI—the Office of Science and Technology Policy in July 1996 and the Office of the Vice President in February 1997.

According to the EOP Security Officer, draft EOP-wide written procedures for acquiring access to SCI were completed in June 1996, at the time the White House and EOP Security Offices merged. These draft procedures, entitled Security Procedures for the EOP Security Office, were not finalized until March 1998. While the procedures discuss the issuance of EOP building passes, they do not describe in detail the procedures EOP offices must follow to acquire SCI access; the roles and responsibilities of the EOP Security Office, security staffs of the individual EOP offices, and the CIA and others in the process; or the forms and essential documentation required before the CIA can adjudicate a request for SCI access. Moreover, the procedures do not address the practices that National Security Council security personnel follow to acquire SCI access for their personnel. For example, unlike the process for acquiring SCI access in the other eight EOP offices were reviewed, National Security Council security personnel (rather than the personnel in the EOP Security Office) conduct the employee pre-employment security interview; deal directly with the CIA to request SCI access; and, once the CIA approves an employee for access, conduct the SCI security indoctrination and oversee the individual's signing of the SCI nondisclosure agreement.

Director of Central Intelligence Directives 1/14 and 1/19 require that access to SCI be controlled under the strictest application of

Footnotes at end of letter.

the need-to-know principle and in accordance with applicable personnel security standards and procedures. In exceptional cases, the Senior Official of the Intelligence Community or his designee (the CIA in the case of EOP employees) may, when it is in the national interest, authorize an individual access to SCI prior to completion of the individual's security background investigation.

At least since July 1996, according to the National Security Council's security officer, his office has granted temporary SCI access to government employees and individuals from private industry and academia—before completion of the individual's security background investigation and without notifying the CIA. He added, however, that this practice has occurred only on rare occasions to meet urgent needs. He said that this practice was also followed prior to July 1996 but that no records exist documenting the number of instances and the parties the National Security Council may have granted temporary SCI access to prior to this date. CIA officials responsible for adjudicating and granting EOP requests for SCI access told us that the CIA did not know about the National Security Council's practice of granting temporary SCI access until our review.

A senior EOP official told us that from July 1996 through July 1998, the National Security Council security officer granted 35 temporary SCI clearances. This official also added that, after recent consultations with the CIA, the National Security Council decided in August 1998 to refer temporary SCI clearance determinations to the CIA.

EOP HAS NOT ESTABLISHED PROCEDURES FOR SAFEGUARDING SCI MATERIAL

The EOP-wide security procedures issued in March 1998 do not set forth security practices EOP offices are to allow in safeguarding classified information. In contrast, the Office of Science and Technology Policy and the Office of the Vice President had issued office-specific security procedures that deal with safeguarding SCI material. The Office of Science and Technology Policy procedures, issued in July 1996, were very comprehensive. They require that new employees be thoroughly briefed on their security responsibilities, advise staff on their responsibilities for implementing the security aspects of Executive Order 12958, and provide staff specific guidance on document accountability and other safeguard practices involving classified information. The remaining seven EOP offices that did not have office-specific procedures for safeguarding SCI and other classified information stated that they rely on Director of Central Intelligence Directive 1/19 for direction on such matters.

EOP HAS NOT ESTABLISHED A SECURITY SELF-INSPECTION PROGRAM

Executive Order 12958 requires the head of agencies that handle classified information to establish and maintain a security self-inspection program. The order contains guidelines (which agency security personnel may use in conducting such inspections) on reviewing relevant security directives and classified material access and control records and procedures, monitoring agency adherence to established safeguard standards, assessing compliance with controls for access to classified information, verifying whether agency special access programs provide for the conduct of internal oversight, and assessing whether controls to prevent unauthorized access to classified information are effective. Neither the EOP Security Office nor the security staff of the nine EOP offices we reviewed have conducted security self-inspections as described in the order.

EOP officials pointed out that security personnel routinely conduct daily desk, safe, and other security checks to ensure that SCI and other classified information is properly safeguarded. These same officials also emphasized the importance and security value in having within each EOP office experienced security staff responsible for safeguarding classified information. While these EOP security practices are important, the security self-inspection program as described in Executive Order 12958 provides for a review of security procedures and an assessment of security controls beyond EOP daily security practices.

INFORMATION SECURITY OVERSIGHT OFFICE HAS NOT CONDUCTED SECURITY INSPECTIONS OF EOP ACTIVITIES

Executive Order 12958 gives the Director, Information Security Oversight Office, authority to conduct on-site reviews of each agency's classified programs. The Director of the Information Security Oversight Office said his office has never conducted an on-site security inspection of EOP classified programs. He cited a lack of sufficient personnel as the reason for not doing so and added that primary responsibility for oversight should rest internally with the EOP and other government agencies having custody of classified material.

The Director's concern with having adequate inspection staff and his view on the primacy of internal oversight do not diminish the need for an objective and systematic examination of EOP classified programs by an independent party. An independent assessment of EOP security practices by the Information Security Oversight Office could have brought to light the security concerns raised in this report.

RECOMMENDATIONS

To improve EOP security practices, we recommend that the Assistant to the President for Management and Administration direct the EOP Security Officer to revise the March 1998 Security Procedures for the EOP Security Office to include comprehensive guidance on the procedures EOP offices must follow in (1) acquiring SCI access for its employees and (2) safeguarding SCI material and establish and maintain a self-inspection program of EOP classified programs, including SCI in accordance with provisions in Executive Order 12958.

We recommend further that, to properly provide for external oversight, the Director, Information Security Oversight Office, develop and implement a plan for conducting periodic on-site security inspections of EOP classified programs.

AGENCY COMMENTS AND OUR EVALUATION

We provided the EOP, the Information Security Oversight Office, and the CIA a copy of the draft report for their review and comment. The EOP and the Information Security Oversight Office provided written comments which are reprinted in their entirety as appendices I and II respectively. The CIA did not provide comments.

In responding for the EOP, the Assistant to the President for Management and Administration stated that our report creates a false impression that the security procedures the EOP employ are lax and inconsistent with established standards. This official added that the procedures for regulating personnel access to classified information are Executive Order 12968 and applicable Security Policy Board guidelines and Executive Order 12968 and Executive Order 12958 for safeguarding such information. The Assistant to the President also stated that the report suggests that the EOP operated in a vacuum because the EOP written security procedures implementing Executive Order 12968 were not issued until March 1998. The official noted that EOP carefully followed the President's executive orders, Security Policy Board guidelines and applicable Director of Central Intelligence Directives during this time period. While EOP disagreed with the basis for our recommendations, the Assistant to the President stated that EOP plans to supplement its security procedures with additional guidance.

We agree that the executive orders, Security Policy Board guidelines, and applicable Director of Central Intelligence Directives clearly lay out governmentwide standards and procedures for access to and safeguarding of SCI. However, they are not a substitute for local operating procedures that provide agency personnel guidance on how to implement the governmentwide procedures. We believe that EOP plans to issue supplemental guidance could strengthen existing procedures.

The Assistant to the President also stated that it is not accurate to say that the EOP has not conducted security self-inspections. This official stated that our draft report acknowledges that ''security personnel conduct daily desk, safe, and other security checks to ensure that SCI and other classified material is properly safeguarded.'' The Assistant to the President is correct to point out the importance of daily physical security checks as a effective means to help ensure that classified material is properly safeguarded. However, such self-inspection practices are not meant to substitute for a security self-inspection program as described in Executive Order 12958. Self-inspections as discussed in the order are much broader in scope than routine daily safe checks. The order's guidelines discuss reviewing relevant security directives and classified material access and control records and procedures, monitoring agency adherence to established safeguard standards, assessing compliance with controls for access to classified information, verifying whether agency special access programs (such as SCI) provide for the conduct of internal oversight, and assessing whether controls to prevent unauthorized access to classified information are effective. Our report recommends that the EOP establish a self-inspection program.

In commenting on our recommendation, the Assistant to the President said that to enhance EOP security practices, the skilled assistance of the EOP Security Office staff are being made available to all EOP organizations to coordinate and assist where appropriate in agency efforts to enhance self-inspection. We believe EOP security practices would be enhanced if this action were part of a security self-inspection program as described in Executive Order 12958.

The Director, Information Security Oversight Office noted that our report addresses important elements of the SCI program in place within the EOP and provides helpful insights for the security community as a whole. The Director believes that we overemphasize the need to create EOP specific procedures for handling SCI programs. He observed that the Director of Central Intelligence has issued governmentwide procedures on these matters and that for the EOP to prepare local procedures would result in unnecessary additional rules and expenditure of resources and could result in local procedures contrary to Director of Central Intelligence Directives. As we discussed above, we agree that the executive orders, Security Policy Board guidelines, and applicable Director of Central Intelligence Directives clearly lay out governmentwide standards and procedures for access to and safeguarding of SCI. However, they are not a substitute for local operating procedures that provide agency personnel guidance on how to implement the governmentwide procedures.

The Director agreed that his office needs to conduct on-site security inspections and

hopes to begin the inspections during fiscal year 1999. The Director also noted that the primary focus of the inspections would be classification management and not inspections of the SCI program.

SCOPE AND METHODOLOGY

To identify EOP procedures for acquiring access to SCI and safeguarding such information, we met with EOP officials responsible for security program management and discussed their programs. We obtained and reviewed pertinent documents concerning EOP procedures for acquiring SCI access and safeguarding such information.

In addition, we obtained and reviewed various executive orders, Director of Central Intelligence Directives, and other documents pertaining to acquiring access to and safeguarding SCI material. We also discussed U.S. government security policies pertinent to our review with officials of the Information Security Oversight Office and the U.S. Security Policy Board. Additionally, we met with officials of the CIA responsible for adjudicating and granting EOP employees SCI access and discussed the CIA procedures for determining whether an individual meets Director of Central Intelligence Directive eligibility standards.

As discussed with your office, we did not verify whether proper procedures were following in granting SCI access to the approximately 840 EOP employees identified by the EOP Security Officer. Also, we did not review EOP physical security practices for safeguarding SCI and other classified material, conduct classified document control and accountability inspections, or perform other control tests of SCI material over which the EOP has custody.

We performed our review from January 1998 until August 1998 in accordance with generally accepted government auditing standards.

At your request, we plan no further distribution of this report until 30 days after its issue date. At that time, we will provide copies to appropriate congressional committees; the Chief of Staff to the President; the Assistant to the President for Management and Administration; the Director, Information Security Oversight Office; the Director of Central Intelligence; Central Intelligence Agency; the U.S. Security Policy Board; the Director of the Office of Management and Budget; and other interested parties.

Please contact me at (202) 512–3504 if you or your staff have any questions concerning this report. Major contributors to this report were Gary K. Weeter, Assistant Director, and Tim F. Stone, Evaluator-in-Charge.

Sincerely yours,

RICHARD DAVIS,
Director, National Security Analysis.

FOOTNOTES

[1] The ''need-to-know'' principle is a determination made by an authorized holder of classified information that a prospective recipient requires access to specific classified information in order to perform a lawful and authorized function. The prospective recipient shall possess an appropriate security clearance and access approval in accordance with Director of Central Intelligence Directive 1/14.

[2] The SCI nondisclosure agreement establishes explicit obligations on the government and the individual to protect SCI.

[3] Executive Order 12968, Access to Classified Information, (Aug. 2, 1995).

[4] U.S. Security Policy Board, Adjudicative Guidelines for Determining Eligiblity for Access to Classified Information, Investigative Standards for Background Investigations for Access to Classified Information, and Investigative Standards for Temporary Eligiblity for Access (Mar. 24, 1997).

[5] The White House Security Office was abolished on June 19, 1996. On this date, the EOP Security Office assumed responsibility for security support for the EOP offices previously supported by the White House Security Office.

APPENDIX I—COMMENTS FROM THE ASSISTANT TO THE PRESIDENT FOR MANAGEMENT AND ADMINISTRATION

THE WHITE HOUSE,
Washington, September 23, 1998.

Mr. Richard Davis,
Director, National Security Analysis National Security and International Affairs Division, Washington, DC.

DEAR MR. DAVIS: We are writing in response to your September 11, 1998 letter and draft report for the Executive Office of the President (EOP), *Procedures for Acquiring Access to and Safeguarding Intelligence Information*. Unfortunately, the GAO report creates the false impression that the security procedures employed at the EOP are lax and inconsistent with established standards. Nothing could be further from the truth. In fact, as the evidence provided to the GAO makes abundantly clear, EOP security officials are experienced professionals who have executed their responsibilities diligently and with great attention to detail.

The GAO report also implies that these experienced professionals have not fulfilled their obligations under the law. This is completely unsupported by any reading of the facts. The extensive information provided by the EOP to the GAO auditors plainly demonstrates that the EOP has conscientiously abided by security precautions.

The EOP has made available to the GAO audit team reviewing EOP security procedures key personnel and relevant documents. In fact, the General Counsel of the Office of Administration and the EOP Security Office Chief have personally devoted a substantial number of hours to facilitate the GAO's audit. Numerous other EOP officials have also devoted significant amounts of time to assist the GAO auditors.

After the submission of hundreds of pages of documentation, more than ten meetings with the GAO auditors and more than ten individual interviews with EOP entities, the report still contains errors and statements that generate mis-impressions. It is our hope that the GAO will make the appropriate corrections to the report prior to its submission to the Congress.

In short, the EOP has established procedures for regulating personnel access to classified information; also, the EOP has a rigorous program, administered by career professional security officers, to safeguard classified information. The procedures in question are contained in E.O. 12968 and applicable Security Policy Board (SPB) guidelines. The safeguards in question are also contained E.O. 12958.

The report suggests that the EOP, and its constituent entities, operated in a vacuum because the EOP written security procedures implementing E.O. 12968 were not issued until March 1998. In fact, the EOP carefully followed the authoritative guidance set forth in the President's Executive Orders, SPB guidelines, and applicable Director of Central Intelligence Directives (DCI/Ds) throughout this time period. The President's Executive Orders are the cornerstones of the EOP's security programs and provide the basis for the adjudication of access to classified information, with or without subsequent guidelines. The EOP has found that the Executive Orders and SPB guidelines provide clear guidance that has been implemented with care in order to safeguard classified information and regulate access to it.

With respect to the draft report's comments relating to temporary SCI clearances, during the period July 1996 through July 1998, the NSC Security Officer, a professional career security officer on detail, granted 35 temporary SCI clearances subject to issuance by the CIA of a final SCI clearance. Before considering issuance of a temporary SCI clearance, the Security Officer conducted a thorough review of available background information from the completed SF–86, obtained the results of the FBI name check, and received a progress report from the FBI when the background check was substantially completed. Only if this careful examination revealed no derogatory information would a temporary clearance be granted. Although this process has been implemented successfully with no adverse indications, the NSC decided in August 1998, after consultations with CIA Headquarters personnel and with a view towards simplifying this process, to refer temporary SCI clearance determinations to CIA Headquarters.

The headline for the section of the draft report on self-inspections—EOP HAS NOT CONDUCTED SECURITY SELF-INSPECTIONS—is simply not accurate. Indeed, the draft report acknowledges that ''security personnel conduct daily desk, safe, and other security checks to ensure that SCI and other classified material is properly safeguarded.'' The EOP operates consistently with the self-inspection guidelines issued by the Information Security Oversight Office pursuant to E.O. 12958 for safeguarding classified information, which is the primary focus of this draft report.

The GAO report includes three recommendations. One of the three recommendations included in the GAO report is that the EOP ''initiate a self inspection program.'' As we have stated and supported on numerous occasions to the GAO auditors, our current self-inspection practices are effective. Nevertheless, we are continuing our efforts to enhance EOP security practices. We have made available to all EOP organizations the skilled assistance of our EOP security office staff to coordinate and assist where appropriate in agency efforts to enhance self-inspection.

The GAO also recommends that we revise the Security Procedures for the EOP Security Office to include ''comprehensive guidance'' on ''acquiring SCI access'' and ''properly safeguarding SCI material,'' In fact, the EOP Security Procedures do include comprehensive guidance. As we pointed out to the GAO auditors on several occasions, paragraph 10 (c) of the Security Procedures incorporates by reference guidance for obtaining SCI access. Although we disagree with the basis for the GAO recommendation, we have initiated an effort to supplement the Security Procedures with additional guidance.

Finally, the draft report recommends that the Information Security Oversight Office conduct periodic on-site reviews of the EOP security process. We stand ready to work with the ISOO in any such undertaking.

We would like to request a meeting with the GAO auditors to discuss the issues raised in this letter in addition to other technical corrections to the GAO report. If there is anything that I or any member of my staff, can do to be of assistance, please feel free to contact Mark Lindsay (202) 456–3880.

Sincerely yours,

VIRGINIA M. APUZZO,
Assistant to the President for Management and Administration.

GAO COMMENT

The following is our comment to the Assistant to the President for Management and Administration's letter dated September 23, 1998.

1. A representative of the EOP told us that the errors referred, for example, to statements in GAO's draft report that the EOP does not conduct self-inspections and that the EOP lacks written procedures.

APPENDIX II—COMMENTS FROM THE INFORMATION SECURITY OVERSIGHT OFFICE

INFORMATION SECURITY OVERSIGHT OFFICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION,

Washington, DC, September 18, 1998.

Subject comments on General Accounting Office (GAO) report ''Executive Office of the President: Procedures for Acquiring Access to and Safeguarding Intelligence Information''.

Mr. Richard Davis,

Director, National Security Analysis, National Security and International Affairs Division, U.S. General Accounting Office, Washington, DC

DEAR MR. DAVIS: Thank you for the opportunity to comment on the subject draft GAO report. It addresses important elements of the Sensitive Compartmented Information (SCI) program in place within the Executive Office of the President (EOP) and provides helpful insights for the security community as a whole. The conclusions drawn in three areas of the report prompt the Information Security Oversight Office (ISOO) to offer the following comments.

(1) ISOO believes the draft report overemphasizes the issuance of individual office and agency procedures for handling SCI. While Executive Order 12958 prescribes a uniform system for classifying, safeguarding, and declassifying national security information, the Director of Central Intelligence (DCI) prescribes the augmentation of those procedures for SCI, both under the Executive order and the DCI's statutory authorities. As noted in the report, the DCI has issued Government-wide standards and procedures for access to SCI and for safeguarding SCI with Director of Central Intelligence Directives (DCIDs) 1/14 and 1/19, respectively.

Most executive branch agencies rely upon the DCIDs exclusively as their security procedures documents for SCI. Rather than generating others. Requiring agencies to generate additional procedures documents for SCI would result in unnecessary additional rules and expenditure of resources, and could result in procedures contrary to the DCIDs, particularly, if the DCI does not review and approve them. Ensuring that EOP offices and executive branch agencies have ready access to the DCIDs could alleviate concerns about the need for detailed procedures in each office and agency.

(2) Several factors have prevented ISOO from conducting compliance inspections for the past several years. These include the drafting and implementing of E.O. 12958, with its increased functions for ISOO. At the same time, the size of ISOO's staff has decreased by one-third to the point where its total professional and clerical staff numbers 10 people. Nevertheless, we agree that ISOO needs to be conducting inspections and we hope to do so during fiscal year 1999.

Your report suggests, however, that ISOO's inspections would cover SCI as it relates both to the issuance of SCI clearances and the safeguarding of SCI information. These areas would never be the primary or even secondary focus of ISOO's compliance inspections. First, ISOO does not have any jurisdiction over the personnel security (clearance) system. Second, ISOO's primary concern in classification management would not ordinarily focus on the SCI program. In other words, external oversight of the EOP's SCI programs would only coincidentally result from increased ISOO inspections.

(3) Finally, your report raises concerns about the granting of interim clearances for SCI access at the National Security Council (NSC). While we share the report's concerns about the possibility for abuse in this area, we also recognize and understand the NCS's responsibilities to the President. With respect to information generated by the Intelligence Community, having appropriately cleared individuals on the job in a timely manner is essential. Because the SCI program is so large and widely dispersed across the government, ISOO understands the NSC's need to have the ability to grant interim clearances, under specific conditions, so that individuals can perform their duties. Property managing and controlling how these interim clearances are granted would be an important element of oversight. Your report suggests that the DCI is addressing this issue with the NSC.

Please call me on 202–219–5250 if you have any questions concerning our comments on your draft report. Again, we appreciate the opportunity to comment.

Sincerely,

STEVEN GARFINKEL,

Director.

Mr. PAYNE. Mr. Speaker, I rise in adamant opposition to this resolution and to the travesty of justice we are witnessing here today. From the time the voters of America put this President in office six years ago, his enemies have led a frenzied crusade to reverse the results of the electoral process and to subvert the will of the American people.

They have stopped at nothing. What began as an investigation into an investment the President and First Lady made in Arkansas well over a decade ago has mushroomed into a frantic search to find something—anything—to bring this presidency down. The free-ranging, unbridled hunt for damaging information about the President has resulted in the expenditure of millions of tax dollars; it has featured the doctoring of tapes by Republicans; a so-called ''Independent'' Counsel whose office resorts to bullying, threats and intimidation; a mad rush to put the report of the Counsel on the internet without giving the President the basic right to review the charges against him; the release of the President's videotaped grand jury testimony again with total disregard to his rights, and now the push to expand the inquiry into areas which have already been thoroughly investigated.

Do we really want to turn this nation into a police state where enemies of the President, in pursuit of a political agenda, have the power to restrict individual freedoms and intimidate citizens?

The vast majority of my constituents have told me they are ready to forgive the President for making a mistake in his personal conduct. It is time to move on to the pressing issues facing our nation—education, health care reform, protection of social security, and continued economic growth. I urge my colleagues to put a stop to this partisan, out-of-control vendetta and to take care of the real business of the American people.

Mr. JOHNSON of Texas. Mr. Speaker, today is a solemn day. The Congress has considered an impeachment inquiry only two other times in our Nation's history. It is not a task that we take lightly.

I believe it is our constitutional duty to begin an impeachment inquiry based on the evidence delivered to the Judiciary Committee by Judge Starr.

I believe that the Chairman of the Judiciary Committee, HENRY HYDE, has been committed to a fair and judicious process, and we will continue to follow his lead.

Article 2, section 1 of our Constitution contains the oath of office that the President must take before entering office. It states: ''I do solemnly swear (or affirm) that I will faithfully execute the Office of the President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.''

This body voted today to investigate whether the President has broken this oath by committing perjury and obstructing justice.

I, too, took an oath to uphold the Constitution when I entered the military and I have taken that oath as a State representative and as a U.S. Congressman. Each time, I took it as a serious obligation.

The American people deserve answers to the many questions about the conduct of this President and today we have begun the process of finding those answers.

Mrs. FOWLER. Mr. Speaker, I rise today with a heavy heart to support the resolution calling for an impeachment inquiry against the President, William Jefferson Clinton.

While the actions and evidence that have led us here today are deplorable, the action we are taking here today as a result is noble. It is in the finest tradition of our democracy that the process of impeachment begins.

We have heard much discussion today of the Constitution. We heard quotes from James Madison and the Federalist Papers. All that is certainly important in this debate. But our constituents have a voice in this process too, and I received a letter from one last week that I think puts all this in perspective. It's from a 6-year old boy in Jacksonville, Florida.

He writes, ''Someday in my mind I hope we get a better President. I want to have a President that tells the truth. Even I think I could be a better President than this man.''

There was a day when our children aspired to be President. Now, the children in my district aspire to be better than the President.

The Judiciary Committee, and this House, are about to begin a mission for the truth. But as we undertake the official process that is laid out in the Constitution, I hope we will also begin the process of healing our nation.

They said the truth is a liberating thing. It is only through a successful search for the truth that our nation can liberate itself from this scandal. To sweep it under the rug, would be to leave it to fester under the fiber of our democracy and to eat away at the rule of law.

Yes, we all want to put this behind us, but, as the Constitution requires, and our conscience dictates, we must proceed with this inquiry to do that.

I urge my colleagues to support the resolution.

Mr. FRELINGHUYSEN. Mr. Speaker, today I urge my colleagues to vote in favor of the House Judiciary Committee's recommendation to open an impeachment inquiry into the conduct of President Clinton.

I certainly understand the desire of all Americans, myself included, to be done with this matter and to return our attention to many serious issues that confront our country at home and abroad. And let me say quite frankly, I, like many of my colleagues, resent the fact that the President's actions have brought us to this Constitutional crisis. Given the serious charges leveled against the President including testifying falsely under oath, obstruction of justice, and witness tampering among others, I believe this inquiry is warranted.

Our inquiry has everything to do with the President's ability to lead our country. He is

our Commander-in-Chief, as well as the chief architect of American foreign policy and our domestic welfare. The President symbolizes to our nation and the rest of the world what it is to be an American. For these very reasons we need to be certain of the President's conduct, and whether his wrongdoing warrants penalty. Our President must command the moral authority to lead this great nation, especially in the critical times of crisis. And whether it be an issue of national security, or as a role model for our children, our nation cannot afford to question the President's decisions or doubt his sincerity, which many of us do now. We may disagree politically, but every American must be convinced the President's leadership decisions are genuine. I for one, want more from my President than feigned anger and forced contrition. I want the truth that this inquiry seeks.

As recommended by the Judiciary Committee, the process by which this inquiry will be undertaken is the very same model used in the Watergate impeachment inquiry. While the Democrats on the Judiciary Committee did not support this particular model, I think it is important to note that they did support an inquiry, albeit a more limited one with a fixed timeframe for consideration.

There is no more serious obligation given to us under the Constitution than to uphold the rule of law and protect the integrity of the highest offices of our government. The charges against President Clinton cannot simply be ignored. We have a process for resolving them as prescribed by the Constitution and the House will not proceed in a Constitionally sound and orderly fashion and do so as expeditiously as possible.

The seriousness of Congress' duty to consider this issue is best stated by Judiciary Committee Chairman Peter Rodino of New Jersey in 1974, who said during the impeachment hearings of President Nixon, ''we cannot turn away, out of partisanship or convenience, from problems that are now our responsibility, our inescapable responsibility to consider. It would be a violation of our own public trust if we, as the people's representatives, chose not to inquire, not to consult, not even to deliberate.''

Mr. Speaker, the President has already admitted to violating the public's trust by lying to the American people, his family, supporters and Cabinet. We cannot let it happen again. It is our duty to restore that trust in the Presidency by approaching this inquiry with a commitment to fairness, and an unshakable dedication to seek the truth.

If it is proven the President of the United States lied under oath, obstructed justice and urged others to do the same, he has forsaken the oath he took when he became our President. Under those circumstances, removal from office is no longer a question. But to come to that conclusion, this Congress and the American people must be satisfied by the fairness and thoroughness of our deliberations.

As the House proceeds, I like all Members, must reserve final judgment on the appropriate action until all the evidence is carefully reviewed and judiciously weighed.

So today, I say let us begin. Let us open the impeachment inquiry of President Clinton.

Mr. MORAN of Virginia. Mr. Speaker, whether this House votes today for the Democratic alternative, which I prefer, or the resolution that was reported from the House Judiciary Committee, which I will vote for when the alternative fails, this much is clear:

The guiding purpose of this inquiry must be to obtain the truth. We must conduct this inquiry in order to give the President the opportunity to acquit himself. And we must conduct this inquiry in a manner that brings honor to this institution, and that keeps faith with the Constitution that we are sworn to uphold.

I don't know, Mr. Speaker, what the outcome of the Committee's inquiry will be. I share the hope that I think all fair-minded Americans hold that the President will emerge from this process exonerated and able to renew his effective service. The Congress will carry a heavy burden to show that the President has conducted impeachable offenses, and that the results of two elections should be overturned.

But I do know that if we fail to move forward today, we will not be serving the best interests of the President, or, much more importantly, of our nation.

Mr. KOLBE. Mr. Speaker, with a heavy heart but a clear conscience, I will vote today to authorize the House Judiciary Committee to proceed with a formal inquiry that could lead to the impeachment of President Clinton.

The President's personal indiscretions, which he himself has essentially acknowledged, are not at issue. What is at issue are allegations of perjury, conspiracy to commit perjury, and obstruction of justice, both in a sworn deposition in the Paula Jones sexual harassment lawsuit and in sworn testimony before a federal grand jury. Judge Starr has suggested that there are eleven instances in which there is substantial and credible evidence of perjury, subornation of perjury and obstruction of justice. The Judiciary Committee has suggested there may be as many as fifteen separate charges that warrant investigation. These are serious charges; the underlying behavior which may have led to these charges is important, but not central to the charges themselves. If proven true, these charges could constitute grounds for the President's impeachment and removal from office. In the meantime, Congress bears the burden of proof and the President is entitled to a presumption of innocence.

While I have not supported President Clinton politically in his election campaigns, I have always tried to work with him and his Administration in a bipartisan manner and for the good of the country. I hope we can all put aside partisanship, maintain the proper decorum and avoid a rush to judgment. Removing a President from office is the most serious step any Congress can ever take since it sets aside the decision made by the voters. It has never happened before in 220 years of our history, and it must never be done lightly.

However, ours is a nation governed by the rule of law, not the rule of men. No person may be above the law, including—or perhaps especially—the Chief Executive of our country. Congress must carry out its constitutional responsibilities in a fair and dignified manner. As a potential ''grand juror'' who may be required to vote on Articles of Impeachment, I will maintain the highest degree of objectivity and consider fairly all the evidence ultimately gathered by the Judiciary Committee.

Mr PACKARD. Mr. Speaker, I would like to encourage my Colleagues to vote in favor of proceedings to further investigate President Clinton on the charges brought against him.

Our entire system of law is based on a sound understanding that we must live by truth. Today we are casting a vote that defines every principal of which our Constitution was written; truth, justice, and equality.

This is not a vote for or against Bill Clinton. This is a vote for the truth. We must allow justice to be fairly served. I took an oath to defend the Constitution and ensure that no person is above the law, even if that person is the President. This is not a choice, it is a duty.

Mr. Speaker, this is a sad day for America. No one enjoys this. The President of the United States stands accused of committing serious felonies. Congress must fulfill its duty to fully investigate these charges, not just for the sake of reaching the truth, but for the sake of our country.

Ms. WATERS. Mr. Speaker and Members of Congress, the decision of the Republicans to limit the debate on this important resolution and to decide whether or not this body will move an inquiry to impeach President Clinton, is a continuation of the partisan, unfair, and inconsiderate actions that have dictated the management of this impeachment crisis ever since Independent Counsel Ken Starr dumped his referral in the laps of this Congress and the public.

This continuous, shameless, and reckless disregard for the Constitution and basic civil rights cannot be tolerated by the citizens of this country. This is a sad and painful day for all of us. The least we could do is handle this matter with dignity and fairness for everyone involved. Four-and-one-half years and $40 million later, unnecessary subpoenas of uninvolved individuals, Mr. Starr's close relationships with groups and individuals with demonstrated hatred for the President taints the Independent Counsel's investigation. This Congress does not need a protracted, open-ended witch-hunt, intimidation, embarrassment and harassment. The tawdry and trashy pages of hearsay, accusations, gossip, and stupid telephone chatter do not meet the standards of ''high crimes and misdemeanors.''

The President's actions in this matter are disappointing and unacceptable, BUT NOT IMPEACHABLE! Mr. Schippers, the General Counsel for the Majority on the House Judiciary Committee, extended the allegations in search of something—anything that may meet the constitutional standards for impeachment. However, even the extended and added allegations do not comport with the Constitutional standard for impeachment.

It is time to move on! Reprimand or condemn the President—but let us move on! These grossly unfair procedures will only tear this Congress and this nation apart. I ask my colleagues to vote down this open ended, unfair resolution presented today by the majority. It does not deserve the support of this House.

Mr. Speaker, Members of the Congressional Black Caucus have constantly warned this body about the dangers of a prosecutor run amuck. The Congressional Black Caucus has warned about the abuse of power by the Majority. We ask you to listen to us and we remind you of the history of our people who have struggled against injustice and unfairness.

Let us not march backwards. Let's be wise enough to move forward and spend our precious time working on the issues of education, health care, senior citizens issues, children's issues, and justice and opportunity for all Americans.

Mr. BORSKI. Mr. Speaker, I rise today in opposition to House Resolution #581, the Republican Impeachment Inquiry Resolution, in favor of the Alternative offered today. I cannot condone the behavior of the President; his actions have been profoundly disappointing to the country. But, I believe that the investigation of whether or not his conduct should be the subject of impeachment is one that must be concluded quickly and responsibly.

The resolution offered today will start an inquiry that is open-ended and not limited in any fashion, not even to the Referral by Independent Counsel Kenneth Starr. This inquiry has the potential to last many months, if not years, and into the next Congress. The American people have urged this House to come to a conclusion, and the resolution offered today ignores this plea. Instead of coming to a concise and thoughtful resolution, the Republican party has instead brought forth a plan that is illogical, without direction, and indefinite in length and scope.

Mr. Speaker, we need to heed the call of the American public and resolve this painful conflict as soon as possible. The basic tenent that we should focus on is do the facts brought to us by Independent Counsel Kenneth Starr demand impeachment? If we assume that Kenneth Starr is a competent attorney, and the evidence brought forth is fact, then we should get on with the business of examining that evidence in the light of the Constitution and what our founding fathers deemed impeachable.

I believe that the only way that we, as a body, can properly do this is by focusing the scope of the inquiry to the matter actually before us in the Referral from the Independent Counsel. This is precisely what the offered Alternative does. It would produce a proceeding that is fair, and one that would open with a consideration of the constitutional standard for impeachment. Once these standards are determined, the facts of the case would be examined and held in comparison.

Congress needs to return its focus and attention back to the business of the nation. This process should not stand between the problems facing this country and our ambition to solve them. There are many issues—such as saving Social Security, passing a Patient's Bill of Rights, saving our environment for future generations, and ensuring that all children attending school are given the tools to succeed—that are floundering by the wayside as we continue to focus our energies on this drawn out process. I believe that the only way we can return to work on these imperative issues is by bringing an expeditious conclusion to the inquiry by the end of the year.

An inquiry that is deliberate, grounded in the Constitution, and removed from partisan politics is the only way that we can bring this country the resolution that it craves. In the House of Representatives there is a process in place to deal with matters of presidential improprieties. As a Member of congress, I believe in this process and the importance of adhering to the appropriate steps. The charges against the President are serious, and they deserve serious consideration. Mr. Speaker, I rise in support of the Alternative to the Impeachment Inquiry Resolution because it is focused, fair, expeditious, and deliberate.

Ms. LEE. Mr. Speaker, I rise today to oppose H. Res. 581, the Republican resolution to begin impeachment proceedings regarding the President of the United States. People have stated overwhelmingly, in a loud, clear and unified voice, that the Congress must not proceed with a long, open-ended, and partisan impeachment proceeding.

I have not, nor will I condone the President's behavior. He was wrong, and he should never had lied about his relationship with Monica Lewinsky.

Nevertheless, the prosecutor's investigation and the Congress' discussions and hearings about the President's behavior have been unfair from the start. As a result, I oppose the continuation of independent counsel Kenneth Starr's investigation—which has been a four-year, partisan effort to discredit the President—as well as any related investigations and inquiries. It should be noted that, despite the length of the investigation and the intense scrutiny of the President and his friends, Prosecutor Starr and the Republicans have come up largely empty-handed, except with regard to the President's behavior in the Monica Lewinsky matter. When the Starr investigation produced a now-infamous and, at times, pornographic report, I voted against the release of the Starr report because I felt the material to be unfair and inappropriate, and because the President and his lawyers did not have a chance to review the report before it was released to the public on the internet, and in all of the newspapers.

And so today, I oppose the Republican resolution to begin Presidential impeachment hearings: I strongly oppose any form of impeachment inquiry because I firmly believe that lying about a sexual affair does not constitute an impeachable offense, and because the investigation and the hearings are yet another political effort to undermine the President.

The allegations against the President do not constitute high crimes and misdemeanors. They certainly are not comparable to high crimes and misdemeanors like treason or bribery. Even more, the resolution creates a political circus on the national stage, with no limitations in scope and length, no controls, no definitions, and no justice. And worse still, the process itself is an attempt to overthrow our Democratic agenda; in other words, we are witnessing an attempted coup d'etat.

Today is a sad day for the country. We can only hope now that, despite the past weeks and months, the Congress will proceed quickly with an investigation that is fair and, especially, limited in scope and length. The American people have stated that we must move quickly and get on with the work we were elected to do. The real immorality and scandal in this country is that, because of this partisan process, we have not been able to do the important work of preserving social security, protecting our environment, educating our children, or ensuring health care reform.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong opposition to House Resolution 581, the impeachment inquiry resolution being considered today by the House of Representatives.

On a matter of procedure, I find it very disturbing that as the House is considering an impeachment inquiry resolution, under one of the most important powers the House has, I was not afforded an opportunity to speak before the House during the debate. There is no question of the importance of the power of the House to send articles of impeachment to the Senate. Given the importance of this decision, there should have been adequate time provided for Members to debate the issue. That I must submit my statement for the record and not be given the opportunity to address my colleagues in person and my constituents via television speaks to the willingness of the majority to give this topic fair consideration.

I have read the independent counsel's report to the House of Representatives and found the conduct described by the allegations to be offensive and not what I expect from a President of the United States. However, I do not believe the conduct described, even if completely accurate, warrants impeachment. I nonetheless feel the House of Representatives needs to address the issue promptly.

Our country will not be well served by months of antagonistic debate, and I urge my colleagues to address the issue in a forthright manner. I am saddened by the President's conduct; his actions were totally inappropriate and should not be condoned.

Extensive news coverage of discussions on impeachment have made it more difficult to address important national issues which need our attention. The independent counsel has spent over $40 million in investigating the President and has provided the House with tens of thousands of pages of materials. Much of the investigative work has been done and the facts are known.

We have the opportunity today to authorize an impeachment inquiry limited only by the voluminous records submitted to us and by the time constraints placed on our term of service by the U.S. constitution. Given the extensive investigation already conducted at taxpayer expense, the House now has a duty to act in a responsible manner, and I urge my colleagues to vote for the Democratic motion to recommit the resolution to the Judiciary Committee with instructions.

Mr. OLVER. Mr. Speaker, the President's personal behavior was morally wrong and deeply disappointing, but this investigation has gone too far and is hurting the country, our families and our children. Congress is getting nothing done and has now embarked on an open-ended fishing expedition. We should hold the President accountable for his personal conduct, but then we should get back to the work that American families care about.

Today, I am voting for a fair, focused and expeditious inquiry into the Kenneth Starr impeachment report. The process I support is specifically designed to focus on the Independent Counsel's report and any other referrals from Kenneth Starr. It would also ensure that this matter would be behind us by the end of the year, the end of this Congress.

The Republican impeachment inquiry is designed to produce an investigation without an end—to drag it out until the presidential election in November 2000, two years from now.

The stark difference between the two approaches is clear.

The Democratic amendment is reasonably focused. The Republican resolution is unlimited. The Democratic amendment is fair. It requires an initial determination regarding the standard for impeachment and the sufficiency of the evidence to meet that standard. The Republican proposal is arbitrary—it requires no preliminary determinations whatsoever. The Democratic amendment is expeditious. The Republican resolution is endless. And, finally, the Democratic amendment is deliberate. It is

logical and removes partisanship from the process. The Republican resolution is totally political and reckless in nature.

Americans, by a large majority, are clearly saying they want the Congress to get back to issues like improving public education, protecting our social security system, guaranteeing patients' rights to quality health care, curbing teenage smoking, and reforming the way campaigns are financed.

We must get back to these critical issues, and we should do it as soon as possible.

Mr. UNDERWOOD. Mr. Speaker, I rise today to join my colleagues in expressing my concern about the allegation made by Kenneth Starr against the President of the United States. We are faced with an historical vote on whether to proceed with impeachment proceedings against the President.

While there is no doubt that the allegations against the President are serious, it is extremely necessary to examine them in a timely manner. The House Judiciary Committee should investigate the allegations, but should avoid extending the process beyond this Congress since stretching the time frame does not do justice to the President, unnecessarily drags the country through a painful process, and opens up the body to criticism that we are stretching this process out solely for political reasons.

Furthermore, this impeachment inquiry should be limited to the charges made by the independent counsel in his current report to the Congress. An open-ended inquiry, as proposed by the majority, is little more than a fishing expedition meant to dredge up more problems if they exist. As we all know, Kenneth Starr began this investigation about four and a half years ago with the Whitewater allegations, then moved on to the misuses of the FBI files, the firing of people in the Travel Office, the Paula Jones lawsuit and finally to the Monica Lewinsky matter. The Starr investigation over these years involved large amounts of time and money, and Starr's fishing expedition has resulted with his report to the Congress which is the subject of the resolution before us today.

As we embark on this journey, let us not forget that our predecessors have been down this path before. Over the course of American history, the House of Representatives has deliberated and in fact has impeached 15 individuals, including a President, 12 judges, a Senator, and a cabinet member. The process for impeachment, established by the Constitution of the United States, is a serious and wrenching one. It takes its toll on each and every one of us, as we undergo the accusation and finally the conviction procedures. President Andrew Johnson, the only President to have been impeached, was charged in 1867 with 11 articles of impeachment. President Johnson lost his case before the House; however, the Senate voted only three impeachment articles but failed to convict President Johnson by a razor-thin margin of one vote. Of the 15 individuals who were impeached by the House, only seven were convicted by the Senate. I raise this point only to stress the seriousness of the impeachment process and that we not turn the pending resolution on its head without equally serious debate on the merits of this case against President Clinton.

As a former teacher, I cannot resist the temptation of referring to the federalist papers in order to give us some insights as we decide on some form of sanction against the President. In the Federalist Paper, Number One, written by Alexander Hamilton in 1787, he reminded us that in a great national discussion of whether the nation should adopt or reject the constitution, and I quote: "A torrent of angry and malignant passions will be let loose." Hamilton warned us about "the stale bait for popularity at the expense of public good." And finally, Hamilton noted: ". . . it will be equally forgotten, that the vigor of Government is essential to the security of liberty; that, in the contemplation of a sound and well-informed judgment, their interest can never be separated." I believe that we can learn from these lessons as we contemplate our constitutional responsibility to handle the Starr allegations.

I urge my colleagues to heed the words of Alexander Hamilton, that we use caution as we proceed with this inquiry, and above all, that we be fair to all parties involved. Let us support the reasonable and reasoned Boucher proposal.

Mr. Speaker, the people of Guam elected me to work on the pressing issues which affect their daily lives, like educational opportunities, access to quality health care, as well as access to employment and economic opportunities. We have serious worldwide economic difficulties in Asia which demand our attention.

We should investigate these charges, but we should be mindful of our responsibilities. Let's rise above partisanship as we deliberate on the difficult discourse pending before the Congress, let's conclude this inquiry expeditiously, and let's meet the challenge of improving the lives of the people who elected us to represent them in the United States Congress.

Mr. DAVIS of Florida. Mr. Speaker, we can all agree that the President's improper relationship was immoral and inexcusable. His actions represent a tremendous lapse of judgement which deeply troubles me and which has caused immense pain for his family and our entire Nation. Compounding these actions, the president clearly misled the American people—an act which has further torn the already tattered bonds of trust between citizens and elected officials. This is perhaps the highest price we will all pay for the self-centered actions of one man.

Over the past months, our Nation has struggled to make sense of this scandal, to find a fitting punishment for the President's actions, and to move forward with important matters facing our country. While many Americans would simply like this whole issue to be dropped, we as Members of this House have a Constitutional duty to fulfill. Therefore, today's debate is not about whether we should move forward with an inquiry. Sadly, after a thorough review of the Referral from the Independent Council, I believe that the allegations of potentially impeachable offenses compels us to do so. The question instead is how we should move forward to ensure that we conduct an inquiry that is fair, timely, and focused and which minimizes the potential risks to our country as a whole.

The structure of the inquiry is integral to preserving the integrity of the process. No one will be served by a process that is perceived as simply a partisan attempt to undo the results of the last election. That is why I wrote a letter to our distinguished colleague, Chairman HENRY HYDE, which sought to forge a bipartisan commitment to a focused impartial inquiry. At this point I would like to submit this letter for the RECORD.

HON. HENRY J. HYDE,
Chairman, Committee on the Judiciary,
Washington, DC October 7, 1998.

DEAR CHAIRMAN HYDE: You have repeatedly expressed your desire to conduct a fair and impartial inquiry into whether the House should impeach the President. I know that you want and need bipartisan support for your motion to proceed with inquiry to substantiate the creditability of the inquiry.

Based on my review of the Referral from the Independent Council and the evidence released by your Committee, I believe that the House should continue with a more thorough inquiry as to the matters raised in the Referral. Therefore, I support your decision to proceed with a formal inquiry as to those matters. Mindful of the enormous cost to our nation and of the potential impact on the stability of our federal government, I nevertheless support an inquiry because I believe that the Referral raises serious allegations that must be further investigated as to the facts and carefully considered in view of the constitutional standards for impeachment. I further believe that we should finish this inquiry as soon as possible in order to minimize these potential hazards to our nation and I will support you in your commitment to try to conclude the inquiry before the end of this year.

However, I am deeply troubled by the comments of House Speaker NEWT GINGRICH and Majority Leader DICK ARMEY that a formal inquiry as to the matters raised in the Referral should be expanded to include the allegations against the President based on the Whitewater matter investigated by the Independent Council and possible allegations surrounding the White House Travel Office and FBI files. I believe the decision of the Independent Counsel not to include any of these matters in his Referral after his lengthy and exhaustive investigation reflects his view that no substantial and credible basis exists to justify considering impeachment based on any of these matters. Therefore, I conclude that it would be irresponsible to include any of these matters in the formal inquiry. Broadening the scope would serve no useful purpose, significantly expand the duration of the inquiry to the detriment of our nation, and undermine the essential integrity of the process.

I am writing to urge you to clearly unequivocally, and publicly commit not to expand the formal inquiry to include matters other than those raised in the Referral without first obtaining majority approval of the Members of the House voting to expand the scope on the basis that substantial and credible evidence exists as to these matters. With this commitment on your part, I, and I believe other like-minded Democrats, will join you in voting for a motion to proceed with a formal inquiry as to the matters raised in the Referral. Without such a commitment, I cannot, in good conscience, support a formal inquiry likely to include Whitewater and other matter already reviewed and apparently resolve by the Independent Counsel.

Thank you in advance for addressing these concerns.

Yours Truly,

JIM DAVIS.

While some may consider today's vote as simply an inevitable step in this ongoing investigation, I firmly believe that each step down the path towards removing a duly-elected President from office must be measured and deliberate. As I stated in my letter to Chairman Hyde, absent a clear commitment to limit the scope of the inquiry to the Referral of the Independent Counsel, I am deeply concerned

that it will devolve into a drawn-out, partisan investigation searching for possible impeachable offenses rather than an expedited, fair investigation examining the allegations presented to this body of possibly impeachable offenses.

For these reasons I rise in support of an impeachment inquiry as embodies in the Motion to Recommit and in opposition to the base resolution which is dangerously open-ended. Having consulted with Constitutional scholars, listened to the comments of my constituents, and search my conscience, I believe this is the course which best serves the interests of our Nation.

Mr. FAZIO of California. Mr. Speaker, today's proceeding is of such great historical importance, that it should be approached with a deep and abiding respect for the Congress, the Constitution and the Presidency.

We had the opportunity to develop a fair and responsible process that would protect not only the dignity of office of the Presidency, but create a precedent worth following. But the Republican majority has squandered it and by doing so has set in motion a process that is too much about partisanship and not enough about statesmanship.

It is more about election year defeat of political opponents than it is about what is right, just or fair.

The Republican proposal offers no limits on how long this partisan inquiry will go on, nor on how long Independent Counsel Kenneth Starr can drag up issues that he has had four years to bring to this House. Sadly there has been no willingness to limit the duration or scope of this resolution.

The Republican proposal moves ahead with an impeachment inquiry before the Judiciary Committee has even conducted a review of the facts and determined whether those facts constitute substantial and credible evidence. It lowers the threshold for which a President can be harassed and persecuted to the point of distraction from his Constitutional duties.

From now on, any Congress dissatisfied with the policies of a particular Administration or the personal behavior of any President, could simply conduct an ongoing, costly, and distracting inquiry designed to dilute the authority of the President.

But after the election when rationale behavior returns and cooler head can prevail, I urge us to forge a way to rise above the nasty politics that have clouded this body.

I will not be one of those of you who return to the next Congress. I leave hear after 20 years with my self respect in tact. I have reached across the lines within my own party and when necessary across the aisle to the other party to get things done for this country and make this House work.

I have fought partisan battles; I have stood my ground on issues that matter to my district. The American people expect that. But they also expect each of us to rise above the base political instincts that drive such a wedge through this House.

In the months ahead, we must find a way, my friends, to do what is right for America. Find a way to return this House to the people through a respect for law, for fairness and due process. In the end, we must do better than we will do today.

Mr. BEREUTER. Mr. Speaker, this Member would commend and ask his colleagues to consider carefully the following editorial from the October 8, 1998, edition of the Omaha World Herald, entitled ''A Broad Inquiry the Better Course.''

[From the Omaha World Herald, Oct. 8, 1998]

A BROAD INQUIRY THE BETTER COURSE

The fate of William Jefferson Clinton is not the only concern that the Kenneth Starr investigation has raised for Congress and the nation. There is also the matter of dealing with Clinton's misbehavior in a way that demonstrates respect for the rule of law.

Democrats have tried to narrow the impeachment inquiry. Abbe Lowell, counsel for the Democrats on the House Judiciary Committee, contends that any case for impeaching Clinton consists of one basic allegation: ''The president was engaged in an improper relationship which he did not want disclosed.''

The position is designed to minimize Clinton's deceptions by casting them in effect as little white lies. If the Democrats could convince the House and the nation that ''it was just sex,'' Clinton's chances of avoiding impeachment might be greater.

The approach of the Republicans on the Judiciary Committee had much more to commend it. They voted to recommend to the full House an open-ended inquiry, possibly into allegations unconnected to the Lewinsky affair. Presumably, the broader inquiry might include the firing of the travel office staff, the illegal possession by the White House of FBI files, the finding of a job for Webb Hubbell, the mysterious disappearance and reappearance of billing records and even illegal campaign fund raising, even though it was not part of Starr's mandate.

The Republicans' main concern is not the sex, but the lying under oath about it, the memory lapses about it, the exploitation of government employees to cover it up. David Schippers, a lifelong Democrat who is counsel for the Republicans on the Judiciary Committee, explained why Americans ought to be concerned. Clinton took the position that the Paula Jones lawsuit was bogus, Schippers noted. But the law gives a defendant no right to combat a bogus lawsuit by lying under oath.

''The principle that every witness in every case must tell the truth, the whole truth and nothing but the truth is the foundation of the American system of justice, which is the envy of every civilized nation,'' he said. ''The sanctity of the oath taken by a witness is the most essential bulwark of the truth-seeking function of a trial, which is the American method of ascertaining the facts.''

Schippers said that if lying under oath is tolerated, ''the integrity of this country's entire judicial process is fatally compromised and that process will inevitably collapse.'' He said the individual circumstances of the case didn't matter. ''It is the oath itself that is sacred and must be enforced,'' he said.

Americans ought to consider the consequences of letting the president's lying go unpunished. This isn't just that lovable rascal, the Comeback Kid, trying to escape another jam. This is the president of the United States defying one of the most important principles of the legal system: that the truth must be told when a person is under oath.

Mr. SKAGGS. Mr. Speaker, the vote today on an impeachment inquiry requires each of us to do our best to address without partisanship a matter laced with partisanship. It calls on each of us to set aside the passions of the moment, to be patriots, to act in the long-term interests of the American democracy, to uphold the Constitution. I pray for the wisdom to do so.

President Clinton has committed serious offenses against the American people, against the dignity of the office of the President, against the truth, and, probably, against the law.

How does the House of Representatives meet its constitutional responsibility in this grave matter today?

We are at an early stage of these proceedings, but we already have a fairly clear picture of the facts. To consider rejecting an impeachment inquiry at this early stage, we are obliged to construe the facts against the President and then test the facts against reasonable constitutional standards for impeachment. That's what I've attempted to do.

It's proper, given the gravity of the remedy of impeachment of a President, to set the standard for impeachable behavior at a comparable level of gravity. The level of proof of that behavior should be set commensurately high. And, finally, given the extraordinary nature of the impeachment remedy, there should be a substantial burden placed on proponents to justify its use. In other words, when in doubt, don't.

As to the question of what is an impeachable offense, it is evident from the Constitution, and from the writings and commentaries at the time, that abuse of office is the crux of the matter. Such an offense must involve serious injury or threat of serious injury to the Republic, on account of the actions of the President in the conduct of his office, or at least seriously undermining his ability to conduct himself in office.

It's unclear where to draw the limits of conduct to be treated as private for purposes of impeachment. But it is clear that the Framers did not intend everything a President does to be viewed as public or official. In my view, the conduct of President Clinton in this case originated in the private sphere and then was drawn into the public sphere. That happened largely because of the extraordinary use of a grand jury by the independent counsel, elevating or transforming the private to the public. The grand jury and that transformation are a device and a result not available in the case of any regular citizen, and available here only because the case involved the President.

Therefore, after careful review of the provisions of the Constitution, the writings and debate of the Framers, the precedents in prior impeachments, and the analysis of constitutional scholars, I have concluded that impeachment is not warranted in this case. The assumed offenses simply do not undermine the State in the way or to the degree required to constitute impeachable offenses.

It is possible that Mr. Starr may come forward with new information about other conduct by the President which will change my conclusion about impeachment. However, it strikes me as somewhat suspect that he waited until the eve of today's vote to suggest that there's more to come.

Today's vote has to be based on what is known, and reasonably to be inferred from what is known, today. On that basis, for the reasons I've stated, I conclude that proceeding further with an impeachment inquiry would serve no useful purpose because the conduct of the President—deplorable as it was—does not warrant impeachment.

The President's behavior, however, does warrant punishment. The good order of the Republic and a proper respect for the law demand that he be held to account and receive appropriate punishment.

While the President might well be advised to leave office voluntarily, it would be a profound mistake to use the impeachment power to remove the President from office involuntarily. Absent a resignation, and rejecting impeachment, other alternatives exist. Although none is perfect, they would be preferable to impeachment. A formal censure of the President, delivered in person before a joint session of Congress, together with a significant monetary penalty, would be serious punishment. To vindicate the rule of law, the President would remain liable to prosecution after leaving office, if warranted by evidence of criminal conduct—the same sort of prosecution any citizen might face for similar conduct.

My conclusion that punishment but not impeachment is the right course is also affected by an understanding of impeachment's enormous costs to the country. Those costs would be paid first in terms of political divisiveness, prolonged distraction from critical national and international problems, and a waste of the most precious resources of the democracy—time and trust. Later, the cost would come due in the harmful precedent we'll have set and its damage to proper constitutional standards and order. Those costs are excessive.

Mr. HYDE. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER. The gentleman from Illinois (Mr. HYDE) is recognized for 4 minutes.

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

Mr. HYDE. Mr. Speaker, I am very sorry that the gentleman feels he is shortchanged in the debate. As the gentleman knows, under the rule and under the Rodino format, they were entitled to 1 hour. We doubled that. I did not think that was fair, but we could have gone on and on, and much of the same thing said over and over again. It would be too much for me to expect appreciation for doubling the time, but the hostility?

Let me suggest to Members who think this is going on like Tennyson's brook, just on and on and on, the 20th amendment to the Constitution says that ''Congress shall assemble at least once in every year, and such meeting shall begin at noon on the third day of January.''

□ 1415

We are out of business at the end of the year. Our money runs out. And if we are to continue, if there is anything to continue, we would have to reconstitute ourselves.

I do not want this to go one day longer than it has to. Believe me, this is very painful and I want it ended. We are not going to go on and on and on. But Mr. Rodino faced up to the problem of time limits and here is what he said. And why do you reject Mr. Rodino time and again in all of these issues? He is our model. He is the one we are following. And here is what he said:

> . . . the chairman recognizes, as the committee does, that to be locked in to such a date would be totally irresponsible and unwise; the committee would be in no position to state at this time whether our inquiry would be completed, would be thorough, so that we could make a fair and responsible judgment.

We are not flying by the seat of our pants. We are riding on Pete Rodino's shoulders. That is why we can see so far.

As far as standards are concerned, something that you have repeatedly brought up, let me quote from the wonderful report by the Rodino committee concerning the Nixon impeachment on the question of standards. Listen to Mr. Rodino:

> Similarly, the House does not engage in abstract advisory or hypothetical debates about the precise nature of conduct that calls for the exercise of its constitutional powers; rather, it must await full development of the facts and understanding of the events to which those facts relate.

That is what we want to do, develop the facts through an inquiry. On with Mr. Rodino:

> This memorandum offers no fixed standards for determining whether grounds for impeachment exist. The framers did not write a fixed standard. Instead, they adopted from English history a standard sufficiently general and flexible to meet future circumstances and events . . .

Thus spake Peter Rodino, and that is our model for this adventure, this excursion, this journey that we are on.

Now, look, this is not about sexual misconduct any more than Watergate was about a third-rate burglary. It was about the reaction of the Chief Executive to that event. Nixon covered it up and got in the direst of trouble.

The problem with the Clinton situation, President Clinton's situation, is a reaction which we believe and we want to find out, and if we do not get the information we will reject it, caused him to lie under oath. Now, lying under oath is either important or it is not. If some people can lie under oath and others cannot, let us find out. If some subjects are ''lie-able'' that is, you can lie about them, and others are not, let us fine tune our jurisprudence that way. But if the same law applies to everybody equally, that is the American tradition, and that is what we are looking at.

This has not anything to do with sex. It has a lot to do with suborning perjury, tampering with witnesses, obstructing justice, and perjury, all of which impact on our Constitution and on our system of justice and the kind of country we are.

The President of the United States is the trustee of the Nation's conscience. We are entitled to explore fairly, fully, and expeditiously the circumstances that have been alleged to compromise that position. We will do it quickly, we will do it fairly. We want to get this behind us and behind the country and move on.

But it is our duty, it is an onerous, miserable, rotten duty, but we have to do it or we break faith with the people who sent us here.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. BOUCHER

Mr. BOUCHER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. BOUCHER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BOUCHER moves to recommit House Resolution 581 to the Committee on the Judiciary with instruction to report the same back to the House forthwith with the following amendment:

Strike the first section and insert the following:

That (a)(1) The House of Representatives authorizes and instructs the Committee on the Judiciary (in this Resolution referred to as the ''Committee'') to take the following steps within the time indicated in order, fully and fairly, to conduct an inquiry and, if appropriate, to act upon the Referral from the Independent Counsel (in this Resolution referred to as ''the Referral'') in a manner which ensures the faithful discharge of the Constitutional duty of the Congress and concludes the inquiry at the earliest possible time, and, consistent with chapter 40 of title 28, United States Code, to consider any subsequent referral made by the Independent Counsel under section 595(c) of such title 28.

(2) The Committee shall thoroughly and comprehensively review the constitutional standard for impeachment and determine if the facts presented in the Referral, if assumed to be true, could constitute grounds for the impeachment of the President.

(b) If the Committee determines that the facts stated in the Referral, if assumed to be true, could constitute grounds for impeachment, the Committee shall investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach the President.

(c) If the Committee finds that there are not sufficient grounds to impeach the President, it shall then be in order for the Committee to consider recommending to the House of Representatives alternative sanctions.

(d) Following the conclusion of its inquiry, the Committee shall consider any recommendation it may commend to the House, including—

(1) one or more articles of impeachment;

(2) alternative sanctions; or

(3) no action.

The Committee shall make such a recommendation sufficiently in advance of December 31, 1998, so that the House of Representatives may consider such recommendations as the Committee may make by that date.

(e) If the Committee is unable to complete its assignment within the time frame set out in subsection (d), a report to the House of Representatives may be made by the Committee requesting an extension of time.

The SPEAKER. Pursuant to the order of the House of today, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the motion to recommit that I am pleased to offer this afternoon is well tailored to the challenge that we have before us. It offers a framework for a full and a fair review by the House Committee on the Judiciary and a full and a fair review by the House of Representatives.

It assures that we give deference to the historical constitutional standard for impeachment, which has evolved to this House over two centuries. It assures ample time to consider carefully any of the facts that are contained in the referral sent to us by the Office of Independent Counsel, which rise to that constitutional standard.

It assures that the entire matter will be resolved promptly and that the Nation is not distracted by a prolonged inquiry.

Some Members, Mr. Speaker, would prefer that there be no review. Some would have us investigate, for more than a year, a wide range of matters. The resolution that we are offering through this motion to recommit steers a middle course, a careful review limited to the materials that are now before us.

With the rules we offer, the House will discharge its constitutional obligations in a manner that is both thorough and expeditious. I urge the approval of this motion to recommit.

Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, the motion to recommit will correct several of the most egregious problems with this resolution. If the amendment is not accepted, we will be voting for an inquiry that cannot end. So long as people send allegations to the committee, the committee will inquire and go on and on and on.

The amendment establishes a reasoned approach by which we would consider the allegations before us and come to a conclusion. This amendment would add focus to the deliberations because some of the Starr allegations are not worth inquiring into. In fact, the Republican counsel found some of the allegations so flimsy that he did not even mention them during his presentation to our committee, and many constitutional scholars have already expressed the view that none of the allegations amount to impeachable offenses and the question is not even close.

Finally, Mr. Speaker, make no mistake about it. A vote for this amendment is not necessarily a vote for an inquiry, because some who are for an inquiry and others who are against any inquiry all agree that if we are going to have an inquiry, it ought to be fair.

Mr. BOUCHER. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. GEPHARDT), the democratic leader.

The SPEAKER. The gentleman from Missouri (Mr. GEPHARDT) is recognized for 3 minutes.

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

Mr. GEPHARDT. Mr. Speaker, it is almost a month to the day that we stood here and debated whether or not to release the materials that Ken Starr had sent to the Congress, and I tried to say at that time that this was a time of utmost importance, to us as a House of Representatives and to all of us as a people.

I said then and I repeat today that we are engaged now in what I believe to be a sacred process. We are considering whether or not to ultimately, if we get that far, overturn an election voted on by millions of Americans to decide who should be the chief executive officer of this country.

The last time we did this, Barbara Jordan, who I think really became the conscience of the period, said this, she said, ''Common sense would be revolted if we engaged upon this process for petty reasons.''

Congress has a lot to do. Pettiness cannot be allowed to stand in the face of such overwhelming problems.

She said, ''So today we are not being petty. We are trying to be big, because the task before us is big.''

I said the other day that this is a time to be bigger than we really are. We are all human. We all make mistakes. We all give in to pettiness and pride. We all give in to doing things wrong, for the wrong reasons. But this is a time when our Constitution and our people asked each of us to reach inside of ourselves, to be bigger and better than we really are.

In my view, we should not have two resolutions, or a resolution and an amendment out here today. I believe if we had succeeded in what we should be doing, we would have one resolution, agreed to by all 435 Members today.

The question is not whether to have an inquiry. The question today is what kind of inquiry will this be?

Our amendment is simple, and I think it is common sense. First, it says it must be focused. We operate under a statute that we passed from the independent counsel that said there could be referrals from the independent counsel on possible issues of impeachment, and we should take that up, and that is before us.

Our resolution says stick with those referrals. We listened to the complaints of the other side and we said, well, maybe there will be more referrals. So we have amended the language and we say if there are more referrals, we will deal with them as we should under the statute.

Second, it must be fair. The last time we had Watergate, the committee spent a good deal of time considering the standards and the history of impeachment so that all the members of the committee and on the floor would understand the historic process that we are involved in. None of us do this often. We do not think about this very often, so it is vital and important that we all know what it is we are doing and whether or not the facts that are out there rise as a prima facie case. That has not been done in this case.

Third time, we say let us get it over by December 31, before the new Congress comes into session. Why do we say that? We say that because we believe deeply that for the good of the country and the good of our people, this must be done by the end of this year, before there is a new Congress.

Why do we say that? We say it because we live in a dangerous world. The world economy is in a shambles. Our own economy is threatened. Issues like education and health care and economics need to be on the front burner of this Congress. That is what we must be working on.

If we stay here for 3, 6, 9, 12 months, 2 years in suspended animation while we go over every charge that is out there, we will hurt our country and our people and our children.

□ 1430

Now, the gentleman from Illinois (Mr. HYDE) has said, and I believe him, that we should do this by the end of the year. But he also said New Year's promises sometimes get broken.

The gentleman from Illinois has said that we should not be on a fishing expedition, but others in the party, I have heard even leaders in the party, the Republican Party, say, well, we have to look at Travelgate, and we have to look at Filegate, and we have to look at campaign finance, and we have to look at the Chinese rocket sales.

And they say it again.

I really have thought a lot about this. I have really thought a lot about it. I have tried to think to myself, what is our problem, and I think I have identified it. Our problem is we do not trust one another.

The majority says that if they use our language, that we are not going to do what we say we are going to do; that we are going to drag it out; that we are going to try to frustrate the purpose of having this inquiry. And all I say is, we have put our words and our actions to follow that belief. We have said if there are other referrals, we will take them up. We have said that if we get to the end of the year and we need more time, that the majority can come to the floor and more time will be granted. The Republicans run the House.

But when we see the majority's resolution, we do not see trust. Because the words that we are looking for; that we are going to try to get this over by the end of the year; that we are going to try to stick with these referrals and not go into everything under the sun and drag it out for 2 years, and it will

be a 2-year political fishing expedition, those words are not there.

Finally, let me say this. We are all profoundly hurt by what the President has done. He has deeply disappointed the American people and he has let us all down. But this investigation must be ended fairly and quickly. It has hurt our Nation and it has hurt our children. We must not compound the hurt.

I have asked every Democratic Member in these last days, I have asked every Member to search their heart and their conscience and to vote for what in their heart and their mind and their conscience they think is right. And I come to the floor today to ask every Republican Member to do the same.

This should not be a party vote today. This should be the attempt of every one of us, humble human beings, who come to this majestic place, where we settle our differences peacefully and not with violence, to say that I am voting for what in my heart and my mind is the best for the country and the best for the American people.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit, and I yield 1 minute to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

As we consider the motion to recommit, I would ask that the Members of the House on both sides of the aisle step back and consider the fact that what is proposed in the motion to recommit is without any precedent. There is no case in the 200-year history of the impeachment process in this country in which a process similar to the process which is proposed here has been followed. None at all. And I believe that is something that we should take very seriously.

I believe we also have to be aware that if we adopt the motion to recommit, we are setting a precedent today, and I believe it would be a terrible precedent, that would be fraught with the potential for harm stretching far into the future of our country.

Now, consider the process that this motion sets up: First, we are required to assume the truth of allegations, which the President and his lawyers vigorously deny. I do not think that is the right thing to do. We should find out what the truth is.

But while we are following this process, we put aside the weighing and the balancing of the facts and the judging of the credibility of witnesses. Having put aside our duty to weigh the facts and find the truth, we are then called on to make a solemn determination concerning whether impeachable offenses, committed in the assumed facts, which are denied by the President, are at some later point determined to be true.

This simply does not make sense. It will only cause delay. It has never been done before and it should not be done now.

I would ask the Members of the House to reject this contrived, ill-conceived procedure in the motion to recommit. We need to follow the precedent established in 1974, the precedent that the gentleman from Missouri has asked us to follow. We should support the resolution recommended by the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the question before us in this motion to recommit is whether we should make ourselves slaves to the clock or attempt to find out the truth. And let there be no mistake about it, nobody's conduct is under investigation here but that of the President of the United States. And if he had not committed those things that the allegations have sent forth to us by the Independent Counsel, we would not be faced with discharging our awesome constitutional responsibilities.

This should not be a race against the clock. And do not take my word for it, take the word of a respected senior Democratic Member on the other side of the aisle, the gentleman from Indiana (Mr. LEE HAMILTON), who said yesterday, ''I have had a lot of experience with investigations. Time limits create large incentives for delay.'' Do not give anybody an incentive to delay and string this out by establishing an arbitrary time limit.

Now, my friends on the other side of the aisle have said that this will be a never-ending investigation. They have not read the twentieth amendment to the Constitution of the United States. The 105th Congress goes out of business on January 3, 1999. This resolution expires with the 105th Congress and would have to be renewed by a vote of the House on the opening day of the 106th Congress. So all of the arguments over here have been about just 3 days. I think that the gentleman from Illinois (Mr. HYDE), in following the Rodino precedent, and just almost adopting the Rodino resolution word for word, has done the right thing.

February 6, 1974, was the last time this House of Representatives had to do the sacred duty of commencing an impeachment inquiry. The gentleman from Illinois has patterned this resolution after the resolution introduced by Chairman Peter Rodino of New Jersey. There was bipartisanship on the Republican side of the aisle in commencing an impeachment inquiry along exactly the same lines against a Republican President. That vote was 404 to 4. I would ask my Democratic friends to be as bipartisan today as the Republicans were back in 1974 by rejecting the motion to recommit and joining with us to discharge our constitutional duty.

Mr. Speaker, I move the previous question.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

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

Mr. BOUCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 198, nays 236, not voting 1, as follows:

[Roll No. 497]

YEAS—198

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Farr
Fattah
Fazio
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—236

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox

Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Filner
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—1

Pryce (OH)

☐ 1455

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

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

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 258, noes 176, not voting 1, as follows:

[Roll No. 498]

AYES—258

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kind (WI)
King (NY)
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—176

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kleczka
Klink
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—1

Pryce (OH)

☐ 1512

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. VISCLOSKY. Mr. Speaker, Pursuant to House rule IX, clause 1, I rise to give notice of my intent to present a Question of Privilege to the House in the form and resolution as follows:

Mr. Speaker, the resolution reads as follows:

A resolution, in accordance with House Rule IX, clause 1, expressing the sense of the House that its integrity has been impugned because the antidumping provisions of the Trade and Tariff Act of 1930, (Subtitle B of Title VII) have not been expeditiously enforced;

Whereas the current financial crisis in Asia, Russia, and other regions have involved massive depreciation in the currencies of several key steel-producing and steel-consuming countries, along with a collapse in the domestic demand for steel in these countries;

Whereas the crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel-producing countries that are no longer able to export steel to the countries in economic crisis;

Whereas United States imports of finished steel mill products from Asian steel-producing countries, the People's Republic of